

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 14, 2003

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind everyone that no photos or tape recorders are allowed during the meeting. I ask everyone to turn off his or her cell phones. Please remember to identify yourself when you speak. At this time we have just one Good and Welfare speaker. I would like now to call on Provost Martin for remarks."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Provost Biddy Martin: "I would like to take my five minutes to give a very brief update on dean searches. I hope all of you know we have appointed Peter Lepage, chair of Physics, to be interim dean of the College of Arts and Sciences. We are delighted that he is willing to serve. We are in the midst of reappointment reviews for two deans, the Dean of Human Ecology and the Dean of Computing and Information Sciences. We are beginning a search now for the Dean of Architecture, Art and Planning. It will begin in earnest at the beginning of the fall semester. Those are your updates on deans. And what could be more important than deans? I actually have a number of other updates I could give you, but since there are only five minutes, I'll take questions. I would like, however, to use 30 seconds here now, as I did last Friday at the reception for Bob, to thank Bob Cooke for the great working relationship we have had over the course of his tenure and mine in Day Hall and to thank him for his commitment to the faculty and to faculty governance, which has served us all well. Thank you."

APPLAUSE.

Provost Martin: "Any questions? Yes, Doug."

Professor Douglas Fitchen, Physics: "Tell us your favorite update."

Provost Martin: "My favorite update?"

Professor Fitchen: "You said you had several updates."

Provost Martin: "Oh, I thought you meant could I choose among the ones I had already given and rank them. My favorite update would be that I will visit Albany on Wednesday of next week to meet with the Vice Chancellor. At that point I suppose the governor's vetoes will have been overridden, and we will have a state budget. The purpose of the all day visit to Albany is for me to work with the Vice Chancellor to

decide how they are going to deal with Cornell. I'll do my best, and I'll come back bloodied for Commencement. Let's see if there are other updates about which you should really know. I can't think of anything immediately pressing. The dean searches were important. You have gotten the faculty salary information we have, which is excellent. We are now beginning in earnest the work of campaign planning, and we have received from the deans of every college and the head of every unit a list of campaign needs and wishes and priorities. We are now beginning to compile these lists from the colleges, trying to make sense of them, finding redundancies and creating something that seems rational. We will then go back to the deans to talk with each of them about the lists and how we are thinking about consolidating them and aligning some of these priorities. We will be working closely with Inge Reichenbach throughout this process to get to the point where the major capital campaign, that we are already in the midst of planning, can get underway. The new president will be here soon. Those are the things that take up my time."

Speaker Howland: "I would like now to call on Dean Cooke for remarks.

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: "I have actually three things. The first is to call your attention to a SARS report, a thoughtful document that is on the University web site, on the front page. In case you have any visitors coming from abroad during commencement, it has some advice you may want to read. I sent a note this week concerning the Ph.D. ceremony. Last year we had 300 Ph.D. students show up and only 120 faculty participated. Unless my calculations are wrong, that means that there were some Ph.D. students who did not have a supporting mentor present to help at the celebration. So I invite any of you who have students graduating. The rest of you are invited, too, but especially those who have students graduating. The final thing – as I do each year, I write a report for the Trustees, which is a summary for the year of the faculty views. It's on our web site under Dean's Reports in case you are interested in reading it."

3. APPROVAL OF MINUTES OF THE APRIL 9, 2003 SENATE MEETING.

Speaker Howland: "Thank you. I would like now to call for approval of the minutes of April 9, 2003 Faculty Senate meeting. Any corrections? Additions? I ask for unanimous consent. Hearing no objections, the minutes are approved. I would like now to call on Associate Dean and Secretary, Charles Walcott, for an update and an Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Charles Walcott, Associate Dean and Professor, Neurobiology and Behavior: "First, I have this announcement of the report of the elections for the spring. Associate Dean and Secretary of the Faculty will be Cynthia Farina, Law, and you can read the rest of it as well as I. That is the report.

REPORT OF UNIVERSITY FACULTY ELECTION OF SPRING 2003

Associate Dean and Secretary of the Faculty
Cynthia Farina, Law

Faculty Senate-at-Large, Tenured
Cornelia Farnum, Vet.
Howard Howland, A&S

Faculty Senate-at-Large, Non-Tenured
Antje Baeumner, CALS

Nominations and Elections Committee
Brian Chabot, CALS
Richard Galik, A&S
John Hopcroft, Engr.
Isabel Hull, A&S

University Faculty Committee
Brad Anton, Engr.
John Guckenheimer, A&S
Francis Kallfelz, Vet.

To a matter that demands some attention from us, we have here a slate of candidates for speaker of this august body and speaker pro-tem. This is a suggestion from Nominations and Elections. I have talked to these people and they are willing to do it. The question is whether you as a body have any suggestions for others, because we can accept nominations from the floor."

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

SLATE OF CANDIDATES*

SPEAKER OF THE FACULTY SENATE (2-year term)**Mary Beth Norton, Professor, History****SPEAKER PRO TEM OF THE FACULTY SENATE** (2-year term)**Rosemary Avery, Professor, Policy Analysis and Management**

Speaker Howland: "The floor is open for additional nominations. If I could explain that the rules say that this is a mail ballot, but we are at the very end of the semester. If there are no additional nominations, I am going to ask permission of the body to pass out written ballots so your privacy is preserved. We would like to collect them during the meeting, and we'll announce the results at the end, if I have approval for this procedure. It seems we do. Why don't we pass these ballots out now? While our Secretary is doing that I will call on Professor Jennifer Gerner, chair of the Committee on Academic Programs and Policies for a resolution to create a Master of Engineering Degree Program in the major field of Biomedical Engineering."

**5. COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES RESOLUTION TO
CREATE A MASTER OF ENGINEERING DEGREE PROGRAM IN THE EXISTING
MAJOR FIELD OF BIOMEDICAL ENGINEERING**

Professor Jennifer Gerner, Policy Analysis and Management and chair of the Committee on Academic Programs and Policies: "The Committee on Academic Programs and Policies looked at the proposal and brings to you this resolution (Appendix 1) for your consideration. Do you have questions you would like to ask?"

Speaker Howland: "Questions on the motion? Can everybody read it? The operation portion of the motion is 'Be it resolved that the Faculty Senate approves the creation of the Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering and urges the administration to place this on the agenda of the Board of Trustees for approval.' Is there any discussion? Hearing no discussion, seeing no hands, I guess we are ready for the vote. All those in favor, say aye."

AYE.

Speaker Howland: "Opposed? It passes unanimously. Thank you very much. The Speaker now calls again on Jennifer Gerner for a resolution to establish a Graduate Field and Ph.D. Program in Information Science."

6. COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES RESOLUTION TO ESTABLISH A GRADUATE FIELD AND PH.D. PROGRAM IN INFORMATION SCIENCE

Professor Gerner: "We have a second resolution for approval of the Ph.D. Program in Information Science, and Professor Arms is here to answer questions if anyone has questions about our resolution."

Speaker Howland: "Can you all read it? I worry about those in the back row. It says 'Be it resolved that the Faculty Senate approves the establishment of a Graduate Field and Ph.D. Program in Information Science (Appendix 2) and urges the administration to place this on the agenda of the Board of Trustees for approval.' Any questions?"

Professor Gary Rendsburg, Near Eastern Studies: "Is this mainly in Computer Science or what department is it in? Where is the faculty going to come from?"

Professor Gerner: "Professor Arms would you like to speak to that?"

Professor William Arms, Computer Science and Information Science: "It's very interdisciplinary. The largest part is probably Computer Science, Communication Department and Science and Technology Studies and probably another dozen or so departments are represented."

Speaker Howland: "Any further questions? I assume you are ready for the vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed? The motion passes. Thank you very much. Now, I would like to call on Professor Bill Arms to move a resolution on intellectual property and to present an overview of a resolution to revise the copyright policy."

7. RESOLUTION TO REVISE COPYRIGHT POLICY

Professor Arms: "As people know, the rules of the Faculty Senate state that resolutions should be moved by a member of the Faculty Senate. I am going to formally move the motion and then hand it over to the chair of the committee, which is Professor John Hopcroft. The background to this is that about two years ago, the Faculty Senate passed a motion asking the Dean of the Faculty and the Provost to set up a committee to look at copyright and intellectual policy. They set up this committee, chaired by Professor Hopcroft, and this is the result of the committee's work. So I would like

formally move the motion (Appendix 3). The motion itself is quite long; it runs to several pages, but this is the business part of the motion.

‘Resolution to Revise the Copyright Policy

Whereas the Faculty Senate passed a resolution at its meeting of Feb. 14, 2001 requesting that the Dean of the Faculty work with the Provost to review the university copyright policy; and

Whereas the Provost in consultation with the Dean of the Faculty appointed a committee to review the university’s copyright policy; and

Whereas the committee has widely circulated a draft of its report, reviewed the comments received, and finalized the report;

Be it resolved that the Faculty Senate accepts the report, and requests that the University revise its Copyright Policy in line with the report’

Speaker Howland: “Thank you. Professor Hopcroft.”

Professor John Hopcroft, Computer Science and chair of the Committee on Intellectual Property: “Very quickly. The committee (Appendix 4) has been working on this problem for about a year now. When we started we wanted to go out and get input from the broader community, and the way that we felt that we could best do that was to write a draft report, circulate it widely, speak to various groups on campus, get whatever input we could get and then rewrite the report and bring the motion to you. And that’s what we did.

“I’m going to just summarize some of the salient points of the resolution. To start with, I thought I would put up the preamble (Appendix 5) to the existing copyright policy, because the committee believes that the preamble has it right. It says ‘Cornell University is committed to providing an environment that supports the research and teaching activities of its faculty, students and staff. As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. The copyright policy has been prepared in this spirit.’ Basically, as you read that preamble, we didn’t think we could improve on it. So what our motion does is suggest how to update some of the content that follows after the preamble. Unfortunately, it took nine slides for the motion, and I don’t think that it’s too useful for me to actually go through the individual slides. So what I’ll do instead is put up this one slide (Appendix 6), which I think shows the major changes that we are suggesting to the copyright policy.

The first one and probably the biggest is that the policy should be independent of media. The current policy makes a distinction between encoded works (things which are in your computer) and things which are written on paper. We can see no justification to have a different policy for paper, for things in computer format, video, film, speech or whatever it is. We didn't find anybody in the community that disagreed with this. So I think that's very non-controversial.

"In general the policy says that if you are academic, you own the copyright. If you are staff, then it is work for hire, and the University has the copyright. In the case of academics, there are four exceptions, and we thought that at least one of them should be clarified, and that is if there is a substantial use of university resources. It's not clear what substantial use is, so we gave a better definition. Basically, if you are using resources that are available to all members of your community and your community is defined as your department or field, then it is not substantial. Use of the telephones, workstations, and things of that type are ordinarily available to everybody. But we feel that it has to be field independent. For example if you are in chemistry, the use of a chemistry lab is not a substantial resource, because everybody in chemistry would have access to that. But if you were an historian and for some reason the University made a chemistry lab available to you, then it would be substantial use. That's why when we went into that to clarify it we had to make it field specific.

