

Minutes of Faculty Senate Meeting

April 10, 2002

Professor Melissa Hines, Chemistry and Speaker Pro-Tem: "I would like to call the meeting to order. First, I would like to remind you that no photos or tape recorders are allowed during this meeting. Also, if you get up to speak during the meeting, I'd like to ask that you identify yourself and the department you are affiliated with when you speak. At this time we have no Good and Welfare speakers, so that will give us an extra ten minutes off the schedule. First, the speaker would like to call on Provost Biddy Martin for a report."

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: "Good afternoon. I'm going to take this opportunity to report on faculty salaries. Can you hear me in the back? Dean Cooke is going to help me with the transparencies ([Appendix 1](#)). This is really an update on the faculty salary plan, a program in which we are all engaged. We were able to get preliminary data from the AAUP, and so we have the results of our goal to meet the average of our peers in five or six years, depending on the side of the college. Let me remind you of the institutional goals - to reach the average of the peer groups that were selected by the Financial Policies Committee of the Faculty Senate by the end of a five-year period for the endowed colleges and the end of a six-year period on the contract college or statutory side. The first year of the multi-year plan is 2001-02. Is Peter Stein here?"

Professor Peter Stein, Physics: "Yes."

Provost Martin: "Does that answer your question, Peter?"

Professor Stein: "Yes."

Provost Martin: "OK. Cornell's results in 2001-2002—now I'm going to start with continuing faculty, and I actually already gave the Senate this information earlier in the year. For continuing faculty, the university increase is 8.1%, which is, of course, better than our goal which was 8% overall. That is for continuing faculty. The endowed continuing faculty salaries increased by 8.4% on average, while the statutory continuing faculty salaries grew 7.7% on average. Again, let me repeat, this is the information I gave you earlier in the year. For all faculty, including the external survey, which is not a survey of continuing faculty (which is going to explain the disparity here), the average salary grew 7.0% in the endowed and 6.5% in the statutory colleges. So for the purposes of the survey that we are using, the salaries grew by 7% in endowed and 6.5% in the statutory colleges. What would account for the discrepancy between the 8.4 and the 7.7% in the survey? You see on the bottom here, the survey excludes less than full-time faculty; all faculty who are on leave without pay, and faculty administrators at the assistant dean level or above.

"The compensation of faculty and staff, as you know, has been a priority for the past six years. In partnership with the Senate, we agreed on these benchmarks. You remember these peer groups. The Financial Policies Committee and the administration agreed to these. The average five-year change for the peer group was 4.6%, given the data we just received. Cornell's five-year average is now 5.3% over a

five-year period. Let me repeat that, the average five-year change for the peer group was 4.6%; Cornell's was 5.3%. On the statutory side, the peer group average five-year change is 4.9%, and the Cornell average five-year change is 5.6%. I hope I'm being clear."

Professor Douglas Fitchen, Physics: "Is the number you mean the average yearly change averaged over five years?"

Provost Martin: "Averaged over five years. So on the statutory side, the peer group 4.9%, Cornell 5.6%. We actually moved up one spot on the endowed side and the statutory side from 9th place to 8th place. And you can see that from the slides. The actual percent increase is better than the improvement in relative standing. We are pleased with the way we did based on this information. For 2002-03 the college deans and I worked together on college specific goals, and the college specific goals in the aggregate will constitute a university goal of a 7.8% average increase across the university for continuing faculty. Is that clear enough?"

"I have to apologize to you. I had a little surgery yesterday, and I still have an anesthesia hangover. You shouldn't worry about my surgery, and I don't think I'll faint on you, but I realize that I'm not being as lucid as I usually try to be. So if you have questions, just ask them, and I, with the help of my colleagues, will try to answer them."

Professor Tony Simons, Hotel School: "It's interesting to see that the average raise is 8%, and I'm a little bit curious because I know that the deans of my school, when they were giving out raises, they said the average raise for our faculty this year will be 4%. And I'm just a little bit curious about how that worked."

Provost Martin: "Are you talking about for this year that we are in now?"

Professor Simons: "This past summer."

Provost Martin: "Oh, this past summer, they told you the average increase was 4% in the Hotel School?"

Professor Simons: "In the Hotel School. That might have been the merit salary raise pool, and they had something else that they were doing."

Provost Martin: "Well, it gets very confusing, because when we say, for example, that the average increase, let's just take the endowed side, was 8.4% for continuing faculty, the actual pool used in the endowed colleges, for the most part, was an 8% pool on average for all the endowed colleges. When they send out pools to the individual departments, those pools are based on the dean's estimate of what is needed in the departments; what's needed for counter offers; what's needed for equity adjustments. So the pool that actually goes out to individual departments might be, let's pick an example at random, 5.5%. What the dean holds back for counter offers, equity adjustments, for chairs' salary increases and other increases will, in the end, be used in a way that brings the average in the aggregate up to 7.8%, as we say, across the entire university for next year. But that doesn't mean that any individual or even every department will have as a pool 7.8%.

"I know it gets complicated. What we have to remind people all the time, and I realize that we probably under emphasize this when we announce the good news, which is that in the aggregate we will have increases this next year of 7.8%. That's the good news. For any individual that increase could be anything from 0% to 15% or 20%, I suppose. Just to be blunt. The college deans have made a commitment to making increases based on merit and equity considerations. That's why when we say that there will be an average increase of 7.8% doesn't tell you as individuals very much about what you can expect to get once the pools are allocated to departments. Does that help?"

Professor Brad Anton, Chemical Engineering: "Is that average pool number that's given to every dean identical? So you were describing how within a college a dean could make adjustments based on different situations in different departments. Are there adjustments made at your level for different situations in different colleges, or do all colleges get the same number?"

Provost Martin: "Well, last year on the endowed side, which is the only side that counts when it comes to the Provost giving allocations for salary increases, the endowed colleges were given the same amount. This year, however, we worked with the college deans on college specific goals, so not every college necessarily got the same amount from the Provost's office, although the range, the variation, is very small. "

Professor Anton: "So the FCIS, for example, would be close to that mean number also."

Provost Martin: "Right. Every unit would be close to that mean number."

Professor J.S. Butler, Policy Analysis and Management: "I'm not familiar with the word 'statutory.' Is that a contract college that you are talking about?"

LAUGHTER.

Provost Martin: "You're very funny. Do you want to elaborate?"

LAUGHTER.

Professor Peter Stein, Physics: "Biddy, the numbers went by me a little fast. What was the average raise of the peer group of the endowed colleges last year?"

Provost Martin: "In the endowed peer group 4.4%. That's the average for the peer group excluding Cornell."

Professor Stein: "So that was a real big improvement on the peer group."

Provost Martin: "Right. That's according to the survey. We're at 7%; on average our peers were at 4.4% for the increase. I'm sorry. The slides went by too quickly. On the statutory or contract side, depending on which term you prefer, and it doesn't matter to me, the average excluding Cornell was a 2.6% change over the past year, which is obviously very low, primarily due to the problems with increases at public institutions. So Cornell's average of 6.5% was a quite a bit better than the average excluding Cornell of the peers which was 2.6%."

Professor Stein: "And the average this year rather than 8.1% in the endowed colleges will be what?"

