

Minutes of Faculty Senate Meeting  
May 8, 2002

Professor Melissa Hines, Chemistry and Speaker Pro-Tem: "I would like to call the meeting to order. First, let me remind you that no photos or tape recorders are allowed during this meeting. And I would ask that if you have any comments during the meeting, you stand up and identify yourself and the department you come from. We have no Good and Welfare speakers at this time, so instead there will be debate on the last issue because of that. I will now call on Provost Biddy Martin to give a report."

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: "Good afternoon. Thank you very much for my time. I want to begin by reporting on the question of the location of the Department of Computer Science, and my report will be brief. I have met with the Department of Computer Science faculty. I have met with some of the faculty who belong to the founders group of the FCI, which is the Faculty of Computing and Information Science, and I have met with the chairs and directors of the College of Engineering. All those discussions have been interesting, useful and have contributed to the numbers of questions and considerations that are still on the table, and I intend to report back to you probably sooner than October. You probably read in the Cornell Sun, if you read the last issue of the Cornell Sun, that we hope to make a decision, the President hopes to make a final decision, within the next month or so. That may be possible, and I hope it is. I hope it is also understood that if a decision is made within the next month, that it is not one of those decisions made in summer that counts as a problem. Since it is, I think, sometimes problematic but also understandable that decisions get made in the summertime when people have a stretch of time without classes to sit down and think through these issues. If we are able to make a decision within a month, we will and we'll announce it then for the good of those people who are anxiously awaiting some decision. And if you have any questions, feel free to ask me about the Computer Science issue or anything else in just a moment."

"The only other thing I would like to say is that it seems unusually busy and active at the moment at Cornell despite the time of year, because of a number of well known issues and some unannounced. So I hope you feel as busy as I do so that I'm not alone. Finally, I just want to thank you all for this year of our working together. I appreciate the tone of our discussions and debates, and I appreciate the good faith and the sincerity with which, it seems to me, the Senate has conducted its discussions, not only among yourselves, but also with me. It has been a long year and quite an interesting one for some good reasons and for some tragic ones. I mean by tragic September 11th and its aftermath. There has also been the announcement by the President that he will be stepping down at the end of next year, and the visits by the Presidential search committee and the search firm, so it has been an unusual year in a number of ways. I am glad it's coming to an end and look forward again to next year. If you have any questions, I will be glad to answer them."

"There used to be so many questions for the Provost before I was Provost."

LAUGHTER.

Dean Cooke: "That's a good thing."

Provost Martin: "OK. Thank you very much."

Professor and Speaker Pro-tem Melissa Hines: "Thank you. 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: "I have one brief topic to bring to your attention. An issue that is being discussed by the Educational Policies Committee has to do with the use of the time of day for formal instruction, and it's by time of day and by day of week. And this is an analysis of the last four semesters, including the current semester ([Appendix 1a](#)). So two full academic years is an average of the enrollments and across the bottom here is the time of day. And it is enrollments, not number of courses. It shows some things that are probably obvious to you and perhaps one or two that are not obvious. The one that is obvious is that 8:00 is a basically unused time of day. So on the order of a fourth of the morning the classroom space is vacant. The second thing you will notice is that at 9:00 we are still not at full power; it's about 60% or so. Then it is a square wave across the top until the afternoon, and our classes generally stop, except for seminars, graduate courses and so on, at 4:30. We have faculty legislation that says that from 4:30 to 7:30 is a time when we avoid having undergraduate classes so students can participate in clubs and activities and sports and so on. This is undergraduate enrollment; I do not have graduate enrollment included. But the college deans have the authority to make exceptions on courses that would occur during that period of time, if that is the only time the equipment is available and so on or have other sections that would allow someone to work at a different time if they wish."

"Perhaps the thing that is surprising is what happens on Monday and Wednesday evening over on the right hand side. The enrollments in the evening hours are on the order of three to four times as many people in class as at 8:00 in the morning. We began this discussion by looking at evening pre-lims, and those occur on Tuesday and Thursday evenings. They are on the same order as the Monday and Wednesday class participation, but this is every week and the pre-lims are two or three times a semester. Saturday and Sunday are essentially unused. One last comment is that Friday tapers off. Monday and Wednesday are very similar. Tuesday and Thursday are very similar. You had in the past mostly Monday, Wednesday, Friday sequence. You can see that Friday, which is the right hand bar, the tall one, tapers off so that the level of activity all day Friday is less than on Monday and Wednesday, but it drops off substantially."

"So the committee will look at this and see if they can make some sense out of it. No changes, of course, will be made without bringing it back to you and getting approval. This is the lecture course enrollments ([Appendix 1b](#)). They also taper off. Here are the section enrollments ([Appendix 1c](#)). The section enrollments are much flatter, much smaller, the same vertical axis, so you can see the level of activity is much flatter, and finally here is the lab component ([Appendix 1d](#)). It clusters in the afternoon. So we will revisit this later after the committee has had an opportunity to try and make some sense out of it."

## 3. APPROVAL OF MINUTES OF THE APRIL 10, 2002 SENATE MEETING

Professor and Speaker Pro-tem Melissa Hines: "I would now like to call for approval of the minutes of the April 10, 2002 Faculty Meeting. Are there any corrections? I ask for your unanimous consent. Are there any objections? The minutes are approved. I would now like to call on Associate Dean and Chair of the Nominations and Elections Committee, Charles Walcott, for a report on the election results."