"Ownership, in cases of non-academics, is one issue where there is a broad range of opinions as to how non-academics should be treated. We feel that there should not be a distinction between academic and non-academic in the policy. That is not fundamentally what the distinction should be. It should be on whether it is independent, whether it is creative, and things of that type. However, we were not willing to recommend a change in the policy for several reasons. First of all, this was not an issue that anybody had raised before, and so there was no compelling reason to change it. Secondly, when we looked at other universities, no other university has changed it yet. We weren't sure what kinds of problems we might be creating for the University if we went out too boldly. We took a more conservative position and said here is what the general principle ought to be, however as a first cut, we are going to retain the distinction between non-academic and academic, but recognize that there could be exceptions. These exceptions should be made in writing up front before people start so that there will be no misunderstanding. Probably the kind of exception you may want to think about is a case where an academic might not own something that they developed. Assume a college, let's say the Vet College, decided that they could improve their curriculum and get a competitive advantage over other institutions by doing some case studies which would be proprietary to Cornell University, and the dean of the college asks some faculty members each to individually develop a case study. In that case it seems appropriate, as long as the dean tells them up front that he is asking them to do this as part of their job and the college is going to keep this

proprietary to the college and the use of its courses. As long as everybody understands up front, it seems to me that is a legitimate restriction. The faculty member could say that under those circumstances they would not want to do the case study for the dean.

“We think that the resolution of disputes should be clarified. It is our understanding that there has been no dispute over the copyright, but nevertheless we thought we ought to have the procedure in place. So there is material on that.

“Rights reserved by the University in instructional materials — that is the case that I just mentioned. If you, as a faculty member, write a course description, clearly the University has to have the ability to publish its course descriptions and things like that.

“Then there is a section that we think the University should try to educate faculty and staff about copyright management. When you submit something to a journal, you don’t necessarily have to transmit the copyright to them. You can negotiate that. Those are the salient points. I think I’m going to stop here. If anybody wants me to put up the portion of the motion dealing with any individual part, I would be happy to try and find it and do so.”

Speaker Howland: “Thank you. Questions for Professor Hopcroft?”

Professor Richard Schuler, Economics and Civil and Environmental Engineering:
 “John, the only question I have is about delineating substantial use by field. The reason I raise the question, I can conceive of it having an inhibiting influence on engaging in cross-disciplinary or inter-disciplinary research, and I fail to see the real gain to the University that you get by making these delineations across fields.”

Professor Hopcroft: “What we wanted to do is reduce the definition of substantial. By making it field specific, it gives you greater freedom. Otherwise, we would have had to take the least common denominator. That was the reason that we moved that way.”

Professor Peter Stein, Physics: “What about the issue of distance learning and the whole business of who owns the material that is being used for that? Is that a special case? Or is that dealt with on a case by case basis?”

Professor Hopcroft: “Are you talking about eCornell? Is this what you have in mind?”

Professor Stein: “Well, I did have that in mind, but then also who knows where the future is going to go.”

Professor Hopcroft: “My understanding is that eCornell is a separate entity. A faculty member, before they would get engaged with eCornell, would enter into an agreement that would specify what the terms were, and they would be negotiable between the

faculty member and eCornell. If it was distance learning that was done by your department in some other format, then as far as what the policy says, it would be no different than course materials, and faculty would own course materials."

Professor Richard Durst, Food Science and Technology, Geneva: "I assume the committee looked at policies of this sort for other universities. I'm just curious about how we compare in terms of being more restrictive or less."

Professor Hopcroft: "I think the policies are pretty similar. If you want to look at them, the one we thought was best was Michigan's. In fact, unfortunately, we didn't find Michigan's when we first went out and looked. If we had, we might have asked Michigan if we could just copy their policy and end our committee. But there is nothing in our policy that is fundamentally different from other universities. I think we moved a little bit more towards openness and so forth, but not in a substantial way."

Professor Robert Richardson, Physics and Vice Provost for Research: "I want to comment on a related issue about intellectual property for patents. The rules will be different, but we have to eventually engage in a significant review of that. There is an intellectual property committee that CRF has that would be delighted if you guys could pay the same attention to that as you did to this issue."

Professor Hopcroft: "I should point out one thing, that in the case of software, which can be both patented and copyrighted, the patent policy takes precedence over the copyright policy. So that is one important thing that you should know."

Provost Martin: "I think you already agreed to take up patents, didn't you, John?"

Professor Hopcroft: "Well, that was before I talked to the rest of the committee. The committee is tired. They also say that you really have to look at the expertise of the committee. We don't feel we have the right expertise."

Provost Martin: "But you do."

LAUGHTER.

Speaker Howland: "Thank you. Are there additional comments or questions? Seeing no hands, I take it that you are ready for the vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed? The motion passes (Appendix 3). Thank you very much. I would like now to call on Professor of Physics and Vice Provost for Research,

Robert Richardson, for a discussion of Cornell University's New Life Sciences Strategic Corporate Alliance Plan."

8. CONTINUED DISCUSSION OF CORNELL UNIVERSITY'S NEW LIFE SCIENCES STRATEGIC CORPORATE ALLIANCE PLAN

Professor Robert Richardson, Physics and Vice Provost for Research: "I feel like I'm jumping in the middle of the conversation, because this has been on the agenda for the Senate for at least one previous meeting. Part of the background for this is a report prepared by Vice President Reichenbach, but the central part that I want to endorse is a report prepared by Bob Buhrman, chair of the Local Advisory Committee, which analyzed the issue.

"Briefly stated, what is the purpose of the Strategic Corporate Alliance Plan? By the way, I would like to broaden the statement in the consideration. There is first targeted the area of life sciences, but that is not the exclusive area in which corporate alliances will be considered. The fundamental idea is that we would try to make a comprehensive agreement with a corporation to sponsor research at the University. The particular corporation and the particular agreement are going to depend upon their interests. At the time the Corporate Relations Office has a potentially live customer that might be interested in the arrangement, there would be an invitation to faculty to join. There would be specific contacts with the faculty who were experts in the field that the corporation might have. The principles associated with the agreements will be identical in spirit and we hope in detail to the type of corporate research agreements individuals make. That is, we have certain University principles about who Cornell is and what we stand for that cannot be violated under any circumstance. No classified research. Everything has to be open. No prior restraint on publications. Anything that is sponsored on this campus has to be available for the entire community to participate in and read.

"The particular arrangement, though, and the details of the agreements can be very complex, and I am frankly delighted with the report of the LAC. I don't know whether all of you have read it. They point out that there can be pitfalls in any agreement. They caution against the exclusivity that might be in an agreement. The general final recommendation is that there be a university committee that goes through the details of the agreement to see that it doesn't violate any Cornell principles. Also I would enjoy having a thoughtful committee like the LAC look at it to see if there are any things that should be added to the discussion or significant modifications. It can only help to have a larger group of thoughtful people examine the details of where we are going with this.

"I would reiterate that this is primarily designed to be able to be a more comprehensive program that might be attractive to an industry that might then feel compelled to be generous to the University in some of our other activities and in fundraising. I would like to add one thing, though. I would hope that the LAC, which is slated to look at it first, would even consider at the outset the potentials for institutional conflict of interest. To make an extreme cartoon of the worst type of conflict of interest, recall where institutions, research universities, in the 1960s undertook research for the American Tobacco Company that proved that cigarette smoking was good for you. That's an overstatement, but we have to be very careful about the possibility of an institutional conflict of interest where the results of the research and the announcement of it has a significant impact on the evaluation of a product that a company makes. I don't know how much further I should go. People might want to ask questions about this. I think it's more useful to answer questions that people might raise."

Speaker Howland: "Why don't we open it to questions? I would also like to announce that the Vice President for Alumni Affairs and Development, Inge Reichenbach, is also present to respond to questions."

Professor Kathleen Whitlock, Molecular Biology and Genetics: "I am a bit confused. Presently, if I clone a genome and I want to strike up an agreement with a company, we have an infrastructure legally to do that. So how does this differ from what we have now? Are you going out to look for companies to bring them to the University? Is that the idea?"

Professor Richardson: "Yes. You will always be free to do it. What we are interested in doing is modeled on what Stanford, MIT and Mass General do. Actually a group went to Boston to look at what MIT and Mass General do. They have been very successful in going to a corporation like DuPont. Now DuPont is primarily chemistry, so most of the agreements made are in the Chemistry Department, but they say, 'Look, we have this group of faculty in the Chemistry Department who are really interested in these problems.' There might be eight or nine, and they put together a coherent program that is then to interact with people at DuPont, so that once the thing is initiated, there is a regular schedule of joint meetings where there are research targets that are supposed to be achieved. The people from DuPont go to MIT and see poster sessions of the graduate students and see what they are doing. The qualitative difference between this and the individual one is that you have many more people interacting in joint research. Our dreams are that we will have many fields, so that it might not necessarily be in one department only, but it would be cross-college, cross-department, with research being multi-disciplinary."

Professor Whitlock: "Is this something you sign up for?"

Professor Richardson: "Yes. People would be made aware of it. We are going to need help in some cases, so there are entrepreneurial Cornell faculty who say these guys are ripe for the picking, and we'll go to Vice President Reichenbach and look for some way to develop the arrangements for the discussion."

Professor Ted Clark, Microbiology and Immunology: "The faculty is the only body that would look at those alliance agreements?"

Professor Richardson: "No. We have university institutional bodies, because Sponsored Programs is the gatekeeper for those, but the LAC would look at it with the faculty interest to make sure that And I think it is also useful to have a group like LAC, which is broadly representative of the natural science research faculty, being aware of it and thinking about it and participating in it. It has that turn over; it's an educational process. This is not going to work unless the faculty want to do it, and we have to do it in such a way that the transaction costs per professor are not so outrageous that they will say to hell with that and walk away, and it will fail. So we have to be careful about what we agree to but then make it attractive to the faculty so that they in turn will be attractive to our client."

Professor Risa Lieberwitz, Industrial and Labor Relations: "I wanted to raise some points on a principle basis that goes broadly to underlying principles. It seems to me that we are losing sight of some very important principles that the University stands for. I just want to state them briefly, because I think that there are other people in the Senate who probably have some similar thoughts about this.

"If you think about the University as a place that we value in society as an independent institution that places research and teaching into the public domain as the traditional status of the university, then we can see how far we have come with this. It seems to me that by adopting this corporate strategic alliance, we are really moving far from the traditional role of the university. If we think about academic freedom, putting information in the public domain, independence from funders, and compare that with what you are talking about, which is the kind of dependency that an entire department or program will have on a corporation like DuPont or Monsanto or Novartis or whatever it is, then we are talking about the kind of direct influence that these corporations will necessarily have, because they are no longer just giving us money and we are doing what we want with it; there is quid pro quo involved. The greater dependency and extension from individual faculty to an entire program, I think, provides an enormous problem from a principle basis with regard to the kind of dependence that we are going to be having on corporations and the kind of direct influence they will have over departments and with the kind of tens of millions dollars that we are looking for from corporations in this way, then the likelihood of exclusive licenses increases as well. So this concern for exclusivity is one where it seems to me that probably the patenting and exclusive licenses at quid pro quo is almost a definite

likelihood or probability and then we are really moving so far from the notion of the public domain that we are really servicing corporations rather than serving the public."