Provost Martin: "We are not giving college specific numbers. What we have done is do aggregate figures across the entire university, 7.8%. If our peers continue to increase salaries at this rate, obviously, which is quite a bit lower than we estimated, both on the endowed and statutory sides, or even if they actually do what our model predicted, which is raise salaries at a 5% level, and we continue to do as well as we've done in relation to them, we'll make the goal."

Professor and Speaker Pro-tem Melissa Hines: "I'm sorry, but we are out of time and have to move on. I would now like to call on Dean Cooke for some remarks."

2. REMARKS BY DEAN J. ROBERT COOKE

Professor J Robert Cooke, Dean of the University Faculty: "My remarks will be rather brief. You have received the request for submission of the Conflict of Interest Form. It happens to coincide on purpose with

the dreaded income tax date, and it ends on May 3. You can do Part One on line and that's about 90% or so of the faculty. You can complete it on line by answering two questions. Those who have additional complications, submit Part Two, and that's done in paper.

"The Financial Policies Committee asked that I report that they have been busily at work since the last Senate meeting looking at the cost for networking on the campus. They are looking at the financial model as to how to allocate the costs. The costs are real and have to be allocated among various different units. They will submit their report to you through our office within the next week. I've seen a rough copy of it. They invite comments, and then we'll respond a month from now with their final report. So I urge you, if you have concerns when you see it, to communicate with Joe Thomas who is chair of the committee.

"The main topic of discussion today is the administrative location of the Computer Science Department. Here is what we believe ([Appendix 2](#)) to be the nub of the issue. In the Garza Report, the part that remains outstanding, is that the Computer Science Department will be located in one or more of the existing colleges. We took that to mean an agreement that was made, was struck, was ratified, but has not been properly implemented in our view. Just to clarify, we are not talking about the Faculty of Information, which was formed at the time of this report. We think that there is a lot favorable to be said about that and that is not part of our conversation. So it's the location of the academic department. Later today I expect you to hear a request that we extend the conversation even further. I just want to simply remind you that we have had two years now in which to have this conversation, so I would assume that people who wanted more time to think about it would have been working on it before today. But that is a judgment call that you will have to make at the end of the session.

"I did share with you a description of what one possible remedy would be, which was basically to treat Computer Science in the same manner that we treat the biological science departments and Nutrition. There would be a lead dean associated and faculty could belong to one or more colleges. That was the proposal that I shared with Dean Constable hoping that, if he found it palatable or within the ballpark, the conversation with the various college deans, the Provost, and the Dean of CIS could occur over the summer and out of public view. Some of you have seen Dean Constable's response. I took it to mean that he was not responsive to the question that would have allowed the UFC to withdraw this topic from the agenda. I didn't have his permission to distribute it, so I didn't, unfortunately. Let me leave it at that, and we'll return to this topic momentarily."

3. APPROVAL OF THE MINUTES OF THE MARCH 13 SENATE MEETING

Professor and Speaker Pro-tem Melissa Hines: "I would now like to call for approval of the minutes of the March 13, 2002 Faculty Senate Meeting. I think those are now on line. I ask for your unanimous consent to approve these minutes. Are there any corrections? Seeing none, the minutes are approved. Thank you. I would like to call on Professor Steven Shiffrin, member of the Nominations and Elections Committee for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE, CHARLES WALCOTT, ASSOCIATE DEAN AND SECRETARY OF THE UNIVERISTY FACULTY

Professor Steven Shiffrin, Law and member of the Nominations and Elections Committee: "Professor Walcott could not be here today, because he is involved in a loon watching project. He assures me that

these are birds and not lunatics. Here is the Nominations and Elections Committee report [\(Appendix 3\)](#)."

Professor and Speaker Pro-tem Melissa Hines: "I would like to ask for unanimous consent to approve this report. Are there any objections? Seeing none, this report is passed. I would now like to ask Professor Shiffrin to present the slate of candidates."

Professor Shiffrin: "Here is the first part of the slate. And here is the second part of the slate [\(Appendix 4\)](#)."

Professor and Speaker Pro-tem Melissa Hines: "Are there any more nominations from the floor? I would like to ask your unanimous consent to approve this slate of candidates. Are there any objections? Seeing none, this slate is approved. Now I would like to call on Peter Stein, Professor of Physics, for a resolution concerning the new faculty club."

5. RESOLUTION CONCERNING A NEW FACULTY CLUB

Professor Peter Stein, Physics: "I spoke to you at the last Senate meeting during Good and Welfare about what the Statler Club Board had been thinking and the visit we had with the Provost and the President where we asked them to form a committee to find a way that a faculty club could be successful. After that meeting, two days later I learned that the President was going to retire in a year and a half. It occurred to me, and I wrote an e-mail to most of you, that this really was a very propitious time to have such a committee to try to think through how we could have a faculty club at Cornell, because it would be, I think, very important to have such a plan to await the new President to enable him or her to decide to move on this matter. There will be many new proposals presented to the new President and to have one in place at that time I think would help immensely. Therefore, a group of individuals agreed to sponsor this resolution which essentially asks you to endorse this notion and to join in asking the President to form this committee. One hears periodically, not from the present administration but from the previous Provost with whom I used to discuss this matter now and then, the general feeling that 'Well, there is no faculty club at Cornell, but on the other hand the faculty at Cornell don't want a faculty club.' I don't know how pervasive that view is, but I certainly know I had heard it from Don Randel. It does seem that it's a question that the President might very well raise. One way of answering that question is to have the representative body of the faculty agree that this was something that was worth looking into. So with that I present it to you [\(Appendix 5\)](#)."

Professor and Speaker Pro-tem Melissa Hines: "The resolution is now open for discussion."

Professor Stein: "I think it's a good idea."

LAUGHTER.

Professor and Speaker Pro-tem Melissa Hines: "Are you ready for the vote? Is there no discussion? Would someone like to move the question?"

UNKNOWN: "So moved."

Professor and Speaker Pro-tem Melissa Hines: "The resolution before you is up on the transparency. All of those in favor, please raise your hands. All of those opposed, please raise your hands. And the resolution passes. Thank you. I would now like to call on Professor Tony Ingraffea, Civil and Environmental Engineering and Chair of the Committee on Minority Education for a presentation regarding Recommended Best Practices for Recruitment, Retention and Addressing Concerns of Students from Under-Represented Minority Groups."

6. DISCUSSION AND RESOLUTION REGARDING "RECOMMENDED BEST PRACTICES FOR RECRUITMENT, RETENTION AND ADDRESSING CONCERNS OF STUDENTS FROM UNDER-REPRESENTED MINORITY GROUPS"

Professor Anthony Ingraffea, Civil and Environmental Engineering and Chair of the Committee on Minority Education: "Thank you. Good afternoon. For those of you who don't know, there has been a faculty committee on minority education for a number of years but prior to the 2000-2001 academic year, the committee was relatively inactive. During that academic year, the committee was reconstituted and re-energized, and over the past two academic years we decided to tackle some of the key issues with respect to minority education at Cornell, those being recruitment, retention and resolution of conflict. So I want to report to you today the results of two years of deliberations on those issues ([Appendix 6](#)).