## 4. ELECTION RESULTS FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "Thank you very much."

Here are the results of the election ([Appendix 2](#)). Elizabeth Earle was elected Faculty Trustee, and you can read the rest of these. The one addition I would like to make is to thank all of you that contributed suggestions for all the various university committees to the Nominations and Elections Committee. We are working on those at the moment, on getting people onto various committees, and your suggestions were very helpful indeed."

Professor and Speaker Pro-tem Melissa Hines: "I would like to ask for your unanimous consent to approve. Any objections? If not, the report is approved. I now call on Professor and Senator Robert Kay from Earth and Atmospheric Sciences to introduce a resolution regarding the Ward Center for Nuclear Studies."

## 5. RESOLUTION REGARDING WARD CENTER FOR NUCLEAR SCIENCES

Professor Robert Kay, Earth and Atmospheric Sciences: "You may be aware, the Senators among you having received a package of documents, that the Ward Center is due to be closed on June 30 and subsequently the TRIGA reactor decommissioned. This resolution seeks to extend the lifetime of the Ward Center and the TRIGA reactor in it for reasons that will be gone over subsequent to my presentation of the resolution by Professor Kallfelz.

"This slide is the resolution ([Appendix 3](#)), and I will just go over it. It is very similar to a resolution that you passed a little over a year ago. It has many common features. You voted 2 to 1 in favor of this resolution at that time. Whereas the Ward Center continues to fulfill the charter that this body recommended to the Board of Trustees and that included teaching and research and outreach to industries in particular in New York State. I'm paraphrasing here. Secondly, over the past year thousands of students really, hundreds of alumni, many dozens of faculty members, a dozen major companies, three US Senators, the US Department of Energy, several government laboratories, peer institutions, and the Faculty Senate right here have expressed their unqualified support for continuing the work of the Ward Center. Point number three is the next president of the university and the new dean of engineering, the former owners really of Ward Center, should be allowed to learn about and review the mission and potential of the Ward Center. Fourth is to point out that the laboratory was built without university funds and endowed. A year ago there was considerable talk about the financial situation of the Ward Center and that has become clearer and actually much more favorable in terms of funding the nuclear reactor over the last year. So many things that were hypothetical a year ago have actually come to pass and have resulted in greater potential to get funds. Finally, the fifth whereas indicating the need for students with hands-on training in nuclear science and engineering has been recognized by the DOE who has started a new program over the past year. So therefore, be it resolved that the Faculty Senate recommend to the Provost, President and Board of Trustees that the TRIGA Reactor not be decommissioned immediately, that is June 30, but that the Ward Center and its TRIGA Reactor and Gamma Cell should continue to provide services to the Cornell community for a period of five years. That is the end of my presentation, and Professor Kallfelz . . . ."

Professor and Speaker Pro-tem Melissa Hines: "Is there a second?

Unknown: Second

Professor and Speaker Pro-tem Melissa Hines: OK. Now, I believe that Professor Kallfelz will speak to this motion."

Professor Francis Kallfelz, Clinical Science: "As Professor Kay said Ward Center is scheduled to be closed as of June 30 of this year. So one question that you might ask is why is the issue of continuation of the Ward Center for Nuclear Sciences being revisited at this time. The actual date of closure of June 30 is somewhat of an artificial date. It was originally set up a year or so ago to give current users of the reactor a time frame

in which to finish up their work before it closed, but in fact nothing really is going to happen as of the closing date. What really will terminate the reactor is the shipment of the reactor fuel, and my understanding is that that has not as yet been scheduled and is not likely to occur even when it is scheduled for at least another year or perhaps even longer. Until that occurs nothing irrevocably unchangeable has occurred. ([Overheads – Appendix 4.](#))

"So what is the issue? Why is the issue of continuation still with us? It is because there are some new things that have happened. Number one, all of the arguments previously made for continuation are still valid. None have been adequately discounted. Secondly as Dr. Kay alluded to, there are pending changes in the University and Board of Trustee administrations, which suggest the appropriateness of providing the new administrations the opportunity to review the issues before an irreversible action is taken. And this is so particularly since as I indicated there is no disadvantage in keeping the Ward Center for Nuclear Sciences operating until that opportunity is provided. Thirdly, the situation in the nation regarding the importance of nuclear science has improved during the last year. The current situation providing incentives for continuing the operation of the Ward Center.

"You may be interested in knowing what indeed those changes include. One Dr. Kay has already alluded to and that is the announcement of a national energy policy, (sorry, he didn't mention this) which includes anticipated expansion of nuclear power in the United States to a minimum of 20% of electricity production in the United States being from nuclear power over the long haul because of the problems with fossil fuels and so forth. Secondly, which Dr. Kay did allude to, initiation of the DOE program Innovations in Nuclear Infrastructure and Education (INIE) to revitalize the research and education capacity of university-based research reactors in the United States. Thirdly, the Ward Center has been recognized because of the diversity of its programs by a high level review team from the Department of Energy as a top research university reactor during a visit where they were reviewing the reactor programs at colleges in the Northeast, including Cornell, Michigan and MIT. In that report they rated Cornell as the number one program. Indeed, the availability of increased peer review federal funding of university research reactors by this new program (INIE) of \$13.6 million for each of the next four fiscal years, beginning in fiscal 2003, which begins October 1 of this year and extending through 2006.