Professor Hopcroft: "I understand your point; I disagree. I think that it's overstated. One of the most active advisors we have had on this has been Sam Thier, head of Mass General. He is a Trustee, and he is a former President of the Institute of Medicine. He cautions us very strongly about exclusive licenses. We ought to talk about the different between exclusive licenses and exclusive research deals, because in exclusive research agreements you might take a defined set or area of research and agree with a corporation that you will not sign an agreement to do an almost identical line of research for a competing entity. That's one form of exclusivity. There is also the issue of exclusive licensing. That's already an important part of almost all of our corporate research. There are questions about what is going to be the output of the corporate research. There is a matrix: exclusive, non-exclusive, royalty-free, royalty-bearing. Each one of the corporate research agreements that is made has built into it a discussion of that. Our favorite ones are royalty-bearing, non-exclusive. The favorite ones of the industry are exclusive and royalty-free. We get involved in long negotiations on those, and the expectations on how that will work depend very much on the particular industry that you are involved in. In any case, the Mass General ones (and I don't know about the MIT ones because I have talked to them) are very rarely exclusive in the agreements to undertake research. That is they will have related but not identical research agreements with a lot of different pharmaceutical companies."

Professor Lieberwitz: "But they do have exclusive licensing? "

Professor Richardson: "No."

Professor Lieberwitz: "For these kind of corporate strategic alliances?"

Professor Richardson: "It depends on the particular corporation that is doing it. In pharmaceuticals there tends to be exclusive licensing for the output of that particular research."

Professor Bard Anton, Chemical and Biomolecular Engineering: "You describe as a big benefit of the strategic corporate alliance approach that large interdisciplinary groups could work with corporations and receive support for their research. I wonder what is it about the current legislation under which we operate that prevents that from happening now and requires that we have this new policy."

Professor Richardson: "Nothing that I know of. It's just the desire mutually of everyone to have a discussion when we are changing the direction."

Professor Anton: "OK."

Professor Richardson: "The rules are the same as what we have right now, except it's just a broader view."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I just want to first observe that money corrupts. It doesn't matter what the source of it is. That's why we put in place the checks and balances. That's why we have it in place with the federal government, and that's why I think it's absolutely essential to put your checks and balances in place. But I remember as an undergraduate in 1956 at Yale, A. Whitney Griswold announcing with pride in a speech to the public that we had never accepted one dollar of federal funding. I repeat not one dollar of federal funding. Of course, that was in the wake of the McCarthy era and the notion was federal money corrupted, which it indeed still does depending on how it comes and flows to the university. I think the important thing is that we have the checks and balances and adhere to that and review it continuously."

Professor Nicholas Calderone, Entomology: "Maybe one way to look at this is what percentage or how often does it happen that these arrangements actually result in a subsidy of the university towards the corporate partner, taking into account all the costs related to the university, salaries, etc.?"

Professor Richardson: "Well, first we charge full indirect cost on all of these, so that to the extent that the university is subsidizing that research we are probably also subsidizing government research."

Professor Calderone: "Is that at the high rate?"

Professor Richardson: "Fifty-five percent or fifty-six. There are no special deals on any of our accounts."

Professor Stein: "The part that concerns me are the issues that got raised by the LAC. I don't think I have heard a clear answer to them. My understanding from what I read in the report by the LAC is that they express concern about the University not allowing competing lines of similar research to be done at the University, and the other thing that they raised a concern about was the exclusive or preferential access to university facilities for the corporations that become the strategic alliances. Those things seem to me to be quite different than what we have at the moment. They sound to me like substantial steps towards having the University essentially"

Professor Richardson: "So, let me read what the LAC report says on that, because I agree with it word for word. 'In reviewing the draft of Strategic Alliance Plan, members of the LAC identified a number of phrases and statements in the document that do raise some concerns. These largely have to do with the issues of exclusivity and

with “preferred access” to research results, faculty, students and research facilities, which are mentioned as possible components of an alliance agreement in several places in the draft plan document.’ First, there will be no exclusive agreement that everyone at Cornell will only work with one corporation on this. Individuals who decide to sign on to a research agreement will find it is qualitatively the same as the kind they are already signing as individuals. People that don’t join into that can have agreements with any of the competitors. There is no institutional total exclusivity involved in it.”

Professor Stein: “Is that already written in or is that your view, or what?”

Professor Richardson: “That’s the University’s rules. That’s university policy.”

Professor Stein: “So what exactly were they talking about in this?”

Professor Richardson: “In the discussion as edited by the Trustees, there were words that could be interpreted as though it might be exclusive, but in every discussion we have ever had with the faculty, it is completely open for people to join in or not join in.”

Professor Stein: “But is it also open for people who don’t join in to follow similar lines of research”

Professor Richardson: “With somebody else. Absolutely. There is no restriction whatever.”

Professor Stein: “Would people in those competing efforts as it were have the same access, equal access?”

Professor Richardson: “To any university based equipment. Absolutely.”

Professor Stein: “That helped. Thank you.”

Professor Lieberwitz: “I think that the reference back to this as what we are already doing doesn’t really answer the concerns. Perhaps what we are already doing on an individualized basis in terms of research contracts with industry is a problem. It seems to me that you are not really acknowledging the realities of extending this type of research contract to large corporations whose expectations will be if they give \$25,000,000 or more dollars, for example, to a program that what they will be getting in exchange, and I think that it is the expectation of the University as well, that what the University will be doing is research that will add to the corporate profit. This is the exchange. We do research so that they can profit from patented”

Professor Richardson: “And that’s certainly true even in the individual case.”

Professor Lieberwitz: "Right. And as I said that doesn't make it a good idea just because individuals do it. But what we are doing here is extending this to an entire program, which will be doing research for the profit of the corporation. Now if the University wishes to do that, it seems to me that what should be acknowledged is that it is a qualitative shift from our role as a university viewed as primarily in existence to add information and research to the public domain. Because this is going to be University patented research, but which will then in all likelihood under these arrangements have exclusive licensing arrangements, for example with a pharmaceutical company. In terms of subsidizing, we are clearly subsidizing the industry in terms of basically selling our research services so that they could have this sort of exclusive license arrangement."

Professor Richardson: "There are others that would argue that that is the most effective mode of technology transfer. Before Bayh-Dole in 1988, the rate of transfer of technology from the university research community into society was very low. This depends on what you think drives the world, but by introducing the requirement that federally funded research lead to patents that would belong to the University, it would belong to the University; it would get licensed by the University. The design there was to ensure that there was more application of university based research to society."

Speaker Howland: "I think we have time for one more question in the back there."

Professor Rebecca Schneider, Natural Resources: "One of the issues I am interested in is what is said in theory, how does that translate into what is in practice? I'm concerned about what does that do to the freedom of interactions among graduate students. Let's say, they belong to the group that happens to have support from this corporate funding, and there is a student whose work is only slightly different from that or may contradict that, it is going to start to effect what is really key parts of the way the University functions, which is the interdisciplinary interaction among graduate students across departments and within departments. There will be a stronger sense of unity among the group that works for that company, and the same applies to the faculty as well. There will be less incentive for freedom of speaking among students and among faculty when they are in a strong alliance because their funding is based on it. So what is the reality? Have you ever talked to the people at MIT?"

Professor Richardson: "And Stanford. Yes, both. That didn't happen, because usually the people that are involved in this have four or five other funding sources. The poor individual investigator, we're talking about the physical sciences and engineering, just to keep a group together has to have three or four grants from three or four different sources anyhow. This would be just another piece of it. What's the amount of funding that a typical researcher might get out of it if he or she is lucky? It's probably one graduate student and half a post-doc. That's the reality."

Speaker Howland: "Thank you, Professor Richardson. I'm sorry that our time for discussion is past. I would like now to call on Associate Dean and Secretary Charles Walcott, member of the University Faculty Committee, for a resolution regarding the New Life Sciences Strategic Corporate Alliance Plan."

9. RESOLUTION REGARDING NEW LIFE SCIENCES STRATEGIC CORPORATE ALLIANCE PLAN

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the Faculty Senate and member, University Faculty Committee: "I would just like to present a resolution to you which basically says that any such alliance be presented at some early stage to the Local Advisory Committee, which is a committee of the faculty to examine it and look at the details and report prior to its being finalized." (Resolution – Appendix 7)

Speaker Howland: "The motion is open for discussion."

Professor Richardson: "I know I'm not a member, but I would like to make a friendly amendment. I recommend deleting Life Sciences so that it covers all possible strategic corporate alliances."

Professor Walcott: "That would certainly be acceptable. We were just given a document that said Life Sciences initiative, so that's what we were responding to. What is the parliamentary procedure here?"

Speaker Howland: "We can ask for unanimous consent for the amendment."

Professor Douglas Fitchen, Physics: "What is the amendment?"

Speaker Howland: "To delete Life Sciences."

Professor Richardson: "It's right at the top - Resolution Regarding Life Sciences Strategic Corporate Alliance Plan. Just make it more general."

Speaker Howland: "The motion is 'therefore be it resolved.' But we will ask for unanimous consent. Let me first just ask for unanimous consent to strike Life Sciences wherever it appears in this document. Do I have unanimous consent?"

NO.

Speaker Howland: "No. Fine, thank you. Let's proceed. Comments here and then here."

Professor Anton: "I don't think you need to do anything to it. The 'whereas' says the one we talked about and what we 'resolve' about is any proposed alliance agreement."

Professor Francis Kallfelz, Clinical Sciences: "I'm curious as to what value added there is in the clause 'and reported to the Dean of the Faculty'? I'm not quite sure what that provides to the resolution. Reporting to the Dean of the Faculty doesn't suggest the Dean of the Faculty can do anything with the report that he gets."

Professor Walcott: "I think the rationale was that it would be good for him or her to know about this. I think the other issue is that the LAC is a joint faculty/administration committee, and it could make its report entirely in confidence, not including the faculty, and this ensures that the information becomes available to the faculty at large. I think that is the real purpose of it."

Professor Kallfelz: "Perhaps that should be added to the resolution that it be reported to the Dean of the Faculty and made available to the faculty at large."

Professor Walcott: "If I may comment on that suggestion. I think one of the problems with this is that these kinds of agreements tend to be confidential until they are fairly well finalized, and so I think to have it spread widely is probably going to cause unhappiness in some quarter."

Professor Terrence Fine, Electrical and Computer Engineering: "I think the larger point as I understood it, being a member of the UFC, was that there might be some individual confidential aspects to this, but that by informing the Dean, who could be trusted to deal with anything confidential, the Dean could then filter it, and if there were issues that were faculty issues, he could extract those and bring them to the faculty. So he was just a trusted office to hear anything and then filter it with respect to our interests."

Speaker Howland: "I'm sorry to cut this conversation off, but as you know, our time is very limited. I'm going to ask for a vote, unless there is any serious objection."

Professor Anton: "Just because we have run out of time, does it mean we vote?"