"Those deliberations included panel discussions that were set up with interest groups; that is students themselves, admissions officers from the various colleges and representatives of the various minority programs that have been set up by us, the faculty, in those colleges to assist in recruitment, retention and resolution of issues. As a result of those panel discussions and deliberations among the members of the committee and also discussions with other people around the university who have very strong interests and responsibilities in these issues, we then solicited and have compiled a list of best practices. We went to the admissions officers and those responsible for special minority programs in the colleges and asked them to list for us their best practices in recruitment, retention and conflict resolution. That is because we had observed during our discussions that there were somewhat large differences among the colleges with respect to in-place programs. There was an inconsistency in the application of those programs, and there was a general lack of knowledge about the efficacy of many of those programs. Many of them are vestigial and have been going on for years under the assumption that they are good and that they work, but there really isn't any documentation to prove that they do or they don't work.

"So we decided that the best thing we could do with our two years of effort at this point is to bring forward to you a document that you have received, which summarizes the three categories that I have mentioned—recruitment, retention and the addressing of student concerns—those practices that the colleges themselves have identified as best. Those that they think are working. Just in outline form here, they are three specific ones in recruitment that are found (at least thought) to be very effective—hosting, follow-up contacts with prospective students and outreach programs. In retention—mentoring, student associations, early intervention and undergraduate research. In the area of addressing student concerns—safe-haven programs.

"We have presented to you anecdotal information in the form of books supplied to us by admissions officers or representatives of minority programs about each of these recommendations. We have also supplied to you some specific recommendations that we as a committee are making to you as a Faculty Senate that we would like you to move to adopt so that the next phase of this equilibrating of best practices across the university can occur. That is that all the colleges would become knowledgeable about the best practices, and, where necessary, they would seek resources from the appropriate places to implement such practices. We have no doubt that the implementation of these practices uniformly across the colleges would require creation of new programs, specification of new responsibilities for existing staff, perhaps hiring of additional staff and certainly resources in the form of money to help some of these programs occur in places where they currently are not occurring.

"So with that I would just like to summarize our request to you as a Senate. We would like you to endorse the recommendations for best practices as have been distributed to you ([Appendix 7](#)) and adopt a resolution ([Appendix 8](#)) that does three things: urges all the colleges to implement all applicable

recommendations (and we think that all the recommendations we made are applicable in all the colleges); requests that the University supply the resources required for all colleges to implement these recommendations in a timely manner (I think it is safe to say that one of the other things we learned as a committee over the past two years is that all issues having to do with minority education at Cornell are volatile); and third, calls for establishment of a mechanism for follow-up and evaluation of the responses to these recommendations within 3 years. We don't want to just throw money at a problem and hope that it is working. We really would like to see some sort of scientific investigation as to the efficacy of these programs. Thank you."

Professor and Speaker Pro-tem Melissa Hines: "I'm told that Wilfried Brutsaert, committee member and member of the Faculty Senate, is going to move this resolution."

Professor Wilfried Brutsaert, Civil and Environmental Engineering and member of the Faculty committee on Minority Education: "Move adoption of the resolution."

Professor and Speaker Pro-tem Melissa Hines: "The resolution is now before you. Here is a copy of it. Is there any discussion on this resolution?"

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "One can be in favor of part one of the resolution without knowing whether one should vote for on part two of the resolution, because you haven't told us what the cost would be. Apparently, we are now going to ask the University to provide funding for a faculty club, we are asking the university to provide funding for this. I think it would be very useful to have some numbers."

Professor Ingraffea: "Good point. We do not have those numbers. As a committee we felt that it was not within our purview to find out those costs. All I can reiterate is what I said before. There will be a necessity of perhaps hiring additional staff, and the transporting of existing programs to colleges where they are not in effect will require additional responsibilities and perhaps financial resources. It could be taken as a job for this committee for the remainder of this academic year and next academic year to investigate that if you would like us to."

Professor John Guckenheimer, Mathematics: "If you don't make recommendations about money, ineffective programs last. Why not?"

Professor Ingraffea: "Because all the recommendations we have made are for programs that in the best judgement of at least two colleges are effective. Again, I repeat there is no scientific evidence. We have not in our hands documentation that says that recruitment or retention was increased or decreased by certain percentages. We don't know, but we chose not to highlight, not to indicate to you, programs that we felt are really questionable. Those that are questionable I think die their own death."

Professor Stein: "Just a comment with regard to Professor Ehrenberg's remark about the . . . we just asked the University to spend money to build a faculty club. That, in fact, is not what we asked. We haven't done that yet. We asked the University to provide a plan, and then that plan, of course, presumably depending on the price, may seem like a good plan or not seem like a good plan. But all we have asked to do with that was to develop a plan, not to fund it."

Professor and Speaker Pro-tem Melissa Hines: "Are there any other comments or questions?"

Professor Locksley Edmondson, Africana Studies: "The use of the term conflict resolution in the first paragraph confused me. Maybe because I was a political scientist, but your explanation did not seem to

match the term. Is it conflict resolution among students that we are addressing? Or are you speaking about resolving conflicting departmental practices regarding minority programs?

Professor Ingraffea: "If I get the sense of your question correctly, you are wondering why we as a committee chose not to use exactly the same terminology to apparently describe the same phenomena in a number of different places in our paperwork. Yes, because we ourselves are uncomfortable with 'conflict resolution' as a phrase; we are uncomfortable with 'addressing the concerns' as a phrase, but we are absolutely sure about what we are talking about. We know what it is."

Professor Edmondson: "Yes, you do. But would the meaning be that obvious, say, in ten years time, to someone reading a record of today's proceedings?"

Professor Ingraffea: "The best explanation that I can give you and one that we are reasonably content with is this one. We have found that the colleges themselves, the people in the minority programs offices in the colleges, really don't feel that minority students need a special program to have their special conflicts resolved. They are students like all other students, and they have a myriad of conflict resolution measures available to them. However, what differentiates the minority student from the majority student is on the personal level, on the conflict that occurs every day around the campus when a faculty member, perhaps inadvertently, says something stupid, or when a teaching assistant does something stupid, or when a fellow student does or says something stupid. What the students told us, the students that we had in our panel discussions, they don't know of an adequate way of getting redress to that. It doesn't rise to the level of conflict, but it is certainly an issue of concern that needs to be addressed. There needs to be an avenue for that. And that's why we chose to focus on the safe-haven program, where students can go to a trained professional for advice on what to do next, with the expectation that something will happen, that it is not a dead end."

Professor Edmondson: "I obviously misunderstood your meaning. I thought you had been explaining your mission primarily in terms of conflicting departmental practices. That's what I thought I heard. But I now understand that you are speaking about conflict resolution at another level. I merely wanted some clarification since I seem to have misunderstood what you said initially.."

Professor Ingraffea: "I don't know how you want to define conflict."

Professor Edmondson: "No, I don't want to since I now understand the context for use of the term conflict resolution "

Professor Ingraffea: "At the interpersonal level."

Professor Edmondson: "OK, fine. Initially I had not understood that."

UNKNOWN: "There is a typo on the second line."

LAUGHTER.

Professor Ingraffea: "You are all the saints."

Professor and Speaker Pro-tem Melissa Hines: "Are there any more comments?"

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "You alluded to problems in the college situation. Are there severe problems with regard to retention, for example? Do you want to elaborate?"

Professor Ingraffea: "The answer is yes. I'm not sure I can elaborate very much in the time allotted, but varying across the colleges there are large differentials in the retention rates between majority and minority students. Some colleges have severe problems in that area. We think that the set of recommendations that we make here in the area of retention address to a substantial degree those problems. Are they a sufficient set? No."