"So these are all new things that are happening on the national level more or less, but our appeal to the Senate is not so much based on national needs and trends as it is to the best interests of Cornell. It is our feeling that closing the Ward Center will result in the loss of a first class nuclear research, not necessarily fission engineering, but a nuclear research facility and will terminate research and education opportunities throughout a broad segment of Cornell's students, faculty and staff, including folks in the College of Engineering, Arts and Sciences, including the humanities, the College of Agriculture and Life Sciences, and the College of Veterinary Medicine. So in the words of Professor Neil Ashcroft, who is the Horace K. White Professor of Physics and an open letter from whom was included in the packet you all received, 'Our reactor is a remarkable, but rare and irreplaceable research tool for Cornell, and we urge that you support this resolution to allow a further study of the implications of its closing before the time comes when an irreversible decision has to be made.' Thank you."

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: "I normally try to remain silent on these occasions, as Associate Dean I feel it is perhaps not appropriate for me to take a position. In this case, this body has considered the future of the Ward Reactor

for some considerable time. The Local Advisory Committee spent at least a semester studying the matter in some considerable detail, trying to weigh the benefits and uses of the reactor versus the costs and came to the conclusion that it should be shut down. It reported back to this body who also discussed it at considerable length; we had a faculty forum on this subject, and then the body passed a motion recommending to the administration that the reactor be continued. The decision has been made by the administration and by the Board of Trustees that it be shut down, and I worry very much that the voice of this body will be in vain, and it seems to me repetitious to revisit it again, and therefore I move to postpone indefinitely this motion."

Professor and Speaker Pro-tem Melissa Hines: "The motion to postpone indefinitely is on the table. Are there any comments about that motion?"

Professor Richard Durst, Food Science and Technology: "Along with what Charlie said, I don't see the need for voting on this since this body has already approved it a year ago, and what is the point of now taking another vote?"

Professor and Speaker Pro-tem Melissa Hines: "Any other debate on the motion? We will now move to vote on the motion. All those in favor of postponing indefinitely please raise your hand? All of those opposed please raise your hand? And the motion is defeated. We will now move on to discuss the original motion. Is there any debate on the motion? Are you ready to vote on the proposal? We will now vote on the proposal. Everyone in favor of this proposal about the Ward Center for Nuclear Studies please raise your hand. All those opposed please raise your hand. And the motion carries."

UNKNOWN: "Could we get a count on that, please?"

Professor and Speaker Pro-tem Melissa Hines: "Yes. All those in favor please raise your hand again. All those opposed please raise your hand. The motion carries 29 to 18. Thank you. I would now like to call on Professor L. Joseph Thomas from the Johnson Graduate School of Management and Co-Chair of the Committee on Financial Policies for a discussion regarding the FPC's analysis of network cost recovery."

## 6. DISCUSSION REGARDING FPC'S ANALYSIS OF NETWORK COST RECOVERY

Professor L. Joseph Thomas, Johnson Graduate School of Management and Co-Chair of the Committee on Financial Policies: "Thank you very much. You will be getting a report of several things the FPC has been doing, but I want to talk today only about network cost recovery. What we have done over the last couple of months, after we were asked by Dean Cooke to look at this issue, is work with Vice Presidents McClure and Ainslee and their colleagues to understand these costs and proposals. They have changed significantly over the last month, and they are not that easy to understand. We have asked for input from you on direct versus indirect models. We met and we will also write a complete report following on the meeting that we had today. We asked you for input, and several people sent e-mails. First of all, all the e-mails were sent to the Financial Policies Committee members, and we discussed them this morning. We appreciate your input. This will be in the minutes ([overheads – Appendix 5](#)), so I don't intend to go through those one by one. I want to get on to a couple of things that we did discuss at the meeting. This will be in the minutes, along with a list of all of us on the FPC, so that you can track us down."

"Two more slides and then I'll be glad to answer questions, and I see several of the FPC members in the room, so we'll all answer questions. First of all, there is a current proposal, which is related to the material that I sent you but very different from a network cost recovery report that was finished last November if you looked at that. Anticipated cost for 2002-03 is about \$8.9 million. That includes ResNet, the residence network. ResNet costs \$2.1 million. One important thing, which concerned several people writing e-mails, is that that will not be allocated to faculty or staff units or to individuals. There will not be a transfer from faculty, staff and departments to the residence network. ResNet is only, as you can see, about 23% of the total, but it is 50% of the Internet costs. How many of you download movies and records at work? Nobody, OK? Or they won't admit it. The cost allocation has been reanalyzed. This is important because over half of the costs are fixed costs. It's like cheese on a pizza. The question is where you sprinkle the cheese. It doesn't make the cost of the cheese go away. Port costs in the new proposal will be quite low, perhaps going from \$28 to on the order of \$9. It doesn't mean the \$19 will disappear; our departments and colleges will be charged for that but it won't find its way to individuals, but that is a significant change. Hublets, an issue of importance, will be allowed. Internet charges will be low, but they can be monitored to watch those of us that have larger Internet costs.

"It's a work in progress by many people. What we did today (this is the last slide) is that we suggested, after significant discussion but eventually unanimous vote, that some mixed model is appropriate, where some charges are tracked to individuals in the situation where we can affect the total cost. If I ask for ten portals in my office, there should be some charge. If I download a lot of material, there should be some charge. So we were in favor of some method of tracking a portion of these costs, but the charges are much lower than the charges that were mentioned last fall. A method for treating public ports differently is needed. That was what we discussed, and the administration is looking into that. We will follow up, and for the future we said some method of benchmarking university services (there are monopolies) is needed, and the FPC will look into this. This isn't something we could do in the period of time up to the meeting this morning. So with that, I will be glad to answer questions. And, of course, you can send e-mail to any one of us."