Speaker Howland: "We can keep talking, and it will roll over to the next meeting if that has to be."

Dean Cooke: "You may move to postpone it if you wish."

Professor Anton: "Move to postpone."

Speaker Howland: "To a definite time?"

Professor Anton: "Next meeting."

Speaker Howland: "Motion is made to postpone to the next meeting. It is a debatable motion, and it needs a second."

UNKNOWN: "Second."

Speaker Howland: "It has a second. It needs a majority vote."

Professor Stein: "Mr. Chairman, isn't that out of order with a body like this, as it's the last meeting of the year? I thought it was."

Speaker Howland: "Continuing body. No, it's not out of order, I rule. All in favor of the motion to postpone to the next meeting, that would be the first meeting of the fall, all in favor, say aye."

AYE.

Speaker Howland: "All opposed?"

NO.

Speaker Howland: "Let's have a count. All in favor of the motion to postpone, raise your hands. All opposed to the motion to postpone, please raise your hands. The motion to postpone passes 34 to 26, so it is postponed to the next meeting. I again will call on Professor Robert Richardson, Vice Provost for Research for a briefing on research compliance issues."

10. RESEARCH COMPLIANCE ISSUES

Professor Richardson: "I guess one way to view this topic is the price we are paying to the federal government for doing research for them. The days are long since when we could have the Yale resolution. There are many compliance-related issues. I'm not going to discuss them in any systematic way, but I want people to be aware that there are a few consequences of Patriot Act I and Patriot Act II that have the potential of affecting the way we do business and central values of the University. So I am going to mention just a few of the topics.

"One issue is select agents. 'Select agents' is a word that appears in the Patriot Act legislation and refers primarily to a class of pathogens. You might think anthrax if you want to. Because of concern that the bad guys could get hold of select agents and make biological weapons, there had to be greater control over the use of it. On one level, it

shouldn't be that big of a deal, because in our own handling of such pathogens, there has been a very careful set of regulations and rules. You can't just leave the things out on the table or throw them down the sink to dispose of them. They have to be kept under lock and key. But the additional constraints on the use of select agents imposed potentially a great deal more hardship on the faculty who would like to use those. So in the year between the time when Andres Garcia-Rivera polled faculty to see how many of them were using select agents, and this February when we had to register the select agent users with the Department of Justice for FBI checks on them, the number of Cornell faculty using them went from 87 down to 3. There are widespread stories, and they are true, about the difficulties of getting rid of the darn stuff. The biggest horror story is a professor at Texas Tech that flushed them down the toilet and lied about it, and he is in prison now. The constraints can be large. I am really upset that as a matter of national policy that the inadvertent consequence of the Patriot Act decreased the number of the members of a faculty like Cornell from 87 who might be able to make a vital contribution to the science related to that subject down to 3. That's one of the things that I'm discussing at the national level.

"Now, let's talk about what the rest of the select agent rules are, because we have the potential of having a real crunch with our fundamental values. In order to be permitted to use a select agent, there used to be a self-declaration. There was a long form that people filled out, and you had to aver that you were not insane or alcoholic, not a drug addict, not a felon, and that you were not from one of the seven terrorist sponsoring nations. The terrorist sponsoring nations are five African and Near Eastern nations, plus Cuba and uh . . . Well, you know which one I'm talking about. New Jersey! Right!"

LAUGHTER.

"What has happened instead – the names of our registered select agent users have been turned over to the FBI, and they are conducting a background check on them. They will now verify that they are not insane or felons or drug addicts or alcoholics and are on the up and up. That's fine. We don't want any of those people with dangerous stuff I guess. But what I'm more concerned about are the people from the seven nations, because Cornell is an open university. All of our research has to meet certain criteria. One that there are no prior restraints on publication. With increasing frequency we are having to, through Sponsored Programs, reject agreements with funding agencies that say we will fund this but you have to send the results of this to us before there is any oral or written communication of the results. We just don't do it; we refuse it, the money gets turned down. When we hit the point where there is an individual that is a legitimate member of our community who is forbidden to use select agents because of the country of national origin, that's when we hit a crunch. MIT has considered this policy, and they say there is a difference between access to information and access to materials. I'm frankly uncomfortable with that distinction, but one of the things that I

want the LAC to examine next year is the question of the balance between academic freedom and necessity for certain faculty members whose careers really depend In the diagnostic laboratory a huge fraction of what they have to do in the College of Veterinary Medicine is related to pathogens, and what are the appropriate university policies to make certain that that type of research can continue for our faculty and still keep in balance our central values that there is open access for all?

"The other one you need to be aware of is the log jam in the visas. Right now, it is agreed that there are at least 15,000 academic scientists either at the student level or post- doc, graduate student level, stuck outside of the country. Of those 15,000 there are about 250 that are from the seven terrorist sponsoring nations. It's a very large fraction from the Asian nations. The underlying problem there is that the FBI just does not have the manpower or the modern computer equipment to be able to keep up with it. There has been a great deal of discussion between the AAU and the American Association for the Advancement of Science and Cornell faculty in trying to sort that out, but we are not optimistic that that will be resolved quickly or that the length of the queue is going to be decreased."

Speaker Howland: "Thank you. I would now like to ask you to pass the ballots, if you can, to the side here, and the secretary will collect them. I would like to call on the co-chairs of the Committee on the Status of Non-tenure-track Faculty, Professor Emeritus Donald Holcomb and Professor Norman Scott for an announcement of the preliminary report from the committee and request for feedback. There will be no oral presentation. The report is on the table here. I hope you all picked up a copy."

11. ANNOUNCEMENT AND REQUEST FOR FEEDBACK, PRELIMINARY REPORT FROM THE COMMITTEE ON THE STATUS OF NON-TENURE-TRACK FACULTY

Professor Norman Scott, Biological and Environmental Engineering and co-chair, Committee on the Status of Non-tenure-track Faculty: "We are here just to receive feedback to the report (Appendix 8). Are there any comments at this point?"

Professor Lieberwitz: "Something I wanted to emphasize as a positive thing, because there is some contrast to the Faculty Handbook quotation. Where you have the language under voting rights about 'lecturers and senior lecturers are members in both college/ schools and department faculties and shall participate fully in decisions that are relevant to their roles within the college/school or department' That part of it is, to my understanding, as originally passed by the FCR in 1994, and I hope that you do retain that language, because it is different from what is in the Faculty Handbook, which currently uses the words 'directly related to their roles.' So I hope that we keep that broader language.

"Just a question that I have related to page 4 when you say 'Our committee has only scratched the surface of the question of how to give solid protection of academic freedom without the protection of tenure.' Should that be understood as meaning that the committee has decided that you will not be looking at the possibility of extending tenure or is that just simply part of the broader question?"

Professor Scott: "No, it's not that we won't look at it."

Professor Lieberwitz: "OK. So that is on the table."

Professor Scott: "Yes, it's on the table."

Professor Emeritus Donald Holcomb, Physics: "It's a complicated issue that institutions all over the country are grappling with, and we certainly intend to grapple with it."

Professor Scott: "By the way, the committee has a web site. As it turns out, it's linked to the Dean of the Faculty web site, so you can get there quickly either way. There are two very interesting references that are mentioned in here. One of them is a study, which recently reported to the University of North Carolina, with basically the same title, and also a book from Johns Hopkins press that deals with teaching without tenure. Both of them are referenced if anybody wants to dig more deeply."

Speaker Howland: "Additional comments or questions? If not, then I would now like to call on Professor Terrence Fine, Electrical and Computer Engineering, and member of the UFC for a preliminary report of a proposal for new academic titles from the College of Engineering. There will be no motion today, but the Committee on Academic Freedom and Professional Status of the Faculty will receive input and bring a recommendation to you next semester."

12. PRELIMINARY REPORT OF PROPOSAL FOR NEW ACADEMIC TITLES FROM THE COLLEGE OF ENGINEERING

Professor Terrence Fine, Electrical and Computer Engineering and member, University Faculty Committee: "At the initiative of Dean Fuchs from the Engineering College, then the Engineering College Policy Committer and the Engineering College faculty considered first the possibility of research professor titles. After some discussion, they decided that was a problem best left to full service faculty, and considered two new titles of Research Scientist and Principal Research Scientist. These are titles that are in use at other universities for similar purposes, and the hope is that would enable departments to be more flexible in keeping up with research opportunities, perhaps

make them more competitive in hiring and also maybe contribute towards partially solving some body problems.

"The idea was that these new titles would be pretty well keyed to the level of associate and full professor, that is with respect to their research accomplishments, they would be comparable and go through a comparable process of evaluation as that which is currently done by departments for promotion to associate professor or promotion to full professor. So an initial appointment as a research scientist would mean an evaluation under our proposal of their research competence that would be equivalent to whatever a department would make for associate professor, etc. So these are fairly well defined with respect to qualifications in that regard. The idea was that these would be prestigious. They would be non-tenure-track. They would be term appointments of no more than five years. They would be renewable. They would be typically supported through external money, not internal money. They would have a greater degree, at least expressed degree of independence than is probably associated with the current titles of research associate and senior research associate. So more independence, comparable to that of associate professors and full professors and their research would be encouraged at these ranks.

"What is expected from them is that they would engage in research of a high quality. They would direct graduate students, with the approval of the appropriate graduate field of whatever department they were associated with, and perform many of the functions including external representation, raising funds, etc. The hope was that these new titles and the qualification process that undergirds them would give them the prestige and the independence that would make them much more successful than the current title of research associate and senior research associate and raise the external funds and attract highly qualified individuals for these positions.

"However, they are not viewed as full service faculty. With respect to that, the College of Engineering motion did talk about teaching responsibilities and limitations upon them. While to recognize that that would occasionally happen, they attempted to put some degree of limitation upon the extent to which such a person could engage in teaching for credit and similarly some limitation on how long they could be supported on internal funds. It's not an algorithm. It's an idea that it could not go on for too long. There might be transition periods in which a department is willing to carry an individual for some length of time on internal funds. But primarily they are expected to be funded independently and externally, and there would be limits requiring dean approval for such things.

"To maybe explain better what we have in mind with respect to the currently existing positions of research associate and senior research associate, our view of the promotion process was that it would be possible for a research associate or senior research associate to become a research scientist, but they would have to go through that process

of research evaluation comparable to promotion to associate professor, and possible then for research scientist and principal research scientist, again if they could meet the qualifications that would be comparable to the research activities of a full professor. So our hierarchy would be the currently existing titles of research associate, senior research associate, then research scientist, then principal research scientist, and this is fairly well keyed into the standards that we have for the regular academic rank. There is a lot more detail in this. It will have to go through the AFPS, probably also the Holcomb/Scott committee that you just heard from. They also have an interest in titles for non-tenure-track faculty. But I hope in the fall there will be a reconciliation, and they will be able to report to you a motion on this issue."

Speaker Howland: "So we have a little time for feedback to Professor Fine."

Professor Fine: "This did pass the Engineering College Faculty."