Professor and Speaker Pro-tem Melissa Hines: "Any more comments? Are you ready to vote on the resolution? Will someone move the question?"

UNKNOWN: "So moved."

Professor and Speaker Pro-tem Melissa Hines: "We are going to vote now on this resolution that stands before you right here. All in favor, please raise your hands? All opposed? And the resolution carries. Thank you. I will now move to the next item on the agenda, which is going to be a resolution concerning the implementation of the Garza Agreement. Let me tell you how this is going to be handled. We have a resolution that was put forth, and there is also a substitute resolution that we are going to discuss after that. After the two resolutions have been described to you, there is going to be a discussion about both resolutions, and then we will vote on which resolution will move forward. There will then be discussion on the resolution that will move forward, and then we will vote on the final resolution. So to introduce the first resolution, I call on Terry Fine, Professor of Electrical and Computer Engineering and Chair of the Committee on Academic Programs and Policies.

7. CAPP RESOLUTION CONCERNING IMPLEMENTATION OF THE GARZA AGREEMENT

Professor Terrance Fine, Electrical and Computer Engineering and Chair of the Committee on Academic Programs and Policies: "Let me first show you the motion ([Appendix 9](#)). It's a rather complex and charged situation. I put up the first page on 'whereases'. And 'whereases' are background information; we have been through this before; we are going to be through it again before the day is out, but I really don't want to dwell on the 'whereases'. I would rather get at this point to the motion itself, that is the 'be it resolved' rather than the 'whereases'. Putting that aside. You have copies of that. Let me just put up the content, if you will, the action, the 'be it resolved' part.

"You can see that there are three elements here. One is to put a timeline for a suggested deadline of the resolution of approximately six months from now. It would allow time for negotiations to occur during the summer, allow time for discussions with the faculty in September and bring it to a close after an additional six months. This would mean that the overall process, since the Computer Science Department was detached from a college, would have taken about three years. Since the Garza Agreement, it would have taken somewhat over two years. We are making the case very slowly here. The second item is an attempt to explain what was meant in the Garza Agreement by the phrase 'locating the CS Department in one or more of the existing colleges.' It was maintained that that was ambiguous, and we attempt to explicate it. The third thing is just a fairly standard thing to say that the Senate has an ongoing interest in this. It is not just a flash in the pan issue, and that we request the Provost to report to us on the progress made towards resolving this issue. So that is the motion. I will leave it up for the moment.

"I would suggest that there are two principles ([Appendix 10](#)) here that are going to come into play. One of them is this one that after careful consideration the Senate and the Administration mutually undertake (whatever they do means to undertake) must be accorded a high level of respect and attention by both sides to ensuring that these obligations are met. The Garza Agreement, which is the operative thing here,

went through a very long process of development. It went through a very long process of being considered in the Senate, being discussed in the Senate. Months went by. We are not talking on a time scale of days or weeks but months in the development of this agreement. It was a very deliberate process. All sides were heard as much as they could be heard. In the end a document was prepared. That needs a great deal of respect. It needs respect on the part of the administration to faithfully carry out the terms of the agreement. And I have to say it needs respect from the Senate as well, that we have to maintain consistency with ourselves. I know many of you were not here in that wonderful year 1999-2000. Some of you were, but the fact that you weren't here doesn't mean you haven't some connection to this on-going process. So it isn't just starting again with a new group of members. This is in some sense a responsibility of the Senate to see to the conclusion something that was very carefully considered by the Senate two years ago.

"A second principle is that we accord great respect to academic due process by providing ample opportunities for dialogue and debate. And that, of course, we do and that is one of the functions of the Senate. This respect is often abused for the sake of delay. That is one of the problems that we face when we honor such a principle, and we do continue to honor it. I will say that in all respects this has been honored. There has been extensive conversation. We will maybe say something a little bit more about the history, but there have been conversations going in all directions. There has been no lack of discussion. What there has been is a lack of progress in essential details. So we will come back I guess to this, keeping this one in mind.

"What do I identify as the problem? The first thing—what is not the problem is what Dean Cooke also mentioned is not the problem. Part of all that was happening in 1999-2000 had to do with the development of the Faculty of Computing and Information, had to do with an outreach function, had to do with spreading computational methods and thinking, trying to encourage its spread throughout most of the departments of the University. That is not what we are addressing here. That is being accomplished largely by the FCI and under the direction of the Dean for CIS, Robert Constable. We are not addressing his role in that matter. That was spelled out in the Garza Agreement, and that is not what is at issue here. The outreach function was supported and continues to be supported, at least by us, here. We are addressing a specific matter addressed in the Garza Agreement, this sentence, the location clause: 'The Computer Science Department will be located in one or more of the existing colleges based on the recommendation of the five-year academic plan.' That plan was supposed to be the first priority of the FCI. It was not the first priority of the FCI. At my urging they finally did get around to it. It is in a partial state of completion. The FCI does not, I believe, take responsibility for assigning the Computer Science Department one way or the other on this thing. It is currently under the academic management of the Dean for CIS, Robert Constable. He seems to determine budgetary matters. Hiring, promotion and tenure matters largely go through him as a lead dean. There were a number of tenure and promotion cases in the intervening two years since this was created. This is something of some moment. I will say that the Engineering College was not consulted. At least the administration was not consulted on any of those promotion cases or tenure cases.

"We would like to point out the clause that it should be located in one or more of the existing colleges (particularly in Engineering and Arts and Sciences) from whence it came in 1999, in conformity with the Garza Agreement and with uniform academic practice. That is that departments are in colleges. The current situation has had unfortunate consequences for the Engineering College, has damaged collegiality. Collegiality, I could say more about this, but collegiality is our lubricant and is our foundation. No one department, no matter how good, no matter how important, can be a university unto itself. We need all of us. We don't have students who take all their courses in one department. We need the breadth. We need the work of our colleagues. No one of us stands out beyond that, and if I were to put one department or two departments that stood out from the rest in terms of their outreach, there are many candidates for that, many more before you get to computer science. It's important, no question about it. This would not be

an issue if it was not an important department, but we don't get very far without English at least in this university. We don't get very far without mathematics in much of this university. You can fill out the list to suit yourself. There are many contenders for departments that are woven into the fabric of many of our efforts. And finally, this contradicts well-established patterns of academic governance.

"There was a charge at the last meeting by Professor Arms, I take from the minutes, that there is innuendo in the CAPP report that gave you a heads up on this last month that interactions with Computer Science and Engineering are in bad shape. 'I think the matter is exactly the opposite. I think they are in supremely good shape.' I believe I take that as faithfully as I could from the minutes. I would also give you an extract of something that I think will be introduced today; a letter that has just been written by the chairs of the Engineering College which rebuts this. 'It was alleged that all is well between Computer Science Department and the Engineering College despite the separation of Computer Science from the College. Nothing could be further from the truth.' So our report was not that far off the mark.

"Let me just tell you about the history. There is no time to do the history. The history cannot be done in real time. It is extensive. Two years went by. I have piles of papers on this thing. Everybody was talking to everybody. Everything was fairly considered. Does that mean that everybody was happy in the end? Of course not. There were strong and conflicting opinions on this thing. I'm not telling you everybody was satisfied at the conclusion. All I'm telling you is that everything was aired thoroughly and over a long period of time.