Professor Muawia Barazangi, Earth and Atmospheric Sciences: "I just want to comment that I am quite concerned (as many colleagues) on this issue, because those of us who write the proposal and try to recover funds for a service like this it is very hard. NSF reviewers, and I can show you one example, complain about the present structure, even where we ask for very limited funds and certain main reviewers question that issue. I review a lot of proposals at other institutions where you don't have as much as you anticipate in the future. There is no question in my mind that this kind of service eventually has to be integrated into the financial policy of the university like providing electricity or other services within the system. You cannot escape that down the road. If the proposed agenda (I'm glad was shelved) then I would have to immediately stop at least 15 to 20 computers or disconnect my research group from the Cornell Internet overnight."

Professor and Speaker Pro-tem Melissa Hines: "We now move on to a resolution regarding the Clinical Professor title, and this resolution is going to be a little bit complicated. So let me tell you how we are going to proceed. First, we are going to have someone introduce the resolution, then there is going to be a motion to divide the resolution to make it so that we can vote on two separate parts. After we get through with possibly dividing the motion, then there are three amendments. We are going to work on the amendments in the order that they come, moving from the first page down to the fourth page. After we have voted either to amend or not to amend the resolution, then we will discuss the resolution itself and vote on whether the resolution will be adopted. With that I would like to call on Alan Bell, Professor of

Animal Science and Chair of the Task Force on Professorial Titles, for a resolution regarding the Clinical Professor Title."

## 7. RESOLUTION REGARDING CLINICAL PROFESSOR TITLE

Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles: "Well, to echo the Provost, it has been a long and somewhat strange year for the Task Force on Professorial Titles, but I hope we are nearing the end, at least for the issue before us. We have been reasonably busy during the last month since the last Senate Meeting, and we do have a formal resolution for you. I hope everybody has read it. It is quite long. I just wish to hit on a few points. Before I do though, since this is probably the last time I will be here speaking to you, I do want to acknowledge the special efforts of several people. During these last few weeks we have received a lot of input. There has been the need for a lot of quick reaction and quite an amount of time in drafting the language in this long resolution. The people who have really put their backs to this are Stuart Davis, English Department, Danuta Shanzer, Classics, and also John Siliciano from the Law School. We have had an English scholar, a legal scholar and a classics scholar, so that makes this an excellent document.

"Bob Cooke has insisted on the requisite amount of whereases. These are summarized here ([Appendix 6](#)). I don't even propose to read them. They are on the first page of the enabling legislation document for the Clinical Professor Title ([Appendix 7](#)). I do want to draw your attention to some features of the resolution which I must also add have been influenced by quite an amount of input received from outside the task force during the past few weeks from people like Susan Giffen who is director of Academic Personnel Policy, very knowledgeable about these matters, from Terry Fine, chair of the CAPP committee of the Senate, who also made some very useful and insightful comments. We have had comments from University Counsel and several other individuals have written to us.

"As you work through the resolution itself, some of the features here—limited availability. I'm not going to talk through these. There is not anything that is essentially new here, although we have tried to clarify some of the language that bothered people in the past. The proposal process, which is item four, there is a specification of a requirement of a two thirds majority vote of both tenure-track and non-tenure-track faculty in any given academic unit, which for the most part would be anything as big as or bigger than an academic department, with the specification that at least 50% of the eligible faculty must vote in favor of the proposal. This, in fact, is a clause that has brought an amendment. There will be a requirement for an approval vote by CAPP, and then CAPP will bring any proposal it wishes to approve to the Senate for full approval.

"Items V and VI specify a number of provisions and restrictions. I think the terms are straightforward that these are long-term or indefinite non-tenure-track positions. We would hope, we would expect, although some people told us that they would like to see yet more specifications, that procedures for review, renewal and promotion would be significantly more rigorous than the very diverse, and I think in many ways unsatisfactory, procedures we have for these matters as they pertain to existing non-tenure-track positions. The 25% percent limitation, that has also gone into a proposed amendment.

"Finally, the speaker did mention that the first item of business will be to consider dividing the resolution. Item VII was added by someone from outside the task force, Steve Shiffrin, who is a senator, but I don't

think he was able to be here today. Our task force was very pleased with this suggestion, very happy to incorporate it. I think the reason for seeking to divide the issue here should be self-explanatory.”

Professor and Speaker Pro-tem Melissa Hines: “Are there any questions specifically for Professor Bell before we get to work on this motion? If not, I think there is a motion to divide.”

Professor Risa Lieberwitz, Industrial and Labor Relations: “I would like to move to divide the question ([Appendix 8](#)). It is pretty simple. Could you put part VII up? The motion to divide the question is designed to vote in a way where people can most accurately express their views of the two different aspects of the enabling legislation. So prior to part VII there, the resolution deals with the adoption of the use of the Clinical Professor title for non-tenure-track faculty, the kinds of issues that we have talked about prior to this meeting. Then as Alan Bell pointed out, part VII was added based on the view that there should also be a committee to investigate the status of non-tenure-track faculty in a way that goes beyond titles. A committee to look at the substantive issues and include things like job security and right to academic freedom, to look at the substance of these sorts of positions to see if there are changes that need to be made, including the possibility of changing the status to tenure-track faculty. It would be for the committee to investigate whether there are improvements or changes to be made. So there may very well be people who would vote yes on one part of this enabling legislation and not yes on the other. In order to enable people to vote independently, including to vote specifically independently on this new committee, it makes sense to divide the question.