Professor Martin Lindau, Applied and Engineering Physics: "The previous discussion we had on this Clinical Professor and so on, one thing that came out of the discussion was that the title might affect the possibility of getting funding from certain sources. So not using the title of research professor make it more difficult to get funding? Was this discussed?"

Professor Fine: "Absolutely. There are clearly better titles. The chaired professor of X would be an even better title to have with respect to external funding agencies. However, the committee felt that this was a much better title in the sense that it would undergirded by a very clear assessment of quality, and it would also come with an expression of independence that is not explicit with respect to the other titles. The word associate kind of subordinates someone. The very word itself has some implications of subordination, which is absent from these other titles. Yet, there are people who would prefer research professor because that would be more attractive and so would other things as well."

Professor Richard Durst, Food Science and Technology, Geneva: "I'm just concerned about people who are presently in the research associate and senior research associate positions. Isn't this going to have a negative effect on their positions in terms of their status and their self-esteem?"

Professor Fine: "Well, they are open . . . Should this come to pass, I don't know what will be brought to you in the fall, but should a motion like this come to pass, they would also be eligible for consideration, as I said, if they could pass the qualifications needed to reach these other titles. It would be open to them. In the initial process, there never was such a consideration for these titles that went through a formal departmental evaluation of research accomplishments equivalent to that which we do for associate professors. So they would then have to do that."

Speaker Howland: "I'm sorry. The time for this discussion is up, but you can contact Professor Fine if you have a suggestion. I would like now to call on Kate Whitlock, Assistant Professor Molecular Biology and Genetics, for a resolution on paper usage at Cornell. The resolution is co-sponsored by Professors Drew Harvell, Duane Chapman and Thomas Hirschl.

13. RESOLUTION REGARDING PAPER USAGE AT CORNELL

Professor Kate Whitlock, Molecular Biology and Genetics: "We have only four minutes, so I am going to make this really quick. Hopefully, everybody read over the resolution that was sent out in campus mail. Who put this resolution forward? It's the Tree Free Group here at Cornell. It was headed up at the time by Garrett Meigs, who is an undergraduate here at Cornell and a runner-up for the Udall Scholarship for Environmental Science. He is away on an internship. We have an undergraduate here, Stephanie Juice, who will help me answer questions as soon as we are done.

"Why are we interested in using only recycled paper here at Cornell? The only way I can really try to bring this home to everybody is this is the cover of *Nature*, for those of you who aren't scientists. It says 'On the Brink: Gorillas and Chimpanzees Facing Extinction.' So at the time that we sequence the genome of the chip, we are about to annihilate it. Why are we about to annihilate the chimp? Because we are destroying the forest; that's half the reason. Why are we destroying the forest? Because we want paper. What percent of the forests go to paper? Right now, Cornell uses 4 million sheets of paper a year in the Print Shop; 40% of the logging done in the world is for paper. So we really need to think about this. We need to think about our everyday actions, and our students here at Cornell are pushing the University to think about their actions. In trying to do that, they have presented this resolution. The resolution has been passed by the Graduate Professional Student Assembly, the Student Assembly and the University Assembly; they have over 1,000 signatures on the petition supporting this resolution. Right now 25% of campus is using tree-free recycled paper.

"I would just like to read the resolution, and then I am going to invite the students to come up and help answer questions that you may have.

'Whereas, Cornell is a large teaching and research university that encompasses a broad range of intellectual activity within and between a variety of disciplines, and

Whereas, Cornell's own mission statement includes the following phrase: "We foster initiative, integrity, and excellence, in an environment of collegiality, civility, and responsible stewardship," and

Whereas, the Cornell community uses a significant amount of paper every year in the pursuit and administration of such intellectual activity, and

Whereas, such paper usage poses an unnecessary strain on the environment, and

Whereas, the technology producing 100% post-consumer recycled paper has undergone dramatic improvement in the last 5 years and has become a viable economic option , and

Whereas, CIT tests in Net-Print computer labs have shown no difference in the performance between 100% post-consumer recycled paper and copy paper products that are currently used, and

Whereas, other universities have already adopted the use of 100% post-consumer recycled paper, and Cornell is in a unique position to lead the Ivy League in using 100% post-consumer recycled paper;

Be it therefore resolved that the Faculty Senate strongly urges Cornell's departments, schools, libraries, administration and all other units to make the transition to 100% post-consumer recycled paper a high priority for paper-copying needs and to focus on making the transition in an expedient and timely manner, and

Be it finally resolved that the Faculty Senate urges Cornell's administration to set a goal and timeline of exclusively using 100% post-consumer recycled paper for paper needs (where possible) university-wide."

Speaker Howland: "We have just about 40 seconds to comment."

Professor Fine: "I oppose the motion, not on the grounds of the substance but on the grounds of its relevance to the Senate. I do not believe that this is our business. There are many, many important moral, ethical, what have you, issues that are not the concern of the Senate. The Senate, if it is to maintain respect, needs to focus on what is its concern. This is not a particular concern of the Faculty Senate, and on that ground I oppose it. It also came before the UFC before. It was not put forward by the UFC for rather similar grounds. So I hope that it will not be passed."

Speaker Howland: "Our time has come for a vote. All in favor of the motion, say aye."

AYE.

Speaker Howland: "All opposed?"

NO.

Speaker Howland: "The motion clearly passes. I call on Professor Kate Whitlock for a resolution regarding a renewable energy endowment at Cornell. Again, the resolution is co-sponsored by Drew Harvell, Duane Chapman, and Thomas Hirschl."

14. RESOLUTION REGARDING A RENEWABLE ENERGY ENDOWMENT AT CORNELL UNIVERSITY

Professor Whitlock: "So once again, this is a resolution (Appendix 9) put forward by the undergraduates here at Cornell. I would like to point out that this is put forward by the Kyoto Now Group. The president of Kyoto Now is here with us, Abigail Krich. For those of you who read the *Cornell Chronicle*, Abby won the Udall Scholarship awarded by the Udall Scholarship and Excellence in National Environmental Policy Foundation. We should all be proud of the very high quality undergraduates we have here at Cornell. I think they are great. So the students have put together the resolution that is before you.

"Again, why is it important that we pass such an initiative? Right now, we are investing in the life sciences. The life sciences are a balance; it's a balance between technology and taking care of the word life. What is life? Life is dependent upon our climate and upon our oceans and our atmosphere, which we are now severely disrupting through climate change. We feel that as a responsible university that if we accept the rewards of reaping the harvest of technology, we must do so responsibly. As an example of what kind of responsibility we need to pay attention to is Duffield Hall, which is almost done. It will increase the energy use on campus by 10%. This is after an effort over the last 15 years to reduce energy use on campus by 10%. So if we are going to invest in technology, we actually have to also invest in sustainable energy, so that we can balance the intense energy use this campus is taking part in. Of course the life sciences building that will go up and open, hopefully, in the year 2006-2007 will also be a very energy intensive building.

"I would like to invite the Kyoto Now students up here, and I would like to take questions on this resolution."

Professor Elizabeth Earle, Plant Breeding: "I would like to ask how large of an endowment would be required to cover 10% of the energy costs as proposed?"

Abigail Krich: "At the current rates of about 1.7 cents per kilowatt hour for extra renewable energy, it would be about an \$8,000,000 endowment for a permanent fund to get 10% of our renewable energy from that. The price is dropping every year, though. So you could expect that with an endowment of that size, the amount of energy that we would be able to purchase would go up each year."

Professor Earle: "An \$8,000,000 endowment or \$8,000,000 income from an endowment?"

Abigail Krich: "An endowment of \$8,000,000."

Speaker Howland: "Professor Fine."

Professor Fine: "Move to postpone indefinitely."

SECOND.

Speaker Howland: "A motion to postpone has been made and seconded. It is debatable, and it takes precedence, and it requires a majority. Are there any comments on the motion to postpone? Hearing none, we will take a vote on the motion. All those in favor of postponing the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think it is no."

Professor Whitlock: "I have 54 seconds left in my time."

Professor Stein: "Could you explain your calculation of that \$8,000,000 to support 10% of the utility costs at Cornell? I find that very hard to believe."

Abigail Krich: "We have definitely worked with the managers in utilities to get these numbers. I don't have all the calculations memorized, but I know that it would be about \$300,000 to \$400,000 a year for the increase in cost. It wouldn't cover the entire energy cost; it would just cover the incremental cost. The current utility purchasing would remain exactly as it is. This would be the increase cost to purchase the renewable energy."

Speaker Howland: "We are at the end of our time for discussion of this motion. I'll call for a vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "Will the ayes please raise your hands? All those opposed? The motion passes 32 to 14. Thank you very much. The chair now calls on Professor Charles Walcott, Secretary of the Faculty, to report the results of the balloting for the speaker."

Professor Charles Walcott: "I can report that the vote was unanimously in favor of Mary Beth Norton, Professor of History, to be our new Speaker. There were two blank ballots returned. I assume that they were just spares and not somebody abstaining from this close and controversial vote."

Speaker Howland: "Thank you. The chair now calls on Professor Charles Walcott for Good and Welfare."

15. Good and Welfare

Professor Charles Walcott: "Thank you very much. Well, this is the end of another year, and in particular two of our very important people in this Faculty Senate will be retiring from their positions this year. I would first of all like to pay tribute to our distinguished Speaker, Professor Howard Howland, who I think has done an absolutely splendid job of keeping us in order and on time and facilitating the work of this body. Then I would like to join Provost Martin in paying tribute to Dean Cooke, who has set a standard for Dean of the Faculty and for leader of this body which I think is truly outstanding, and I just want to tell both of these people that their contributions and their help will be sorely missed. I hope that you will join me in saying thank you to both of them."

Speaker Howland: "The meeting is adjourned."

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Appendix 1

Resolution to Create a Master of Engineering Degree Program In the Existing Major Field of Biomedical Engineering

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the creation of a Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering, and

WHEREAS, the Committee recommends creation of this new degree program,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the creation of the Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering and urges the administration to place this on the agenda of the Board of Trustees for approval.

Rationale: Bioengineering and biomedical engineering in particular are emerging areas of scientific and technological opportunities that cross the traditional boundaries of biology, chemistry, physics, medicine, and engineering. Biomedical engineering is an intellectual endeavor in which scientists and engineers in different disciplines can explore entirely new territories by working together. Cornell University's outstanding faculty in engineering, human and veterinary medicine, and the life sciences and its strengths in interdisciplinary research and graduate field structure provide unique opportunities for the institution to develop and lead biomedical engineering in the next century.

Critical to this success is the existence of a structure designed to catalyze teaching and research efforts related to biomedical engineering, serve university-wide instructional needs, and act as the identifiable entity to promote these university-wide efforts: the Biomedical Engineering Program (BMEP). The BMEP was activated in April 2002 with Michael L. Shuler as Director and Donald L. Bartel as Associate Director.

Cornell University's Biomedical Engineering Program (BMEP) is a university-wide unit that bridges biology, medicine, and engineering. The program is responsible for:

- coordinating and delivering educational programs in Biomedical Engineering (BME);
- collaborating and coordinating with other programs in facilitating the transfer of life science concepts into engineering and engineering approaches into the life sciences, and catalyzing interactions associated with medicine and human health between biologists, physical scientists, and engineers;
- taking leadership within the Cornell bioengineering community on matters relating life sciences and human health and medicine; and
- promoting and enhancing the visibility of the BME community and BMEP program for attracting faculty, students, and research funds.