"Difficulties that we have encountered in resolving the problem. It was suggested, as recently as the February meeting of the UFC, that either the agreement brought with good faith and wide participation can be set aside unilaterally or that a statement of location is sufficiently ambiguous as to accommodate to the current situation of the CSD. It was put on hold for a year, where you would not make a decision about it. That was accepted. That brings us to this year. Negotiations, work adopted by Dean Craighead of Engineering with the leadership of Computer Science, to see if there could be an agreement with the Engineering College. Those negotiations, I believe, were terminated. We now need to make progress.

"And what is the sticking point? The substitute motion to come actually accepts point seven, that there is basically a deadline of October 2002. So that is fine. The important thing is what is meant by location. I didn't realize that was such an ambiguous word. I first heard it and really thought it was not credible, but I have since heard that it is shared by people that this is a very complex term. I talked with former Vice Provost Garza about what his understanding of that meaning was, and he gave me something in writing, which I shared with the UFC.

"Let me just state then what our motion is. This is largely, but not completely, the language of Vice Provost Garza. It is abstracted a little bit from his language¾ for example putting in the word 'salaries', but this attempts to specify what might be meant by location. And I assure you this is a sticking point. The substitute motion, the whole force of that is to remove that notion of location. And if that is not what we mean by location in a college, if location in a college does not mean that the department enjoys the usual administrative assistance of a dean with regard to matters of hiring, promotion, tenure, salaries, what have you, then I don't know what we mean by location. This is certainly what was meant by a large number of us when this legislation was accepted, when the Garza Report was accepted. So the critical element here is this. What the tactic has been is to deny this, has been to try and turn it into something else, has been to postpone discussion on this. But this I assure you is the crux of the issue. If you think this is really what being located in a college might mean? And it might vary from college to college; we don't have an algorithm here. There is certainly a lot of room for negotiation between the relevant college dean, the Provost, and the Dean for CIS as to how you actually bring this thing to a conclusion. We do not micromanage this, but this has to be the sense of what we mean by location. The details, they will be carried out later."

Professor and Speaker Pro-tem Melissa Hines: "I will now call on William Arms, Professor of Computer Science, to present a substitute motion."

UNKNOWN: "Point of order. Madam Chair, was the substitute motion distributed to members of the Senate by e-mail?"

Professor and Speaker Pro-tem Melissa Hines: "I believe it was."

Dean Cooke: "Yesterday."

Professor William Arms, Computer Science: "Here is the substitute motion ([Appendix 11](#)). You'll see that it is section seven of the CAPP motion, the initial words deleted for continuity. My aim is to have a resolution that everybody can vote for, which will get this resolved. I hope that in a few months from now, we'll have a situation in which there is an execution of the Garza Agreement that satisfies everybody's legitimate academic concerns. We have heard a lot of the background today from Dean Cooke, from Professor Fine. I think one has to emphasize what bad shape the relationship, the decision making, between the administration and the faculty was three years ago. Dean Cooke has modestly not talked about his role in sorting things out. And we owe him a vote of thanks. We also owe Vice Provost Garza thanks for taking a very ticklish situation and very tactfully, with great dignity, negotiating the carefully crafted agreement which contained some deliberately vague language. The language was vague within a boundary, and we all want to live within that boundary, within the wording of the boundary and the spirit of the boundary. I think we should also thank the Provost who a month ago stood up and explained the process and the timetable about it. You explained the timetable, and you explained the process that you were about to follow. I understand the President recently also made a commitment on this.

"I think we all want this resolved. Certainly, the Chair of the Computer Science Department wrote some time ago to the Provost urging a resolution of this, and I know Dean Constable (who is out of town, or he would be here today to defend the, I think, totally unfair criticism he has received) also wants it resolved. So the aim is to get a resolution of this administrative structure within the boundaries of the Garza Agreement which satisfies all the requirements. Clearly, as a member of the Computer Science Department, I want a resolution that enables that department to function. As a person very active in the Faculty of Computing and Information, I clearly want a resolution that will see that organization flourish. And I think, actually, Dean Cooke that you are wrong. There are certain resolutions within that boundary that would much help the academic agenda of the Faculty of Computing and Information, and there are other things within that boundary that could have a bad effect.

"Certainly, Engineering has a very important consideration. I agree with most of the things in the note by the chairmen of the departments, particularly the academic, the promotion and the tenure type issues. That's my opinion. For Arts and Sciences—the same thing. There is a major in Arts and Sciences. We increasingly are doing more work with CALS, and I think the dean there needs to be considered. We need an intensive period of collegiate discussion, a word that is thrown around more often than it is observed. We need intense collegiate discussion. There is going to be some give and take. There's going to be a little bit of, 'OK, I can live with that,' or maybe 'that's not quite what I had in mind.' But I believe there is a resolution that we can all live with.

"So what have I got against the CAPP resolution? Well, first of all, I think the 'whereases' are very abrasive, and I also think they are very selective. If, for example, I look at number six which says where the Dean of Arts and Sciences and Interim Dean of Engineering 'have expressed dissatisfaction with the current state of affairs', one should add all the people who want this changed. Certainly, the Chair of Computer Science is dissatisfied with the current state of affairs. Certainly, the Dean of CIS is dissatisfied. What have I got against

number eight? Well, you just heard Terry Fine say that. He said he contacted Vice Provost Garza for his interpretation of the language, got Vice Provost Garza's interpretation of his own language, and then CAPP added some more words. We don't want everybody adding more words. We want collegiate consensus building discussion within that carefully crafted boundary. What have I got against section nine? Well, it seems to me that it is rude to the Provost. It says you've been a naughty girl and please report continually until we say we're happy with it. And I don't think we should say that to the Provost. So I propose this resolution as a courteous, polite, neutral resolution with the emphasis on timetable and the choice between faculty is quite simple. If you want to be abrasive, aggressive, if you really want to give the Provost a job in the ribs, go with the original resolution. If you want to try to find a consensus, well, I think a little nudge is more fitting, and the substitute resolution is the match."

Professor and Speaker Pro-tem Melissa Hines: "Thank you. I would like to now call on John Abel, Director of the School of Civil and Environmental Engineering, to read a statement from the chairs of Engineering."

Professor John Abel, Director of the School of Civil and Environmental Engineering: "Thank you. Actually, I have been wisely advised that perhaps time doesn't permit my reading the entire statement ([Appendix 12](#)), and I think it was distributed to all members of the Senate and copies were available to everyone. We saw the first paragraph that Professor Fine submitted. I just want to point out that I'm speaking on behalf of all of the chairs and directors in the College of Engineering who have signed this letter and have taken a position that you can easily read herein."

Professor and Speaker Pro-tem Melissa Hines: "Someone has walked off with my folder of transparencies, so if you could look around and bring it back please. These two resolutions are now open for discussion."

Professor Steven Shiffrin, Law School: "It seems to me that there ought to be a strong presumption in favor of the Garza Agreement, both from the side of the Senate, including members of the Senate who weren't here when the Garza Agreement was signed, and from the side of the Administration. I agree completely with Professor Fine about that. I favor the committee's report. It strikes me that the phrases about implementation and location with traditional roles played by the deans, whatever Garza's interpretation was is a quite sensible interpretation of the language, and the substitute motion would leave the interpretation of the language absolutely ambiguous—to have the Senate not take a stand on what that language means. If you look, where should it be located and what does that mean? It means that it ought to be in a college and the deans ought to be doing what they do in colleges. So I don't find anything controversial about that, and I find the effect of the substitute resolution to be problematic. Next, is there an insult to the Provost? I didn't see the word 'naughty' in the resolution, let alone the term 'girl.' All this asks is for the Provost to report. The Provost is asked to report at almost every meeting we come to. Somebody gets up, asks a question, and says, 'Hey, could you report on that at the next meeting?' And the Provost says, 'Sure, I'd be delighted to do that.' So I don't see the insult in the resolution. I favor the committee's report."