Professor and Speaker Pro-tem Melissa Hines: “OK. So the motion on the table then is to divide right here, and we would have this as being a separate issue that we would vote on. Then the rest of the motion would be voted on separately. So now we are going to vote on dividing this. All of those in favor of dividing the motion into two please raise your hand. All of those opposed please raise your hand. OK. The motion carries. So the motion is now divided into two. So we move now to the first amendment that deals with page one. I believe this is on a light greenish yellow sheet that was handed out to you, and this will be introduced by Risa Lieberwitz, I believe.

Professor Lieberwitz: “Yes. Professor Shiffrin couldn’t be here today, so I am going to speak on this first amendment ([Appendix 9](#)). The idea behind this first amendment was to delete two of the paragraphs in the preamble. If you take a look at those paragraphs you see that the provisions in them deal with what the committee viewed as particular restrictions that we are necessarily living in. That is: ‘In the real world there are severe limitations on the number of indefinite term commitments universities can make,’ etcetera, etcetera and the reasons in the preamble saying ‘The creation and careful definition of the new title would enable fairer and more effective faculty hiring’ etcetera. Well, the reason for deleting these two paragraphs is related to part VII, that is the new committee that is recommended to be appointed to look at the substance of non-tenure-track faculty positions. Steve and I both agree that it makes sense to delete these two paragraphs in order to avoid having conclusions already reached on issues that would be before such a new committee. If the new committee were appointed and said, ‘Well, in the real world we believe that there are not necessarily the kinds of restrictions that people have assumed,’ it seemed to make sense not to prejudge or predispose a new committee. So this was the reason for wanting to delete these two paragraphs.”

Professor and Speaker Pro-tem Melissa Hines: “Is there a second?”

UNKNOWN: "Second."

Professor and Speaker Pro-tem Melissa Hines: "Is there any debate on this amendment?"

Professor Bell: "The task force members who saw this, which was only this morning, had no problem with this amendment."

Professor and Speaker Pro-tem Melissa Hines: "Any other comments? If not, we will vote on this amendment. All of those in favor of the amendment please raise your hand. All those opposed please raise your hand. And the amendment carries. Now we will move on to the second amendment, which was handed out on a darker green sheet. It is amending part of page two. I believe this amendment will be introduced by Kay Obendorf."

Professor Kay Obendorf, Textiles and Apparel: "The proposed change that Vicki and I are proposing to you is to change the wording on the quorum for the vote, taking out 'in neither case by fewer than half of those eligible to vote,' and saying, 'Approval requires that affirmative votes be cast by at least two-thirds of the faculty of the originating college or school who are eligible to vote.' And that puts it back, because each college has some of its own definitions about eligibility. So it puts the two-thirds of the eligible faculty to vote." ([Appendix 10](#)).

Professor and Speaker Pro-tem Melissa Hines: "Is there a second?"

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "I just have a question for Kay. Is it the intent of this amendment that a proposal could be approved without at least one-half of the tenure-track faculty voting for it?"

Professor Obendorf: "No, this would be two-thirds. I believe that all tenure-track would be voting faculty, and it would depend upon the college how many other voting members they have."

Professor Ehrenberg: "Right. So if you were . . ."

Professor Obendorf: "It uses the definition of voting faculty of each of the colleges."

Professor Lieberwitz: "I think that the intent that I understand from this as well, as one of the people endorsing it, is to actually increase, to make sure that at least two-thirds of the faculty who can vote say yes to any proposal as opposed to having at least two-thirds of at least 50% voting yes. So that it actually is intended to make sure that you have at least two-thirds of those who can vote voting as opposed to at least 50%."

Professor Tony Simmons, Hotel School: "As I read the first part, it seems to suggest that you need to have both two-thirds of the tenure-track and two-thirds of the non-tenure-track. I don't have a problem with that. When we start to look at 'it must be two-thirds of the faculty' then I envision a scenario where perhaps fewer than half of the tenure-track faculty support it, but the overwhelming majority of the lecturers, which in some schools are defined as eligible faculty, support it, in which case I think that would be a bad vote. So I want to make sure that the wording that we settle on retains the notion that at least a substantial majority of the voting tenure-track faculty support any given decision."

Professor Walter Mebane, Government: "I don't read the language in the way that Risa Lieberwitz has suggested, so I would like clarification. I don't read it as saying that two-thirds of half must approve. I read it as saying that there must be at a minimum half approving with the two-thirds separately within each of the two groups, which I think is substantially larger number than the reading that was suggested. So could I get clarification?"

Professor Obendorf: "I believe Vicki, who wrote this, meant it to be that at least two-thirds of those faculty eligible to vote in that college would have to affirm that."

Professor Walter Mebane: "I'm sorry. I meant an interpretation of the original language that your wording seeks to replace."

Professor Obendorf: "I can't speak to that."

Professor and Speaker Pro-tem Melissa Hines: "Professor Bell, can you comment on that?"

Professor Bell: "I think Professor Kotlikoff will."