The BMEP director works with colleges to identify university-wide curricular needs in BME related areas and facilitate inclusion of those needs into undergraduate and graduate course offerings. BMEP develops and delivers new courses to meet instructional goals.

To prepare students for professional practice as biomedical engineers is a challenge as the breadth and depth of knowledge required to be effective is difficult to impart in a four year BS degree program. The BMEP is designed to address this challenge by offering an M.Eng. degree in Biomedical Engineering.

Educational Goal of M.Eng. in BME

We expect to prepare students for professional practice in BME. Students in the program will acquire a broad perspective of the biomedical engineering discipline that complements their undergraduate training in engineering *or* science, and an in-depth knowledge of an essential area in biomedical engineering. Graduates will be equipped to design biomedical devices and develop therapeutic strategies within the bounds of health care economics, the needs of patients and physicians, the regulatory environment for medical devices and pharmaceuticals, and stringent ethical standards of biomedical engineering practice.

Students will acquire breadth in biomedical engineering by participating in a bioengineering seminar and by satisfying specific course requirements in the curriculum. Students will acquire depth by extending undergraduate specializations, by selecting one of three areas for concentrated study, and by completing a design project in their selected area of concentration. Design projects will be carried out in teams to take advantage of the diversity of student backgrounds and, when possible, projects will be done in collaboration with industrial partners.

We expect the program will attract a diverse applicant pool, including students with the following educational backgrounds:

- i) Cornell undergraduate engineering students who minored in BME
- ii) Cornell undergraduate engineering students who did not minor in BME
- iii) Non-Cornell students who majored in biomedical engineering
- iv) Non Cornell students who majored in traditional engineering disciplines
- v) Cornell undergraduate biology students who completed a program of study in BME (currently in discussion)
- vi) Undergraduates from Cornell and other universities who majored in biology (or a closely related life sciences field) but did not complete a BME program of study
- vii) Undergraduates from Cornell and other universities who majored in physics or chemistry.

We believe that an M.Eng./BME degree program will serve Cornell well. Historically, BME programs attract higher levels of women (> 40%) and under-represented minorities than other engineering disciplines.

The BS/M.Eng. Option

The current M.Eng. option in bioengineering does not fill the role projected for the M.Eng. in BME. The M.Eng. in BME will serve a different student population than the current bioengineering option.

Addition of the M.Eng. degree in Biomedical Engineering will enable the BMEP to provide students the opportunity to complete a BS in one of the traditional departments (in COE, BEE, or in Biological Sciences) while completing a minor or program of study in BME and then to complete a Master of Engineering in BME. It is believed the BS/M.Eng. combination will serve students well who expect to enter professional practice as biomedical engineers by providing a strong combination of biology and engineering.

An M.Eng. BME and the BS/M.Eng. combination will enhance diversity in the COE. Additionally, BME attracts many of the best students. Two anecdotal examples are the University of Wisconsin and Georgia Tech. At the University of Wisconsin a GPA of 3.5 is required for undergraduates to affiliate with BME. At Georgia Tech over half of the entering freshman projected a BME major; enrollment in BME was capped at 50/year resulting in a minimum GPA of 3.7 to affiliate. Should Cornell lack an attractive BME option, we believe it would be detrimental to the diversity and quality of the student pool available to the COE. Implementation of a M.Eng. in BME is critical to our strategy for Cornell to remain attractive to the broad base of prospective engineering freshman.

Another component of the strategy of a BS/M.Eng. combination is practical. The alternative would be to begin, as most others have, a BS in BME. Based on discussion with BME advisory board members we believe that a 5 year BS/M.Eng. will be a more marketable degree for BME students than the BS in BME. With a BS/M.Eng.

combination and a BME minor available to all students, the presence of BME enhances all units. Thus, establishment of a M.Eng. is a critical element in a strategy to develop a “win-win” situation for BMEP and all other units associated with the COE.

5/6/03

Appendix 2

Resolution to Establish a Graduate Field and Ph.D. Program In Information Science

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the establishment of a Graduate Field and Ph.D. Program in Information Science, and

WHEREAS, the Committee recommends creation of this new graduate field and Ph.D. program,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a Graduate Field and Ph.D. Program in Information Science and urges the administration to place this on the agenda of the Board of Trustees for approval.

Rationale: Digital technologies have become pervasive in culture, economy, law, government, and research, dramatically changing the way people work and live. The proliferation and significance of these complex technological systems of information demand a new focus in academic scholarship – one committed to cross-disciplinary study, astute about both the technical and the social, and devoted to integrating theory, investigation, design, and practice. Information Science at Cornell is an interdisciplinary program that studies digital information in its human and social context. Cornell has vigorous research programs in Information Science, but until recently there was no organized academic program. The Information Science Program was established in 2000/01, to develop academic programs and to be a focus for research.

The field of Information Science studies the design and use of information systems in a social context: it studies the creation, representation, organization, application, and analysis of information in digital form.

The focus of Information Science is on systems and their use, rather than on the computing and communication technologies that underlie and sustain them. Moreover, Information Science examines the social, cultural, economic, historical, legal, and political contexts in which information systems are employed, both to inform the design of such systems and to understand their impact on individuals, social groups, and institutions. The field's interdisciplinary research combines multiple methodologies, including mathematical analysis, computer modeling, software system design, experimental studies, and critical social evaluations, from such traditional disciplines as computer science, cognitive psychology, social science, cultural studies, and history.

The primary reason for proposing a new graduate field is to recruit graduate students. When a student has research interests that fit naturally within an existing field, then the students should register in that field (e.g., Communication, Computer Science, Linguistics, Operations Research, Psychology, etc.). However, this is awkward for those students and faculty whose interests are genuinely interdisciplinary. At present, the university does not have a good way to attract such students; potential students do not know which field to apply to or even whether to apply to Cornell.

The Ph.D. in Information Science is intended for students who are interested in all aspects of how digital information is created and organized: by computer systems, by people, and within social systems. The program explores the interface between people and information systems, the technical ideas behind computer-supported information systems such as the Web, and how society shapes these systems and is shaped by them. The Cornell program has a strong emphasis on interdisciplinary research that bridges the gap between scientific and technical fields, and the social sciences. The focus is on long-term fundamental research, allied to innovative applications. The program has four concentrations:

- *Information Systems* examines the computer science problems of representing, organization, storing, manipulating, and using digital information.
- *Human Computer Interaction* uses an iterative, user-centered design approach to study the interplay between technology and what people do with technology.
- *Cognition* focuses on the human mind, which is the ultimate producer and user of information.
- *Social Systems* studies the cultural, economic, historical, legal, political, and social contexts in which digital information is a major factor.

A student who is awarded a Ph.D. in Information Science will need to achieve three objectives: (a) breadth in the disciplines that contribute to the field, (b) depth in several aspects of the field, (c) original research, on a topic from one or more of the Information Science concentrations.

Student Characteristics

A primary goal of the proposed field is to attract excellent students to Cornell. From our experience with undergraduates we know that a substantial number of students are interested in the inter-relationship of computer science, people, and society. The Information Science Program already receives many inquiries from well-qualified students. Currently, students do not have a have an appropriate field at Cornell for graduate work, and we have had to advise some first-rate students to apply elsewhere. Other universities that have introduced Ph.D. programs in related areas (e.g., the

University of California at Berkeley and the University of Washington) report considerable demand from well-qualified students.

At Cornell, some graduate fields expect entering students to have majored in specific disciplines (e.g., Physics or Computer Science). Others (e.g., Science & Technology Studies) recruit strong students irrespective of background. Information Science will follow this second model. There will be no special admissions requirements. The field will be looking for highly able students who can demonstrate strong potential in both computer science and the social sciences.

The program requires strong analytical skills, breadth in a number of the focus areas, and depth. An ideal entering student will have an undergraduate degree in a related area, with solid writing skills, computing experience, and a mathematical foundation that includes probability, statistics, and linear algebra. However, the program is designed so that students have an opportunity to fill gaps in their background at the beginning of their studies. In practice we expect that most entering students will have a strong undergraduate degree, with a major in a relevant field, including a significant quantitative or technical component.

Students leaving the program will have a very strong knowledge of the intersection between computer science and the social sciences. There is great demand for students with such skills. As such they will be very well placed to follow professional careers in either the commercial or not-for-profit sectors, or to enter a research career.

The name "Information Science" has different shades of meaning in other universities. In particular, some universities consider a degree in Information Science as professional training, whereas we see the field as an area of inquiry in the liberal arts tradition. A Ph.D. in Information Science could be the basis for an academic or research position, or the basis for a professional career in any aspect of digital information.

Administrative Support

Administrative support for the Ph.D. program will come from the Faculty of Computing and Information Science and the Information Science Program. During the past two years, Computing and Information Science has augmented the administrative structure of the Computer Science Department to support new programs, including both the undergraduate and graduate programs in Information Science. This support includes student advising, computer facilities, research administration, and general administration.

Student Support

All students will receive full support. We have initial funding for six students in the first year (Teaching Assistantships and Graduate Research Assistants). Additional support will be provided by individual faculty members from their research grants.

The Dean of Computing and Information Science has committed funds for several Teaching Assistantships.

Information Science is a field with excellent opportunities for external funding, notably from the National Science Foundation, and the faculty have a good track record of raising grant money for Graduate Research Assistants. In recent years, without the benefit of a graduate field, we have had more money available to support students than suitable students.

Space

The program has newly refurbished space at 301 College Avenue. This provides excellent space for the medium term. The area has modern computing facilities and a usability laboratory for research on human-computer interaction.

05/06/03

Appendix 3

Resolution to Revise the Copyright Policy

Whereas the faculty senate passed a resolution at its meeting of Feb 14, 2001 requesting that the dean of the faculty work with the provost to review the university copyright policy; and

Whereas the provost in consultation with the dean of the faculty appointed a committee to review the university's copyright policy; and

Whereas the committee has widely circulated a draft of its report, reviewed the comments received, and finalized the report;

Be it resolved that the faculty senate accepts the report, and requests that the university revise its Copyright Policy in line with the report, as follows:

DEFINITIONS

Change the subtitle from "Definitions of Copyrightable Material" to "Definitions".

Delete from the Copyright Policy the definitions of "traditional work" and "encoded work" as well as the paragraph leading into those definitions.

Add to the policy the following definitions:

"works of authorship": material that is copyrightable; may include lecture notes, textbooks, articles, works of fiction, visual arts, software and musical compositions regardless of the media in which the works are produced or the forms of dissemination e.g. print or electronic.

"substantial use of University resources": the use of University resources such as funding, space or facilities not ordinarily provided to or available to all, or virtually all, members of the faculty of that department or field. For example, contributions of instructional and/or technical support to create digital course materials and/or to transform existing materials into digital format can constitute "substantial use" of University resources where such contributions exceed the level of support available to faculty in that department or field. For any given department, unit or individual, what constitutes a usual resource will depend upon the functions and responsibilities of that department, unit, or individual. For example, access to a chemistry laboratory may be a usual resource in chemistry, but would probably be considered an unusual resource in English literature. A further elaboration of this concept can be found in the

"Elaboration of Definition of Substantial Use" included as an Appendix to this Policy. Questions about whether use of a particular resource constitutes substantial use should be directed to the individual with administrative responsibility for the resource.

"work for hire": the Copyright Act. provides that "a work prepared by an employee within the scope of his or her employment" is a work for hire. The employer (i.e., the University) is the "author," and hence the owner, of works for hire. There is a long-established tradition within academia exempting scholarly publications by faculty from the "work for hire" doctrine.

OWNERSHIP AND DISPOSITION OF COPYRIGHTABLE MATERIAL

Revise the existing language under II. Work for Hire to read:

The copyright to material that is created by a non-academic employee within the scope of University employment shall be the property of the University unless there is a written agreement to the contrary. Such agreements may be appropriate where a staff member is creating an academic work such as a scholarly article or conference presentation with the permission of, but little guidance from, his or her supervisor.

The copyright of material that is created by an academic employee pursuant to a specific direction or assigned duty from the University or any of its units shall be the property of the University. Such specific duties may include requests that a faculty member develop labs, case studies or other curricular material to be used by members of the department or college other than or in addition to the faculty author. Other examples include course descriptions written for the course catalog and works created in the course of an administrative assignment, e.g. committee reports. A teaching assignment shall not constitute a specific direction or assigned duty conferring on the University copyright ownership in lecture notes and other instructional materials.

Revise the existing language in the first sentence of III. Use of University Resources to read:

Copyright ownership of works of authorship that are created with substantial use of University resources shall reside with the University.

Substitute "Faculty Senate" for "FCR" in the last sentence of this section.

RESOLUTION OF DISPUTES

Replace the first sentence with:

Disputes arising out of the application of this policy and the ownership of copyrights shall be brought to the Provost. The Provost will appoint an ad hoc committee and designate a chair. The committee will consist of a combination of administrators, faculty, staff and/or students as appropriate given the nature of the complaint and the respective roles of the parties involved.

Insert the following new sections into the policy:

COLLABORATIVE WORKS

Unless the contributions are made under circumstances that bring them within one of the exceptions delineated in OWNERSHIP AND DISPOSITION OF COPYRIGHTABLE MATERIAL above, the allocation of rights among multiple authors is largely a matter for them to resolve, ideally through an explicit agreement about these matters.

RIGHTS RESERVED BY THE UNIVERSITY IN INSTRUCTIONAL MATERIALS

In order to carry out its mission, the University retains a non-exclusive, no-cost license to use, re-use, reproduce, display and distribute and make derivative works (such as compilations, archives or composite works) of instructional materials for the education of Cornell students. Instructional materials may include syllabi, course descriptions, reading lists, assignments, slides, lecture notes, lab exercises, tools, simulations, multimedia, web-based pages, exams, student assignments, and recorded discussions. In accordance with academic custom, the University will acknowledge the authors of these works unless the authors request otherwise.

COPYRIGHT MANAGEMENT

Authors are expected to manage their copyrights in support of the mission of the University. When entering into publishing agreement, Cornell authors should, whenever possible, reserve certain rights to the University by including the following provision: "The author retains the right to make copies of the work for internal distribution within Cornell University." The Copyright Information Center (at <http://www.copyright.cornell.edu>) has more information and suggested language that can help authors develop a publishing license. Sample language for author's rights is also available at the SPARC (Scholarly Publishing and Academic Resources Coalition) *Create* *Change* website, <http://www.createchange.org/faculty/issues/controlling.html>. Authors may also wish to develop a license using the tools available through Creative Commons <http://www.creativecommons.org>.

COPYRIGHT NOTICE AND REGISTRATION

In those cases where the University is the owner of copyright, the following notice should be included:

Copyright © [year] Cornell University. All Rights Reserved.

The date in the notice should be the year in which the work is first published, i.e. distributed to the public or any sizable audience.

Within the University, the individual colleges or administrative units in which works are created have responsibility for the administration of copyrights and responding to requests for permission to use the copyrighted material for nonprofit educational purposes. It is therefore recommended that the name and address of the department to which readers can direct permission requests be included in the notice:

Requests for permission to reproduce this work should be referred to the
Department of _____ at
_____. The Office
of University Counsel and the Cornell Research Foundation are available
to assist with commercial sales or licenses.

Departments may opt to register the copyright with the United States Copyright Office. Forms to do so may be obtained from the Copyright Office web site, <<http://www.copyright.gov>>. Questions concerning copyright notices and registration should be addressed to the Office of University Counsel.

WORKS BY NON-EMPLOYEES AND INDEPENDENT CONTRACTORS

Whenever possible, the University should acquire copyright ownership, as well as ownership of the physical work, with respect to works created for the University by independent contractors such as consultants, photographers and web page designers. A written agreement is needed to achieve this result. The Office of University Counsel is available to assist in the preparation of such agreements.

COPYRIGHT INFRINGEMENT

Respect for intellectual property is essential in an academic community. The University supports full utilization of the rights of fair use and the rights granted to educational institutions and libraries under copyright law. Where uses of copyright material will exceed those permitted by fair use and other statutory exceptions, permission to use the copyrighted material should be obtained from the copyright owner. Information on copyright and obtaining permissions can be found at <http://www.copyright.cornell.edu>. Copyright infringement is a violation under the Campus Code of Conduct, the Code of Academic Integrity and the Policy on Responsible Use of Electronic Communications.

May 1, 2003
Committee on Intellectual Property

Appendix 4**Members, Committee on Intellectual Property**

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Maureen O'Hara, mo19@cornell.edu
R. W. Purcell Professor of Management, Johnson Grad School of Management

Appendix 5

The Committee endorses the introductory language of the existing University Copyright Policy:

Cornell University is committed to providing an environment that supports the research and teaching activities of its faculty, students and staff. As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. The Copyright Policy has been prepared in this spirit and with this intent. The Copyright Policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the University, its faculty, staff, and students.

Copyright ownership and the rights thereof are concepts defined by federal law. University policy is structured within the context of the federal copyright law. The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching, and writing is the foundation of the University's Copyright Policy. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of University facilities, or by agreement governing access to certain University resources. This Policy addresses these exceptions.

Appendix 6

Policy independent of media

Clarify substantial use

Ownership

**Nonacademic within scope of employment
Property of university unless written
agreement to contrary
Academic - copyright normally owned by
academic**

Resolution of disputes

Rights reserved by university in instructional material

Copyright management

Appendix 7

Resolution Regarding Life Sciences Strategic Corporate Alliance Plan

WHEREAS, The Faculty Senate reviewed and discussed the March 28, 2003 report of the Local Advisory Committee on the Life Sciences Strategic Corporate Alliance Plan,

THEREFORE, BE IT RESOLVED that the Senate concludes that any proposed alliance agreement should be discussed and approved by the LAC and reported to the Dean of the Faculty before being finalized.

University Faculty Committee
Approved 7-0-1 on 5/6/03

Appendix 8

Interim Report of the ad hoc Committee to study the status of Non-Tenure Track Faculty (NTTF)

Submitted on behalf of the Committee

by

Donald F. Holcomb, Professor Emeritus, Physics (co-chair)

Norman R. Scott, Professor, BEE (co-chair)

I. Introduction

Faculty not on tenure tracks, including lecturers and senior lecturers, research associates and senior research associates, extension associates and senior extension associates, and librarians serve the University, its colleges, and its departments in capacities that are essential to the mission of the University. Because the work of this faculty is so important, the University recognizes its responsibility to consider the appropriate academic protections for its non-tenure track faculty.

Dean of Faculty Robert Cooke, as directed by the Faculty Senate (10/1/02), appointed an *ad hoc* committee to address the resolution:

"The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or Task Forces to investigate and make recommendations concerning the status and conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for emeritus/a status, and voting rights".

The Committee (thanks to Stuart Davis) developed a web site to assist Committee members (<http://instruct1.cit.cornell.edu/~sad4/NTTF/>) and others interested in the work of the Committee to exchange and access information. We expect to use the site on a continuing basis, to report further work of the committee. This web site is linked to the Dean of Faculty web site at: <http://web.cornell.edu/UniversityFaculty/> under the section on Active Forums/Discussions.

II. Instrument for Campus Input

The Committee decided to focus on a limited number of issues of direct and immediate importance to the governance policies of the University. An e-mail invited comments from tenured and tenure-track faculty as well as non-tenure-track faculty and sought responses to:

1. The first concern is academic freedom to teach students and to conduct research in ways appropriate to a leading university. As broadly construed by the AAUP, academic freedom includes:
 - Economic and job security
 - Grievance procedures
 - Freedom in research and publication
 - Freedom in the classroom
 - Due process in all professional matters

2. The second focus of concern was the status of the non-tenure track faculty within their departments and colleges. While recognizing that the particular definition of responsibilities and privileges will necessarily vary, the committee wished to explore issues such as
 - Titles
 - Career development
 - Participation in university and academic life
 - Accountability, evaluation, and standards for renewal of contracts

We sought responses to this inquiry in whatever form a person found most suitable and informative. We invited respondents to rank the several concerns listed in order of importance to them; to isolate those that one considered particularly important and comment on them; to consider existing policies and practices and suggest reforms to them. Replies by email were directed to Sandie Sutfin (Dean of Faculty's Office) or through the University Faculty Senate website.

III. Summary of Campus Responses

The response from NTTF to the Committee's request for feedback was excellent. We received 62 replies, almost all from NTTF. Respondents expressed appreciation for an opportunity to provide their thoughts to the Committee. The overwhelming majority of NTTF responding expressed an appreciation for this opportunity, which most indicated was the first time that such input was sought from them. In order of frequency of importance to persons the responses were directed to:

- a. Job and economic security,
- b. Career advancement,
- c. Professional development,
- d. Ambiguity about status within the University, college and department,
- e. Salary schedule/incentives,
- f. Titles, particularly relative to both being able to be a Principal Investigator for a research grant, and to the perception of agencies about the appropriateness of Principal Investigator status for people with certain of our present titles

Generally, NTTF perceived that they are able to enjoy academic freedom in the conduct of their studies, whether in research, the classroom or in outreach. However, there were a number of responses, primarily in the Extension area, where individuals felt substantial pressure from their administration to worry about the impact of their work or statements on outside persons or groups who might perceive a negative impact on their interests.

Very few persons had sought to employ the existing grievance procedures. Almost all respondents expressed a lack of understanding about such procedures, often expressing uncertainty about whether such existed for NTTF.

To conclude this section: One response particularly captured the ideal situation for NTTF as, We want to “1) feel that our contributions are valued by the University just as faculty programs are, 2) work in an atmosphere where colleagues treat us as equals, 3) have the ability to gather resources (e.g. grants) necessary to support our program area, 4) have avenues for promotion built into the system and 5) be adequately compensated”. Our Committee’s work should provide a roadmap to support these ambitions!