Professor David Delchamps, Electrical and Computer Engineering: "When I first read the substitute motion and rationale, it seemed perfectly harmless to me. And I agree somewhat with Professor Arms' assessment of the tone of the original motion. However, having heard both Professor Arms' and Professor Fine's presentations, now I am definitely in favor of the original motion, because when I looked at the substitute motion, I thought there could be no doubt in anyone's mind what location means, that number eight, that is what it means for sure. Hearing Professor Arms' remarks leads me to believe that there is some doubt in some people's minds as to what location means. I want to make sure that we as a Senate say what we think location means, and I think it means item eight."

Professor Harold Craighead, Applied and Engineering Physics and Interim Dean of Engineering: "I just

wanted to go on record regarding the kinds of things I support. So I support civil discourse as mentioned. I also support the terms of the Garza Agreement that we have seen here, and that includes welcoming Computer Science into the College of Engineering or supporting its location in one or more other colleges. So anything we can do to move forward on that, I'll be happy to discuss. I think the clarification of the definition of location, silly as it may seem, is actually helpful. And anything else that helps us move forward, I would encourage."

Professor Peter Stein, Physics: "I agree with most of what the previous speakers have said, but I have a question to Professor Arms. "'Whereases'—some people like them and some don't. I generally don't like 'whereases', but it's the tradition of the house to have 'whereases' that reflect the sentiments of the people who bring something to the Senate. With regard to the action items, seven, eight and nine, I agree with Steve Shiffrin. There is absolutely nothing insulting to this 'girl' or 'woman' or whatever she is in the front row here. Congress constantly demands the President of the United States to report to them annually on various, many, many items, and I don't think there is anyone who considers that anything other than the legitimate role of the Congress to have some degree of oversight over the actions that the Administration takes. With regard to number eight, I think Professor Arms ought to explain why it is he wants that deleted. He did not really address that. He didn't really say what was it about this wording of location, which to me also sounds like a reasonably broad definition of what is meant by location, why is that unsatisfactory? Why do you want that not in there? What is inconsistent with your idea of location?"

Professor Arms: "Let me respond to two of the comments. First of all, I feel that I have been a naughty boy, and I apologize for that. I have had a lot of experience over the years. I spent too many years in universities negotiating, trying to reconcile and find common ground in difficult situations, and I have found that by keeping the options open, not explicitly nailing down the options in advance, helps everybody converge on agreement. It's just the principle of redefining language before the Provost has brought the people together or whoever the Provost delegates, I find that principle makes it more difficult to come to an agreement that everybody can reach. And the agreement may well be within this language, but I think we should not be doing that just now. I think we should be encouraging people to have a chance to talk about their concerns. Remember, during the dean search there has not been open discussion of these things. We have a new dean who has not been a part of these discussions, so it's not the language. It's by taking the boundary of the Garza Agreement, very carefully crafted, and trying to redraw that boundary makes it more difficult to reach agreement."

Professor Brad Anton, Chemical Engineering: "I don't care so much about the tone of the language and so forth. I was particularly disturbed to learn that there have been six promotions in the CS Department without the quality assurance check that comes with the college level promotion review, and I consider this an emergency situation."

UNKNOWN: "Clarification. There has been a review. There has been a dean's office involved, but not a college dean."

Professor Anton: "That didn't clarify anything. Without a college level promotion review, I consider this an emergency that must immediately be mitigated, and for this reason I support the CAPP motion as originally stated."

Professor Jerry Stedinger, School of Civil and Engineering and member of CAPP: "The background you have to understand in the motion is that on the committee we were really just sort of surprised when suddenly people were saying, 'What do you mean by located?' 'Does that mean in the building?' That clarification comes out of the fact that people were acting like what does located mean? So there is this frustration. OK. People don't understand what located means. What does it mean to be located. Garza gave us some words

that he read off to Terry, I think on the phone. Then we polished them up, looked at it and said, 'Yes, that's what you mean by located.' We think everybody will understand that. One way you stop arguing is when you write things down so everybody knows what's going on, so you don't have to keep struggling over the same terms. We thought that by clarifying what we thought people meant by located, we could resolve that issue. I, particularly as a member of the Engineering College, am delighted that we have a new dean who is going to be coming in the fall. I really hope he can come in to a well-structured university and college and take over and not become embroiled in fighting this fight that we have been fighting for three years. The colleges and the University have other things to do. So that is one reason it is very nice to have a timetable for October to say, 'Let's solve this and let the dean come in and enjoy a honeymoon and not immediately enter into a lose-lose and bloody situation.'

Professor Winthrop Wetherbee, English: "I just wanted to ask Professor Arms, do you see any possibility that the text of item eight might be constraining action to one of various possible alternatives? Is it doing anything other than simply defining a standard practice which is certainly going to remain in place?"

Professor Arms: "Yes, I do think it constrains and that there are some very sensible options within the Garza agreement which might find that this language causes problems."

Manfred Lindau, Applied and Engineering Physics: "I believe it does constrain it, and that's probably the intent. I think the alternative between two motions which we have here in front of us is that one would say that location means what everybody thinks location means in traditional terms, whereas the alternative motion would rather leave this open and might include the possibility that location means something very different from what it usually means. I think we will probably want to vote in the specific way, and that's why I support the CAPP wording."

Professor Danuta Shanzer, Classics: "I was on CAPP when we were working on this problem in 1999, and as far as I remember, 'location in' definitely meant within a power chain of a college, with a dean at the head of the college. So I think 'location in'—that preposition is very important—and it looks to me very clearly as if the other wording leaves open the possibility of Computer Science staying as a kind of separate kingdom, maybe, or whatever you want to call it, underneath the Provost. I guess it would be good to hear from people in CS whether they want that option and also is that really what we are after here? Also what other possibilities are in interpreting the word 'location'? I assume this does not mean moving Computer Science over to middle of the Arts College, so it's under Dean Lewis."

Professor Ronald Booker, Neurobiology and Behavior: "I guess it's like a lot of issues. There is quite a lot more here than we probably realize if we are not in Engineering and not in Computer Science. One danger that I see with actually defining the term is the following. What we are trying to do is get a party of people together to come to some sort of negotiated settlement. If you define the in-gate more or less, what you are going to do is tell one party that the cards are in their hand. They are going to have to actually give up less in the negotiation process than they might otherwise. So in a way, to be honest, I guess I can see some advantage in a difficult situation to not define what 'in' means, because the reality is that we have individuals that I would guess, based on what is going on here, disagree as to what those terms should mean. Would it be fair, in essence, to tie the hands of one of those two groups, such that they come into the negotiation with the in-gate already determined? I don't know if that's what I want. I would like to hear what Engineering might come up with, the chairs and the deans in some creative manner. What sort of creative solution can they come up with that might actually satisfy some of the other parties? But I don't have to do that if you tell me that I need to go here. You are going to go here or there; that's it. I don't have to negotiate with you at that point. At least that's how I see it. Do we really want that to be the case? The outcome is supposed to be a negotiated outcome. I don't see how you do that by telling the parties what the outcome will be ahead of time. I just don't understand how that would work. I'm sorry, and I know the

Engineering departments are probably concerned about that."