Professor Michael Kotlikoff, Biomedical Sciences: "I would oppose this amendment for several reasons. First, I just point out that the task force modified the original proposal with recommendations from the Faculty Senate to require two-thirds of the voting faculty to be in favor of the proposal. So there would be a requirement for essentially a two-to-one ratio of voting faculty. When in fact we voted for this proposal at the Veterinary College the first time, all faculty agreed that we should not vote at a faculty meeting at which attendance could be variable but all faculty were mailed a ballot. In addition to that, I think Professor Fine recommended that to further ensure that we have a quorum and because of differences in quorum cultures within colleges that we require that more than 50% of the faculty actually participate. I think that is also a very reasonable suggestion. The effect, however, of this amendment will be that, as we all know, for any given issue there are always those members of the faculty that are not present, that are not engaged, or are ill or away or for some reason not voting. The effect of this will mean that any college to support that, in addition to having the two-to-one ratio of both tenure-track faculty and non-tenure-track faculty supporting this, will also have to have two-thirds of any non-engaged or non-voting faculty. It presents an unpredictable and I would argue an excessive requirement for the passage of a resolution."

Professor Alan McAdams, Johnson Graduate School of Management: "It's a two-thirds of the grand total of

all the faculty voting that must vote affirmatively. That's what that wording says to me. There is no separate requirement if we went with this amendment that relates to what portion of the tenure-track faculty would be voting on these things. I think it's important to make that distinction because your interpretation is inconsistent with the words."

Professor Peter Stein, Physics: "I don't think I've ever heard such a confused discussion in my life. Nobody answered Professor Mebane's question on what the meaning of the statement that is crossed out was. Professor Bell interpreted it differently than I see it, and Professor Mebane sees it. I don't really quite understand what these words mean, but I would like to ask the professor that spoke. . . I'm sorry I always get your name wrong, and I apologize for this. I'm not even going to try. But who are these disengaged faculty? Obviously, the point of this is that this is such a major change that you ought to go and make an effort to get the participation of every single faculty member who is eligible to vote. I think it depends on how major a change you think it is. That does not seem to me to be an overwhelming burden. If there are some people away on sabbatical, you can e-mail them and find out what their position is on it. It doesn't seem to me that there are all those number of people who are so far away and so disinterested that they are not participating in the decision. So I don't quite understand what you see as the problem numerically."

Professor Bell: "Perhaps I should clarify the intent of the part that has been struck which reads that 'in neither case by fewer than half of those eligible to vote.' The intent was that that number of positive votes would represent 50% of the total faculty."

Professor Stein: "But that's different than your statement of participation in the election. It means there must be 50% aye votes and the denominator is the total number of voting people."

Professor Bell: "That's the intent of the language. The two-thirds represents those actually voting. There must be a two-to-one majority of those voting, who cast votes. And that must represent 50% of all the total faculty."

Professor David Delchamps, Electrical and Computer Engineering: "It seems very obvious what this means, and . . ."

Laughter

Professor Delchamps: "The amendment is ratcheting up the one-half to two-thirds. It states that you have to have two-thirds of the tenured faculty. It states that you have to have two-thirds of the others. Now you have to have voting members and you have to have at least two-thirds of those eligible, not just one-half. I'd like to ask a question of the sponsors. Why are we ratcheting it up? Why is this something that we would like to do?"

Professor Obendorf: "I believe it is the seriousness of the decision that you are making. I believe that making the denominator the sum of the two parts explains why there is concern. You are saying you want a majority of tenure-track faculty to vote in the affirmative. In Human Ecology this could not be the case, because our tenure-track and our non-tenure-track are about equal size, so if you add those two together

and have two acts, you can have this passed without having a majority of the tenured faculty in the College of Human Ecology. And I do not believe that we are alone on this issue with research associates, extension associates, etc."

Professor Bell: "It says in neither case."

Dean Cooke: "Point of information. I'm not a party to this, so this is just a question to clarify. Normally, in a meeting two-thirds of the vote is decided by the number present and voting. There are very few faculty meetings that have two-thirds of all of the faculty in attendance. That, I think, is a significant observation. Whether they are members of the faculty or whether they are present at a meeting, so that means that it would have to be by ballot if you expect to adopt it."

Professor Theodore Clark, Microbiology and Immunology: "So my understanding then is that the amendment requires that at least two-thirds of the eligible faculty vote."

#### SIMULTANEOUS DISCUSSION.

Professor Clark: "All have to vote."

#### SIMULTANEOUS DISCUSSION.

Professor Obendorf: "Two-thirds affirmative vote. So if less than two-thirds voted, you could not pass it. Two-thirds of all voting affirmative to pass."

Professor Clark: "That's what I asked. So this requires that at least two-thirds vote."

Professor Obendorf: "Of all those eligible to vote, would vote affirmative."

Professor Manfred Lindau, Applied and Engineering Physics: "I think the confusion comes from the fact that maybe the provision of the second proposal is sort of contradictory in itself. Because in the first part what it says is that 'The proposal must be approved, in separate votes, by two-thirds of the tenure-track faculty of the originating college,' which would mean all of them irrespective of whether they vote or not vote. So I think in that case this is kind of a confused paragraph in the beginning and I think maybe that should be reconsidered, how to express it should be studied."

Professor Richard Talman, Physics: "I simply can't understand this. There are two conditions in the first part, and there is one condition in the last part. Either that last sentence is a clarification and repetition of the first, or it's a third requirement. If it's a third requirement, it should just say, 'and by two-thirds of the blah, blah, blah, and by two-thirds of the faculty of the originating college.' I don't understand it. I wish somebody would explain to me whether this is three requirements or whether the last sentence is just a repetition, a

'clarification' of the first sentence."

Professor and Speaker Pro-tem Melissa Hines: "Good point. Terry."

Professor Terrence Fine, Electrical and Computer Engineering: "I feel like we're back to 'location' of CS."

Professor and Speaker Pro-tem Melissa Hines: "You cleared that up."

Professor Fine: "Yes, we cleared that up. I see this, the original, as three separate statements, three separate clauses. The first clause is that you have to have two-thirds of the tenure-track faculty who vote."

#### SIMULTANEOUS DISCUSSION.

Professor Fine: "You have a vote in your college and two-thirds of the tenure-track faculty who voted have to approve it."

#### IT DOESN'T SAY THAT.

Professor Fine: "Then the second thing says the same thing has to be true about non-tenure-track faculty, of those voting two-thirds must approve it. And then it is amplified. It says, now it deals with the issue of quorum. OK? You might have had a bad turnout. Three people turned out; two of them were tenured and they voted yes, and that was it. It says there has to be a floor on this. There has to be a minimum number participating. It wasn't just two-thirds of those voting that had to be in favor, but there is a floor. In the original motion that floor was at least half of those eligible to vote in each category. That is half of the tenure-track faculty in the college had to vote yes. At least half of those tenure-track voting yes had to . . . ." LAUGHTER.

Professor Fine: "If there were fifty tenure-track faculty, then at least 25 of them voted yes and that has to be at least two-thirds of those voting. The last part changes that. It puts together the tenure-track and the non-tenure-track and says just two-thirds of those in the college, which could all be even just the non-tenure-track."

Professor John Siliciano, Law School: "At great risk I'll disclose that I was one of the people who drafted the original language. I understand some of the ambiguity, but the last interpretation is, in my view, the one that what was intended at least by the original language. The amendment introduces considerable confusion. The original language was intended (we just discussed it in a meeting to approve it) as we, listening to the Senate in the last time we discussed this, followed the Senate's suggestion to impose a super majority requirement. Rather than the normal 51%, we imposed a two-thirds vote requirement. That is made clear, and that is a fixed requirement and it must be (and the language is clear I would hope) by the non-tenure-track faculty in a separate vote and the tenure-track faculty. So both faculties have to approve it in a meeting with a super majority vote. The clause that followed that that is now excised is attempting the deal with the quorum issue by saying that in both cases the affirmative vote cannot be by fewer than half of

the eligible total voters. So that clause is trying to deal with meetings. It's saying that even if you get a two-thirds vote in a minimum quorum meeting, that two-thirds vote has to be more than half of that particular group's total voting faculty. The additional language appears to me to impose almost a redundant requirement. I'm not sure whether it's talking about single votes or if it's a single vote added together or by two-thirds vote of the total eligible faculty of each separate group. So I don't understand the amending language, but that is the intent of the original language."

Professor Linda Nowak, Molecular Medicine: "I'm confused by the very strict standard that says the proposal must be 'approved.' I think we are talking about—do we mean the proposal must be voted upon by two thirds of the faculty?"

Professor Bell: "No. It must be voted yes."

Unknown: "If it must be approved, that means it has to be affirmative. Is that correct? So then why do we have the part that is struck out if it's two-thirds approval?"

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I just propose an amendment to the amendment which will probably clear at least the intention of what I see here, which is to say the proposal must be approved in separate votes by two-thirds of the voting tenure-track faculty of the originating college and two-thirds of the voting non-tenure-track faculty. That's what it means, but it isn't clear."

#### SIMULTANEOUS DISCUSSION.

Professor Clark: "I would suggest another amendment which is—it says that 'in neither case by fewer than half.' Say that in neither case by fewer than two-thirds that are eligible to vote. That's what the intent is."

Unknown: No it isn't. That's not the intent.

Professor Ehrenberg: "The way this amendment is now stated it allows for a small vote of tenure-track faculty, two-thirds positive vote but it could be a very small number of them, could add to a large vote of the non-tenure-track faculty, and we would get two-thirds overall but less than half of the tenure-track faculty voting for it in terms of the total tenure-track faculty. Because of that I am going to vote against the amendment."

Professor Elaine Wethington, Human Development: "At the risk of making this even more complicated I would suggest that in the first sentence the phrase tenure-track faculty and the phrase non-tenure-track faculty that an adjective be added—the eligible tenure-track faculty and the eligible non-tenure-track faculty. So that the very first sentence defines that it must be two-thirds of the people who are eligible to vote not just two-thirds of those who vote."

UNKNOWN: "I call the question on the amendment."

Professor and Speaker Pro-tem Melissa Hines: "I recognized him first, actually. So we have a clarification."

Professor Walcott: "This is a quick re-draft of IV-B by part of the task force sitting here in the front row ([Appendix 11](#))."

Professor Stein: "I'm sorry. Is this within our rules? Don't we have to have something distributed in advance before we vote on it?"

Professor and Speaker Pro-tem Melissa Hines: "We are allowed to amend an amendment. We cannot put in any new amendment."

Lynne Abel, Adjunct Associate Professor Classics and Associate Dean for Undergraduate Education: "As a member of the task force and the author of this terrible handwriting, those of us on the task force have looked at this, and this is what I think we meant. I will read it to you. I'm not a member of this body, so it's up to you to do whatever it is legal to do, but at least I've tried to write what I think we all meant which is the following: 'The proposal must be approved by two-thirds in each of two separate votes of tenure-track faculty and non-tenure-track faculty (as defined under Article XIII of the University Bylaws) of the originating college or school, in neither case by fewer than half of those eligible to vote. That's what we meant, folks.'

Professor and Speaker Pro-tem Melissa Hines: "Let me explain. This is meant as a clarification of the original wording. That is all that is meant. It is not changing anything. So I ask for your unanimous consent to replace this wording here for the original wording. Now we can go on and vote on the amendment."

Alan McAdams: "I do not agree."

Professor and Speaker Pro-tem Melissa Hines: "Don't agree? OK. So can we vote on whether we would like to replace this or not? All of those in favor of replacing the old wording with this."

Alan McAdams: "That requires unanimous consent to do that, and I just objected to it."

Dean Cooke: "Right. So now we are voting on it."

Alan McAdams: "Voting on what?"

Dean Cooke: "What you objected to."

Alan McAdams: "It requires unanimous consent, and I don't consent."

Professor and Speaker Pro-tem Melissa Hines: "But now we are going to vote on it since there is not unanimous consent. I was asking for unanimous consent to replace this."

Alan McAdams: "This requires two-thirds vote?"

Dean Cooke: "The rules allow us to make stylistic changes. The body is allowed to decide whether it is a substantive change or not. We are not allowed to do fundamental changes without prior notice, but if the body agrees that it is stylistic, it should be allowed by the Senate procedures to allow this substitution if it is not of content, but style."

Alan McAdams: "I see a content change in this and that's why I object to it."

Professor and Speaker Pro-tem Melissa Hines: "OK. We need to vote on whether this is or is not a stylistic change. All of those people who think that this is not changing the content of the original proposal—just changing the wording but does not change the content, please raise your hand. All of those who think that it does change the content, please raise your hand. OK. The members have voted that it does not change the content. So now we will vote on whether or not to replace the old wording with the new wording. All of those in favor of replacing the old wording with the new wording, please raise . . . Do you have a comment?"

Professor Lisa Earle, Plant Breeding: "Yes, I would like to know whether voting down the proposed amendment would give essentially the same result as this proposed replacement of the text, because the proposed replacement looks to me as essentially the same as the original material without the amendment."

Professor and Speaker Pro-tem Melissa Hines: "The problem right now is that people don't understand what the original wording was trying to say. This new change is trying to clarify what the original proposal was trying to say."

Professor Earle: "It's back to the original proposal without the amendment."

Professor and Speaker Pro-tem Melissa Hines: "We will vote on the amendment whether this goes or not. We're just trying to vote on whether or not to change the wording."

UNKNOWN: "I call the question on this point."

Professor and Speaker Pro-tem Melissa Hines: "The question has been called on whether or not we allow this new wording to replace the old wording. We are not replacing the amendment. We just want to clarify the wording so we know what we are arguing about. So all of those in favor of taking the new wording . . ."

UNKNOWN: "Point of order. A calling of the question in my understanding is a motion that has to be voted on."

Dean Cooke: "No, the person was not recognized, and therefore it has no standing. You may express your opinion, but it does not have standing. The person was not recognized, and it is not a formal motion."

UNKNOWN: "So the question can still be called."

Dean Cooke: "You can call it, but you have to be recognized and seconded to deprive people of the right to vote and debate."

Professor and Speaker Pro-tem Melissa Hines: "We are now voting on this. All of those in favor of replacing and using this new wording, please raise your hand. All of those opposed. The motion carries. So now what you should consider written in this part here, the original part of the motion, is the text that is down there. Now we will go back to this debate on whether or not you want to have the amendment."

Professor Stein: "I have another clarifying amendment. I'm sure that what the movers of the amendment wanted was to replace that word 'half,' where if I had better glasses I could read it, by 'two-thirds.' That's really all they wanted. So I would like to propose that as a clarifying change for the amendment proposed by Kay and Vicki. It's just to change half to two-thirds in the last sentence."

Dean Cooke: "You are trying to vote on replacing this with two-thirds?"

Professor Stein: "Yes, with two-thirds. Replace one-half with two-thirds. And if I could, I would call the question on it."

Professor and Speaker Pro-tem Melissa Hines: "I'm not sure what you are moving, Peter."

Professor John Guckenheimer, Mathematics: "The issue has been raised as to whether the proposers of the amendment intended that at least two-thirds of the tenure-track and non-tenure-track faculty separately approve the proposal. If that is their intention, that's not what the amendment says and it should be clarified."

Professor and Speaker Pro-tem Melissa Hines: "I'm afraid we are really running out of time for debate on this matter, because we have another amendment and we also have the original motion to consider. So we are going to have to close debate on this matter and take a vote on this amendment."

UNKNOWN: "I object."

Professor and Speaker Pro-tem Melissa Hines: "We need a two-thirds vote, I believe, to continue debate past the time."

Dean Cooke: "You should continue. They are not allowing you to close debate, so you should continue debate unless someone moves to close debate."

Professor and Speaker Pro-tem Melissa Hines: "We're out of time. We'll continue the debate? OK."

Dean Cooke: "Unless someone moves to close the debate."

Professor Nicholas Calderone, Entomology: "Frankly, this is a terminally ambiguous proposal, either the proposed one or the substitution. I think we've made a mistake. I think we should just table this and have it re-written."

UNKNOWN: "I second."

Professor Stein: "Motion to table."

Professor and Speaker Pro-tem Melissa Hines: "There has been a motion to table. Is there a second?"

UNKNOWN: "Second."

Professor and Speaker Pro-tem Melissa Hines: "It is not debatable, so now we vote on this. All of those who would like to lay this on the table, please raise your hand. All opposed please raise your hand. The motion carries."

Dean Cooke: "That tables everything, not just this piece."

Professor and Speaker Pro-tem Melissa Hines: "So we are finished."

Adjournment 5:40 p.m.

Respectfully Submitted

Charles Walcott, Associate Dean and Secretary