IV. The Role of Non-Tenure Track Faculty

At the present time, the Cornell professorial faculty numbers roughly 1600. In the NTTF ranks, there are approximately 170 persons in each of the most numerous NTTF positions -- Senior Lecturer, Senior Research Associate, Senior Extension Associate.

As our Committee addressed its charge, it took some time to reflect on the role of this substantial cadre of NTTF at Cornell University. Why have NTTF? In addressing this broader question we became aware of two particular studies related to our task, both referenced in the Committee’s web site: (1) A report by Baldwin and Chronister and (2) the recent report of a Committee on NTTF at the University of North Carolina. These studies and our perceptions suggest that our report needs to help Cornell better understand and address the role of NTTF to ensure quality research, education and outreach at Cornell.

We perceive the driving forces for appointment of substantial numbers of NTTF to be:

- The academic profession is in a significant transition as the roles of faculty and higher education evolve in response to changing campus and societal environments.
- There is a reduced cost to the institution because these appointments are made at lower salaries than tenure track faculty. Quality appointments are possible because there is an available academic labor pool.

- There is an ability to fill specific roles and job responsibilities that are not considered comfortably fitted into the broad responsibilities of tenure-track faculty.
- Flexibility comes with short-term contracts, providing an ability to adjust quickly to changing enrollments and fluctuating research funding.
- NTTF carry heavier teaching loads, providing budgetary efficiencies in supporting the basic teaching activities.
- In Ithaca there is a pool of well-educated persons seeking employment, often as a part of a two-body problem, who welcome an opportunity to participate in the academic life.
- Although there is a natural concern that there may be a gender related issue (exploitation of women), the Cornell numbers do not suggest a major problem in gender balance. It is, of course, possible that appointments are made to NTTF positions, rather than an appropriate professorial appointments.
- Aging of faculty, including phased retirements, create a need for NTTF to cover the workload.

V. Preliminary Analyses or Assessments from our Committee

A. Terms of Appointment, Performance Evaluation & Job Security

University bylaws provide specifications for academic appointments. The authority comes from the Board of Trustees via “broad strokes” and from other Trustee legislation, hand-in-hand with University Faculty legislation. There do not appear to be problems in the appointment process, although one area that may need some increased flexibility in implementation is spousal appointments to support dual careers. The Academic Personnel Policy Office is working with others on policies governing early termination and non-renewal.

Performance reviews are not required in general at the University level. Good human resource management would suggest an annual review should be conducted and the Committee is likely to recommend implementation of a process of annual reviews.

Job security was a principal concern among respondents to our feedback instrument. A common suggestion was a “pool” to help a person for a short time between funding sources, particularly in the case of unavoidable breaks between research grants.

B. Academic Freedom

The ninth edition (2001) of the AAUP *Policy Documents and Reports* restates that the AAUP has focused on the principles of academic freedom since its inception in 1915. Of special relevance is a section from the Conclusions of this document, *“Individuals who are offered full-time service only on non-tenure track lines lack the financial, intellectual, and pedagogical security needed for the profession to be an attractive career choice for young scholars. Moreover, and of even greater importance, faculty members who hold such positions lack the security without which academic freedom and the right to pursue one’s own contributions in research and teaching are but illusions.”*

The AAUP (in its 1986 report) raises concerns about the adverse effects of NTTF appointments in the four categories: those on the non-tenure track faculty members, those on the students and learning process, those on institutional morale and academic governance and those on the future of the profession. Our Committee has only scratched the surface of the question of how to give solid protection of academic freedom without the protection of indefinite tenure. It will address this area in significant depth during its future deliberations.

C. Professional Development

Non-tenure track faculty (NTTF) are faculty in their schools and colleges and not members of the University Faculty. But many of them are continuing long-term employees of the University who support the central mission of the institution in teaching, research and outreach. Because the University has a positive interest in the professional and intellectual growth of all faculty, because resources made available for supporting this growth will need to come from the University as well as from the schools and colleges, and because equity across college and school boundaries requires similar treatment of faculty in similar titles, the Committee expects to call upon the Provost and the school and college deans to establish mechanisms whereby professional development opportunities in the form of paid and unpaid leaves, and, where they do not already exist, resources for attending conferences and professional meetings, can be made regularly available to NTTF. A sub group of the Committee has developed a tentative, detailed plan for a professional development leaves policy. This proposal will be found on the Committee website.

D. Voting Rights

The *status quo* in this area is described in print on pp. 3 and 4 of the 2002 Cornell Faculty handbook. That entry is a slightly condensed version of an earlier statement approved by the Faculty Council of Representatives (Predecessor of the Cornell Faculty Senate) on March 9, 1994. That statement is reproduced below.

"Each college/school faculty, except the Graduate Faculty, shall be composed of the President, who shall be the presiding officer; the dean or director of the college/school; and all professors, associate professors, assistant professors and instructors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates and those bearing the adjunct title shall be nonvoting members, unless given the right to vote by the particular faculty. Each college/school faculty may, in its discretion, grant voting or nonvoting membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Lecturers and senior lecturers are members in both college/school and department faculties and shall participate fully in decisions that are relevant to their roles within the college/school or department and in decisions that pertain to the hiring in their rank or below, **and in any other matters the particular college/school or department may deem appropriate.** In departments where the number of lecturers and senior lecturers is comparable to the number of professorial faculty, the Provost may modify this policy in regard to curricular decisions. Granting of such college/school faculty status will in no way affect other conditions of employment."

The clause in boldface type in this FCR statement is a small but potentially important addition to the current Faculty Handbook, and we expect to recommend its inclusion in the next issue of the Faculty Handbook.

The pattern of decision-making at the departmental level varies greatly across academic departments, and we hesitate to describe any particular guideline. But the spirit of the 1994 FCR statement can guide decisions about voting at the department level.

E. Titles

Our Committee's activities have initially focused on NTTF who occupy positions which carry the titles:

Senior Lecturer, Lecturer
 Senior Research Associate, Research Associate
 Senior Extension Associate, Extension Associate
 Librarians and Archivists (eleven sub classifications)

A subgroup of the Committee focused on the question of whether this list of titles is adequate to represent the academic world of 2003 at Cornell. We believe the single title, "Senior Research Associate", is inadequate to meet the wide-ranging needs of the University's research community in the research world of 2003. A proposal to add two titles, "Research Scientist" and "Principal Research Scientist", was approved by the faculty of the College of Engineering (April 30, 2003). We believe this proposal can nucleate a university-wide discussion of additional titles in the area of research.

At this time, the Committee perceives no immediate need for creation of additional titles in the category of Lecturers. We have not yet addressed the question of need for additional titles in the Extension category.

F. Retirement Arrangements for NTTF

As is the case for professorial faculty, many aspects of retirement arrangements for NTTF employees are covered by the overall Office of Human Resources plans which are described in the two booklets, "Retirement and Beyond (Endowed)" and "Retirement and Beyond (Contract College Faculty and Staff.)" These arrangements are also briefly described in a section of the 2002 Faculty Handbook entitled "Retirement Benefits", beginning on p. 62.

Section 4.2 of the Handbook (beginning p. 64 in the 2002 edition) describes additional arrangements available to *Emeritus* faculty. Our Committee has not yet been able to devote serious study to the matter of possible extension to retiring NTTF of some of the provisions described in section 4.2. The important substantive issue concerns whether the arrangements designed to support continuing professional activity by post-retirement *Emeritus* professorial faculty should be extended to retiring "Senior" employees who fall in the group our committee has been considering.

The charge to our committee included an allusion to possible extension of the title *Emeritus* to a retiring, suitably defined group of NTTF. Our committee has not come yet to consideration of such a change. We are aware of a commonly held belief that, for professorial faculty, the two terms "retired" and "*Emeritus*" are synonymous. This belief is not consistent with the description of appointment to the position of *Professor Emeritus* given in the Faculty Handbook (bottom of p. 31 in the 2002 edition.) A review of the realities of use of the title *Professor Emeritus* should precede consideration of extension of the honorific title to non-professorial faculty.

VI. Concluding Comments

The charge to this committee covered a large number of aspects of the professional life of non-tenure track faculty at Cornell. We believe that we have made some progress in sorting out where future investigation and possible action is called for -- by the Faculty Senate, by the College administrations, the central administration and the University Trustees, as needed.

Preliminary analyses and preliminary proposals can be found on the website, <http://instruct1.cit.cornell.edu/~sad4/NTTF/>, maintained by Dr. Stuart Davis, a member of our committee. It is also linked to the Dean of Faculty web site: <http://web.cornell.edu/UniversityFaculty/>.

We believe that, as we complete the work of this Committee, we will bring forth specific recommendations which can improve the quality of life for NTTF and benefit substantially the academic environment of Cornell students and faculty.

Committee Membership

Lynne Abel, Associate Dean, College of Arts and Sciences

Nancy Burton-Wurster, Senior Research Associate, Veterinary College

Stuart Davis, Senior Lecturer, Arts & Sciences

Donald Holcomb, Prof. of Physics Emeritus, *Co-chair*

Mary Opperman, Vice-President for Human Resources

Donald Rutz, Prof. of Veterinary Entomology

Norman Scott, Prof. of Biological and Environmental Engineering, *Co-Chair*

Steven Shiffrin, Prof. of Law

Susan Steward, Director, Academic Personnel Policy Office

Maria Terrell, Senior Lecturer, Arts & Sciences

Pamela Tolbert, Prof. of Organizational Behavior, ILR

Linda van Buskirk, Senior Lecturer, A&LS

Appendix 9

Resolution Regarding a Renewable Energy Endowment at Cornell University

Whereas, it is becoming clear that our long-range welfare, as well as the integrity of the natural environment upon which we ultimately depend, requires a responsible use of the world's remaining natural resources and a transition to clean, renewable energy sources,

Whereas, Cornell University has the responsibility to be a global leader and the ability to influence personal and societal attitudes towards responsible energy use,

Whereas, Cornell's continued growth in energy intensive research facilities will create an ever-expanding ecological footprint upon the planet,

Whereas, a reliance upon coal as a major source of campus electricity generation will continue to contribute to the production of gases responsible for global warming, acid precipitation, and air pollution,

Whereas, coal mining causes serious environmental damage through water pollution, a depletion of the water supply, destruction of land and harm to human health and safety,

Whereas, current conservation measures towards reducing campus electricity use are vital but limited, and a switch to cleaner forms of energy is essential to making a true impact in reducing environmental degradation,

Whereas, new renewable energy generation facilities are available now in New York State providing affordable, clean, and environmentally sound electricity,

Be it therefore resolved, that an endowment be established whose accumulated interest will fund the purchase of electricity created through renewable energy,

Be it further resolved, that the Cornell University administration should make the established endowment a major funding priority so that ten percent of the University's electricity can be purchased from new renewable energy resources,

Be it finally resolved, that this endowment's purpose shall expand in the future to include the funding of additional renewable energy and energy conservation measures as they become economical.

Respectfully Submitted,
Kate Whitlock and Tim Fahey

Senate Member Co-Sponsors: Drew Harvell, Duane Chapman, Thomas Hirschl,
Kate Whitlock