Professor Christine Ranney, Applied Economic and Management and member of CAPP: "I have two points and then a motion. I am a member of CAPP. I wasn't a member when the Garza Agreement was written. I can't help but think that the use of the word 'location' implied what we traditionally think. The fact that others have raised it, and the particular side that is raising what location means, has suggested that they want to change the agreement that was set in the Garza Agreement. That agreement set the parameters of further negotiation. You are saying, 'Let's open it back to where they were before.' I just want to make it clear what that agreement did. It kind of took off the table certain parts of negotiation and left some things unresolved, like where, which colleges. Which colleges, not by yourself off somewhere. I think the point made that there was no college dean oversight or ad hoc review of those promotion decisions is extremely troublesome to CAPP. It was to me and other members of CAPP. That went outside the academic policy towards tenure in the *Faculty Handbook*, but I would like to call the question on the substitute motion."

Professor and Speaker Pro-tem Melissa Hines: "OK. The question has been called."

Dean Cooke: "I would just like to share some information. There is a misunderstanding on the promotions. The promotions have all been done properly. What is at stake is that the College of Engineering has six new members of the faculty in which the Dean of Engineering had no role in shaping those tenure decisions—not a direct role, a very indirect role. I want to be sure it is not casting aspersions on the individuals."

Professor Ranney: "No, not at all. I don't mean that."

Professor and Speaker Pro-tem Melissa Hines: "OK. The question has been called, and we need to vote on whether you are ready to vote on this or not. All in favor of taking a vote now, please raise your hands. All opposed? So, the vote is to call the question, and now we vote on which one of these two resolutions you want to proceed forward with. We have the original resolution that was introduced by Professor Fine, and then we have the substitute resolution that was introduced by Professor Arms. This vote will decide which one we go forward with. All of those in favor of going forward with the original resolution, please raise your hands. All of those in favor of going forward with the substitute resolution, please raise your hands. OK, we will go forward with the original resolution. Is there any more debate on the original resolution."

Professor Walter Mebane, Government: "I share the sentiment of Ron Booker's comments. I think that the content of point eight is something to which probably no reasonable person, and I imagine no one here, objects. So I don't think that the point is about content and meaning of location. I think the point of including that is to bring the authority of first CAPP and then this body to sort of endorse that one side is more reasonable than another side or more cooperative than another side. So it's about labeling the parties and associating authority. It's a very well known standard political maneuver, so I am now in a pickle as to whether I am going to support this amendment, as I don't see that I know enough to choose sides in this debate, particularly since it's not two sides but multi-sided. So I guess my bottom line is that I think it is very risky to proceed with this labeling of one side as kind of the good side as opposed to the other."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I am very glad personally that you picked this one. With due respect to my colleagues from the Law School, I was getting a bit tired of trying to be Clinton's lawyer on Miss Lewinski advising the word 'location'. I am a simple engineer, I just believe in the meaning in the usual sense."

Professor Theodore Clark, Microbiology and Immunology: "This question is really to Dean Cooke. I am a bit confused about the fact that you said that those tenure decisions were made correctly when I'm led to believe that they didn't undergo the scrutiny of college review. So could you address that?"

Dean Cooke: "I want to make a distinction between the quality of the outcome of the decision and the process. The process did not involve any of the six being through the College of Engineering, although the letter of appointment from the Trustees says that they have tenure in the Arts College and in the College of Engineering. My normal assumption is that if you are going to have membership in a college, that dean should have had a significant role in the process, but I have no reason to have any qualms or cause you to have any misgivings about the quality of those candidates. That is not the question. The question is process."

Professor Clark: "Yes, I'm sure all those people deserve tenure. The question is whether or not the correct practices were put into place for tenure review in those cases, because people were up for tenure in other colleges and did those people have . . . "

Dean Cooke: "I took it to mean that they were suitably constituted committees, but there was not a lead dean other than the Dean of CIS. The Dean of CIS was behaving in what I regard as the lead dean. If you are going to be a member in a faculty, that faculty ought to be responsible for the funding for you; they ought to be responsible for mentoring you, so when the tenure decision comes, you know that you are talking with the one who is going to make the decision eventually. What I am proposing is that you clarify and have one of the college deans be the lead dean."

Professor Fred Schneider, Computer Science: "Perhaps I am speaking a bit out of school, but I thought the facts of these promotions might be of interest to you. In this case, these are computer scientists. They were recommended by a vote of the tenured faculty to the Dean of CIS. The Dean of CIS appointed an ad hoc committee without consulting with the Computer Science Department, but I believe consulting with one or more deans at traditional colleges. The ad hoc committee was constituted and they then met, so the real issue is the last point that Dean Cooke made, which is whether the lead Dean was Dean Constable or the lead dean was the dean of a traditional college. In each case, then, these promotions went on to the administration, and as we know Dean Cooke saw them, and there is faculty committee that saw them. So they were not all that unusual."

Professor Fine: "I would like to move the question."

Professor and Speaker Pro-tem Melissa Hines: "The question has been moved. All of favor of ending the discussion now, please raise your hands. All opposed, please raise your hands. OK, it carries. The discussion is limited. We are now ready to vote on this resolution. All in favor of this resolution, please raise your hands. All opposed, please raise your hands. And the motion carries. Thank you very much."

Professor Fine: "Can we have a count?"

Professor and Speaker Pro-tem Melissa Hines: "Sure, we can have a count. All in favor, please raise your hands. All opposed, please raise your hands. How many abstained? Thank you very much. The vote is 63 in favor."

Provost Martin: "I just wanted to say that I thought there was little bit of an odd exchange about me earlier. Peter, I prefer 'woman' to 'girl' or 'whatever'."

Professor Stein: "I just thought you might."

Provost Martin: "Yes, and I didn't feel insulted."

Professor and Speaker Pro-tem Melissa Hines: "I would now like to call on Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles for a continuation of discussion on professorial

titles."

UNKNOWN: "Point of order. Would you tell us the numbers?"

Professor and Speaker Pro-tem Melissa Hines: "Yes, it was 63 in favor of the resolution, 1 opposed and 3 abstentions."

8. CONTINUATION OF DISCUSSION OF PROFESSORIAL TITLES

Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles: "In a perverse way it's sort of encouraging to me to know that there is a major issue out there that has been around longer than the one that I am going to talk about today. A brief document ([Appendix 13](#)) that came out of the only meeting that our task force had since the last Senate meeting has been circulated to the senators. The purpose of that was to address some of the concerns that we heard a number of times in the longer Senate discussion that we had two meetings ago and in the faculty forum that was held soon after that. I would remind those of you who haven't had a chance to look at the transcripts of those meetings that they are still on the web if you want to peruse them, all the gory details. Again, in this document there is an attempt to distill the items for and against the proposal, particularly the enabling proposal for the clinical professor title. Then there are a number of bullets that summarize, I think, the clarifications and modifications that we considered at our meeting, and that which I anticipate will be addressed hopefully to your satisfaction at our next meeting with a view to preparing a resolution, I hope, that will be approved by the UFC for the agenda of the next meeting. To give us maximum time for discussion—the points of clarification and modification are very briefly summarized here. I would ask for questions or comments."

Professor Simons, Hotel School: "I would like to offer one of my concerns. I guess it doesn't pertain so much to the Law and Veterinary proposals, but as a general policy, it occurs to me that tenure track professors at Cornell are selected very carefully as world class. However you define it, the top few hundred in their field or something like that. I would like to see some form of quality control on clinical professors. I am concerned that there are some schools that would opt for anyone who has mastered a practical skill to be eligible for a clinical professorship. I'm opposed to that level of openness in who we call a Cornell professor."

Professor William Fry, Plant Pathology: "At one time almost all the funding for a professor was via the university, and that is clearly no longer the case. In my college only a third of our funding comes through New York State, and it seems to me that this enabling legislation would just recognize reality that a lot of our funding does come from sources that are not stable. It would be nice for us to appoint more tenure track people, but I think that is just not feasible in the current climate. You can't appoint faculty to positions for which there is not assured, stable funding over which the college has control. So, for that reason, I would support the enabling legislation."

Professor and Speaker Pro-tem Melissa Hines: "Other comments?"

Professor David Pelletier, Nutritional Science: "We had an extensive and very good discussion about this in our faculty meeting about a month ago where I laid out the pros and cons of the argument as best I understood them. The sense of my department was overwhelmingly in favor with respect to our own interests and with respect to our concern about issues of equity as well. The one sticking point, and it became a real sticking point, was the question of the possibility of erosion of the tenure system as a result of this. There were two suggestions that came forward, and I would like to share them and see if these can

be worked on in some fashion before the vote is taken.

"One is the astounding lack of information, comparative information, from other universities which have gone this route and have had experience for five, ten, fifteen years or more. We were altered to the experience of the University of Pennsylvania, not very many details, but it wasn't a very positive result from what we were told. So one question is could we get more comparative information from other universities as to what has happened to the number of tenure track positions over time as a result of taking these decisions?"

"Secondly, the faculty suggested that we put in some amendments to the enabling legislation to somehow limit the possible erosion of the tenure track lines when budget cuts from the state become a reality as they already are. Clearly, we probably cannot and should not tie the hands of the deans by saying that there should be no change from the present numbers of positions, but are there other things we could do? The suggestion was let's put some creative energy into thinking about how we could mitigate what my department felt was a major potential negative consequence of this. And that was the only sticking point in our department."

Professor Peter Stein, Physics: "This question of the erosion of the tenure system, I don't really understand what that means. I like to think of the tenure system as being something more than job security for the people that happen to hold it. What I thought was good about the tenure system was that it produced high quality people as teachers and as researchers and that the protection, the long-term commitment of those to that enable the University to hire very good people. I mean that's what I thought the tenure system was about. It's not really a protection for malingerers or something like that. In a sense, it seems to me that by definition that this is erosion of the tenure system. What it means is that there will be people hired who will in this case educate students who will not have all of the perks of being a tenured faculty member, and therefore, they, almost by definition, must not have had the scrutiny, and they are not being offered as an attractive position as tenured people. The very nature of it, I think, means some sort of an erosion of the tenure system."

Professor Pelletier: "Let me clarify, because I think this is a serious misunderstanding if that's what was interpreted from what I said. What we feel is at stake is the very essence of academic freedom. Precisely because only a third of CALS budget, and I don't know about the others, comes from New York State now as the secured lines, and the rest is coming from increasingly corporate sources, the ability for faculty to disclose problematic findings, to raise voices about problematic directions of society, of the research, of the implications of the research is critical. That's what we are trying to defend. We are afraid that if the dean is facing a \$400,000 or \$4,000,000 budget deficit in the coming year, and he or she can say, 'Well, we have some vacancies. We'll let you fill them with non-tenure track lines so you can keep your functions going in that unit,' that's a very, very tempting thing to do in the face of a budget cut."

Professor Risa Lieberwitz, Industrial and Labor Relations: "I think that you have raised some really important points, and that the job security that comes with tenure is there largely to enable people to do the kind of work they do freely and to do it with the full rights of academic freedom. So that if you have something to say that is either controversial in your work, your research or your teaching, or if you have some criticism perhaps that one might want to voice with regard to faculty governance matters and criticize your institution, including your dean, including senior colleagues, including the central administration, that academic freedom is broadly defined not only to be with regard to your particular discipline, your particular teaching and research but also with regard to the kinds of speech that comes outside of that in commenting on the way the university is run, as well as commenting on issues like whether US policy is a good idea, whether I teach about US policy or not. I think that we have to remind ourselves sometimes of the scope of academic freedom and why the job security is here—to protect us from retaliation."

"That said then, it sounds like what the clarifications are coming down to is very much a sense of there is an economic reality that requires non-tenure track jobs for jobs that otherwise would deserve a tenure track status. If that's the case, then that is simply the faculty saying 'uncle' and saying, 'We're just lost. It's a problem. We're not getting the funding that we need.'" With the shift to corporate funding then, we will have non-tenure track jobs opened up, which of course makes it harder to criticize not only the university, and controversial things in your writing and research, but also not biting the hand that feeds you. So it seems to me what we should be spending our energy on is not how to devise non-tenure track jobs that fit a certain title, but we should spend our time on saying how do we break out of these assumed economic constraints, to say what jobs are non-tenure now that we should make tenure track jobs, taking the people in those positions and moving them up."

Professor William Arms, Computer Science: "I speak as somebody who is not tenured, has no interest in tenure. I have been there, done that years ago. I also speak as somebody who is protected by the academic privilege of speaking my own mind, as you may have noticed on one or two occasions. There are two things that really matter in academic life—the ability to do research and to study in the areas that you want to study, and the other is the ability to speak in public and to say those things. The flip side of it is demanding standards for appointing and promoting people. These to me are the heart of the system, and I feel very strongly that nobody should bear the title of professor or assistant professor or whatever who doesn't have those privileges and pass those tests. Beyond that I have a very simple test. I think that if somebody quacks like a professor, they should be called a professor. I actually agree very much with the person who said that really strict standards for appointment and promotion are the heart of this matter. I think that's where we should draw our line."

Professor and Speaker Pro-tem Melissa Hines: "Are there any more comments?"

Professor Nicholas Calderone, Entomology: "This is all very confusing. Why do we have two positions, which have the same rigor, the same requirements for being hired and for being retained, why is one tenured, and one may be not tenured? What is the origin for this if the demands for quality are identical?"

Professor Bell: "OK. Nobody else wants to speak to that. I think among the early confusion, which is perhaps a little self-inflicted on our part in terms of the wording or a discrepancy between the language in the enabling document and the language in the document that the Vet School faculty voted on, and that revolved around this first bullet. What would distinguish tenure track appointees from these proposed non-tenure track appointees? I think that . . . the Provost is gone now, but she has strongly affirmed the expectation of strength of a research program in a tenure track faculty member's portfolio. I think the expectation of research was fuzzy in the definition of the clinical professor title, but I think above all other things, the distinction was between multi-functionality and perhaps a major single function in the non-tenure track position, which does not mean that that function might not be truly excellent. It would not have the breadth or expectations."

Professor and Speaker Pro-tem Melissa Hines: "It is now six o'clock, so we are now adjourned."

Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary