

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, September 4, 2002

Professor Howard Howland, Neurobiology and Behavior and Speaker: “I would like to call the meeting to order. First, I would like to remind you that no photos or tape recorders are allowed during this meeting, and I ask that you identify yourself and your department when you speak. There are no Good and Welfare Speakers known to me, and the number of minutes allocated to Good and Welfare will be allocated to the topic of the Resolution Regarding the Clinical Professor Title. Many of you have not seen the sign-in sheet that is up here to the right, about half way up the hall where people are lining. You don’t have to do it right now, but please do sign in before you leave. Thank you very much. I have now the privilege to call on President Rawlings for remarks and to answer questions.”

**1. REMARKS BY AND QUESTIONS FOR PRESIDENT HUNTER
 RAWLINGS**

President Hunter R. Rawlings, III: “Thank you, Professor Howland. It is a pleasure to join you at this first meeting of your academic year, and I look forward to another good year of collaboration and communication between the Faculty Senate and the administration. I know that last year, in particular, Provost Biddy Martin spent a good deal of time with many of you. I think those meetings were productive, and I hope they will be again this year. I would like to cover a couple of points briefly if I could, and then I would be happy to respond to any questions you might want to ask.

“First of all, I want to thank all of you who participated in the Freshman Book Project this fall. It was an enormous success. The choice of *Frankenstein*, I think, was inspired, and now the city of Ithaca will be following Cornell in adopting this book for reading this fall. So we have a wonderful town-gown opportunity, which Vice Provost Isaac Kramnick is going to take full advantage of, I think. As someone who taught one of the small sections, I certainly enjoyed the opportunity enormously to talk about an intriguing book, written by an eighteen-year-old, and a chance to enable our freshmen to talk about literature and science as well. I want to thank especially those faculty members who volunteered to participate in the project. We had about 250 faculty members volunteer for this, and we had over 300 undergraduate returning students volunteer to participate in the project, as well, as assistants to the faculty and the staff. So we had well over 600 individuals in addition to the 3000 freshmen for the large panel that occurred in Baton Hall on Sunday when the students arrived.

So thank you very much for faculty participation. I think the project is really quite marvelous and gives our freshmen an excellent opportunity to get to know each other on grounds other than purely social.

“Our new freshmen are a formidable group. Just to give you a very quick report – as of August 27, the class comprised 3,037 entering freshmen selected from over 21,000 applicants. Our yield rate this year, that is the rate at which students accepted our offers of admission, was again about 51%, so our numbers are up nicely from three or four years ago. It appears that enrollment demand for Cornell is still very strong indeed. About 7.5% of these students are international students. We were concerned, given the events of last year, that we would see a fall-off in international students, but in fact, we have seen a slight increase, and that’s good. I should also say that graduate student recruiting seems to have gone exceptionally well this year. We don’t have the numbers yet. We won’t have them for about three more weeks, but judging by reports from a number of departments it appears that graduate student recruiting was strong and probably benefited in part from the economy. Generally when the economy goes down, we see more students applying for graduate school, and that enables us to become more selective.

“I would like to spend a moment if I could now discussing the graduate student unionization, which is upon us this semester as most of you are probably aware. Dean Cooke has a statement that I have composed that is going out today on the web as well as to various media sources which outlines what happened this summer in terms of our negotiations with a group of students who want to represent our graduate students in a union in order to conduct collective bargaining to bargain their wages and their benefits. This is an issue that concerns the entire campus. I hope all of you will familiarize yourselves with the issue. We are making strenuous efforts to try to enable the full community at Cornell to understand the issues at stake in what will be an election on October 23 and 24, in which graduate students will decide by vote whether or not they wish to form a union. This is an issue that affects not only our graduate students, but also our undergraduate students, our faculty and our staff, and it is one that will potentially affect Cornell for many, many years to come. I think the most important message is to urge graduate students to vote in this election to assure that as many graduate students as possible in the bargaining unit are able to cast a vote on this important matter. You will see in my statement a brief resume of the events of this summer that led to the formation of the bargaining unit and an agreement between that unit and the University as to how things should proceed this fall to an election. Cornell chose not to question the students’ right to hold such a vote, but rather we adopted the law of the land today, as determined by the National Labor Relations Board, which says that under certain circumstances some graduate assistants at private universities may in fact become members of a

collective bargaining unit and a union in order to bargain their salaries and benefits. I'm sorry for the small print, but this is a copy that is on the web. I hope all of you will take an opportunity to learn the issue, not only from my statement but from statements by graduate students wishing to organize and also statements by our Dean of the Graduate School, Sunny Power, who has been very actively involved in familiarizing colleagues with the issue itself and the events behind this election.

"I also want to mention that this summer Provost Martin and I met with Dean Porus Olpadwala of the College of Architecture, Art and Planning and with the chairs of the three departments in that college in order to request that the faculty in the college consider changing the organization of that college with possibly an ending of the college as a discrete set of three units and an effort to try and find other intellectual homes for those units at Cornell. This is a serious request that Provost Martin and I have made of the faculty in the college. It clearly does create a good deal of concern, as one would expect, in the college, but I'm happy to say that the meetings we had this summer were very good meetings, very clear meetings, in which we outlined our thinking, and we begin a series of meetings with the faculty in those three departments tomorrow. So we will pursue this issue through the fall term and I hope generate a considerable amount of discussion and consideration in the college so that this idea, which was actually first proposed about 20 years ago at Cornell, can again come under scrutiny this fall.

"A word on faculty salaries—I am pleased to say that we have been making considerable progress on our joint goal of raising faculty salaries, faculty compensation, at Cornell to a level equal with the average of our peers as determined by a faculty group. The progress was outstanding in the first year of the program. We are now in the second year of the program and it appears highly likely that we will again make very significant progress vis-à-vis our peers. So that is a matter I wanted to mention as well.

"Finally, fundraising this year, in spite of the great difficulties we have confronted, went very well. I'm happy to report, and this is fresh off the press, that Cornell raised in the year ended June 30 of this year \$363 million, which is the most we have ever raised, and that places us third among American universities in fundraising for that year. So that is good news. We have considerable support in spite of the difficult economy and a declining stock market. I would be happy to take questions you might have."

Professor Risa Lieberwitz, Industrial and Labor Relations: "In terms of the economy and the issues you ended with, there are various rumors and statements that get floated about cuts and such given the problems in the

economy, so could you describe whether there are any cuts contemplated, and if you could be as specific as possible on that?"

President Rawlings: "Yes, I would be happy to try to reply. I think so far we have been spared the worst kinds of cuts in state funding, primarily because it is an election year. However, we are led to believe by many sources, good sources, that as soon as the election takes place, we are going to hear some very bad news indeed from the State of New York, and that of course will not be aimed at Cornell alone but rather all of the institutions in the state which receive state funds. I think it is fair to say that we are looking to a possibly significant cut in state support after the election sometime early in the new year. I think that is a very likely prospect. I don't like to make such predictions, but I think this one is relatively safe, because the state's budget is under very severe pressure. In terms of cuts at Cornell, there are no such cuts being contemplated at this point, but you may be referring to a project we have under way, which goes under the rubric 'Workforce Planning,' in which we are trying very systematically to understand the way work is done on the campus and try to become more efficient in organizing that work. That effort is under the leadership of the Provost, the Vice President for Finance and myself, and it benefits from the research and analysis being done by Vice President Carolyn Ainslie and a group under her that includes deans. That process could well result in changes in the workforce in order to create greater efficiency, but there are no cuts being planned at this particular point."

Professor Richard Durst, Food Science and Technology, Geneva: "In light of the budget problems, is it reasonable to go forward with salary increases for faculty? I'm sure the faculty would be willing to forego these for the good of the University."

President Rawlings: "Well, some faculty might be willing to forego these for the good of the university. It is a very good question, and a reasonable one, given the fact that we are looking forward, not looking forward in the positive sense, to probable reductions in state support. However, let me underline, and I realize this is my last year as President, and so there may be some hesitation in the audience as to how strong this commitment is into the future, but I underline that we set goals for our statutory faculty and our endowed faculty over five years, or in one case six years, to reach the median of our peers. We are committed to those goals, in spite of the tight economic times. We have found various sources in order to achieve those goals. I think frankly we are making progress even faster than we thought we would, because many of our peers across the country (and many of you are aware of this) are suffering terribly from state budget cuts. So those state universities are under very severe budget pressure. As a result, our increases, which have averaged in the neighborhood of

7.5% to 8.0% across Cornell, have enabled us to leap forward much more rapidly than we had projected. I think when we get the figures in from other institutions next spring, we will see that this year we have made another large jump. I would hate to see us abandon the goals that we jointly set three years ago to achieve this increase in compensation at Cornell. I'm speaking for myself. I believe I am also speaking very strongly for the Board of Trustees, which will stay in office after I become a member of the Classics Department."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "Maybe I am stating the obvious. This is more of a comment than a question. But I hope the graduate students realize that voting in this thing is very, very important, because the decision will be made on the majority of those voting rather than the total group. I presume they are being made cognizant of this fact."

President Rawlings: "That's a very important point you make in addition to my comments, and I appreciate your making it, because you are absolutely right. The decision will be made on a majority vote of those graduate assistants who choose to vote, but the decision will impact all graduate assistants, no matter how many decide to vote. So I think it is incumbent on all of us to urge the students to become very familiar with the issues and to vote in that election. Thank you for that."

Speaker Howland: "That is all of our time. Thank you."

President Rawlings: "Thank you very much."

Speaker Howland: "The Speaker now calls on Provost Bidy Martin for remarks and to answer questions."

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Bidy Martin: "I think I have five minutes for remarks and questions, so this will be brief. First of all, I think this is an important time for all of us to rededicate ourselves to the importance of academic freedom and free speech. By that I mean an important historical and political moment in which to be vigilant about protecting one another's academic freedom and rights to speech and also to be protective and attentive to our students, who like many of us, are affected and will be affected by events over which we have no control. So I want to emphasize both the importance of attention to one another and to our students but also to protecting our academic and political freedoms. The second emphasis I will bring forward is continuity. President Rawlings just said that the Board of Trustees remains committed to the faculty salary program. They do indeed. They are committed to the faculty salary program and to the other academic

priorities that we have set over the past few years. The Chairman of the Board of Trustees, Peter Meinig, has authorized me to emphasize that and to reassure you that the Board has worked carefully and hard with us to develop these priorities and also to develop a plan for fundraising for the priorities. They remain committed to them through the Presidential transition, as do I remain committed to those priorities. And now I would be happy to take any questions you have or refer them to the President.”

Professor Kathleen Whitlock, Molecular Biology and Genetics: “Could you say something about the fundraising for the Life Sciences Initiative? Is that going forward?”

Provost Martin: “Yes, it is. That is going forward, and we will spend this next year, that is between now and June 30 of next year, working with colleges to develop our fundraising goals in more detail. We have done planning for fundraising goals for the University as a whole, and we have discussed those, as I just said, with the Trustees. They have endorsed the goals that we have set for those institutional-wide priorities, but what we need to do now in the next year is work carefully with faculty in departments and the college deans to develop the detailed plans of needs that are college specific. That is what we will be doing this year. Yes, the fundraising for the Life Sciences Initiative is on track.”

Professor William Arms, Computer Science: “Last year I know that you and Dean Cooke were attempting to put together a committee to look at copyright related issues for the University. Could you tell us where that stands?”

Provost Martin: “We did attempt to put together such a committee, and we succeeded in putting together such a committee, but I believe it would be fair to say on behalf of that committee that it’s too early to say. Is my time up? Is there anything else? Oh, time for more.”

Professor Joel Porte, English and American Studies: “I wonder if you could say something about the circumstances under which Dean Lewis was asked to step down this summer?”

Provost Martin: “Actually, Joel, I would not like to say very much about those circumstances. Dean Lewis was asked to step down after one more year, which will be his eighth year as Dean of the College of Arts and Sciences. The President asked for his resignation, and Phil has resigned. We are starting a search. We constituted a search committee, and that search committee will have its first meeting tomorrow afternoon at 4:30. Since, it was and is a personnel decision, I prefer not to discuss the details publicly.

Speaker Howland: “Thank you, Provost Martin. The Speaker will now call on Dean Cooke for remarks.”

3. REMARKS BY DEAN J. ROBERT COOKE

Professor J. Robert Cooke, Dean of the Faculty: “I have three brief announcements. The first is that I am mandated to give you a report on the Faculty Advisory Committee on Tenure Appointments. This is covering the last academic year. There were thirty-seven files. These are files that come from a college to the Provost’s Office. The committee reviews those to assist the Provost. Thirty-seven were reviewed. Four people review it; if all four agree that it should go forward, it goes immediately forward. If any one of those reviewers thinks it should be reviewed by the larger committee, it is done by the full group of fifteen. The entire committee reviewed ten of those thirty-seven. Thirty-four were positive recommendations; three were negative recommendations, and the Provost concurred with thirty-six of the thirty-seven.

REPORT OF FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS

September 2001 - May 2002

**37 files were reviewed
(ten of which were reviewed by full committee)**

- **34 positive recommendations**
- **3 negative recommendations**

**The Provost concurred with
36 FACTA recommendations**

Two other announcements. The Financial Policies Committee, being chaired this year by Ronnie Coffman and Leigh Phoenix, is going to be working with the Provost and Vice President to discuss the workforce planning effort. Second, Jennie Gerner is chairing the Committee on Academic Programs and Policies, and that committee is reviewing the proposal concerning Architecture, Art and Planning. So if you have any comments, suggestions or questions send them directly to Ronnie Coffman or Leigh Phoenix in the first case and Jennie Gerner in the second.”

Speaker Howland: “Thank you, Dean Cooke.”

Professor Gary Rendsburg, Near Eastern Studies: “Can I ask a question? Is a question for Dean Cooke in order?”

Speaker Howland: “Yes.”

Professor Rendsburg: “Can you clarify that point on the tenure case? Did you have thirty-seven cases that were reported positively by the individual colleges that went to the committee of which 34 were concurred by the committee and 36 the Provost concurred?”

Dean Cooke: “Thirty-seven were sent by the deans to the administration.”

Professor Rendsburg: “Only positive recommendations?”

Dean Cooke: “Only positive. They were headed for the Board of Trustees. Thirty-six of them were in fact sent to the Trustees with positive, affirming tenured rank. Thirty-four were positive. We sent three negative; the Provost agreed with two of them but did not agree in one case.”

Professor Rendsburg: “The Provost only overturned one negative recommendation? Is that correct?”

Dean Cooke: “The Provost concurred with thirty-six of the thirty-seven. One did not get . . . so on one she disagreed with the committee and nixed it.”

Provost Martin: “There were two cases that did not go forward to the Board of Trustees.

Speaker Howland: “Other questions?”

Professor Philip Nicholson, Astronomy: “Just a point of clarification. So those thirty-seven—those were all the decisions that came from the deans or does only a subset go to this committee that are considered controversial or something?”

Dean Cooke; “Thirty-seven came from the deans with recommendations that it go to the Trustees.”

Professor Nicholson: “That’s all of them basically – the positive ones.”

Dean Cooke: “The FACTA committee can also consider ones that are negative which are sent forward.”

4. APPROVAL OF MINUTES OF THE MAY 8, 2002 SENATE MEETING

Speaker Howland: “The Speaker would now like to call for approval of the minutes of the May 8 Faculty Senate Meeting. Question?”

Professor Francis Kallfelz, Clinical Sciences: “I have a question about the draft minutes. There were two amendments made to the Clinical Sciences Professor proposed legislation. One of those was passed. In the second case, the amendment was made by Senator Obendorf, I believe, but it was never seconded, and there are twelve pages of discussion in the draft minutes of this second amendment, which was never seconded. So I am wondering if it is even appropriate to have that discussion in the minutes, since it was never legally on the floor.”

Speaker Howland: “The Speaker was not present at that meeting.”

LAUGHTER.

Dean Cooke: “If you don’t bring a point of order on the second, if it’s not raised then, you can’t raise it later. So the fact that it went on and no one raised it meant that it was legitimate to go on. If you had an objection, you should have raised it at the time.”

Professor Kallfelz: “It wasn’t seconded and no one raised an issue about it, then it is allowed to stand.”

Dean Cooke: “Well, when it comes from a committee, it is automatically seconded, but this did not.”

Professor Kallfelz: “No, this did not.”

Dean Cooke: “But if you don’t second it and no one objects, it still goes forward.”

Speaker Howland: “Good. Are there any objections to the approval of the minutes? Hearing none, they are approved. The Speaker would now like to call on Associate Dean and Professor Charles Walcott for a Nominations and Elections Committee Report.”

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior, and Associate Dean and Secretary of the University Faculty: “I have a great collection of these (Appendix 1). They are all in your handout for the meeting, so I will just show them to you

briefly. There will be an examination at the end of the meeting. And that concludes my report.”

LAUGHTER.

Speaker Howland: “The Chair asks for unanimous approval of the report. Hearing no objections, it is approved. We now come to the next motion. I want to give you a little information before I call on the mover. This concerns, of course, the motion on the resolution regarding the Clinical Professor title. Originally, we were going to ask for unanimous consent to make the motion the pending motion, however, additional research, following the suggestion of Professor Stein, has convinced the Chair that because the Senate is now in a new session and because more than one quarter of a year has elapsed between the last meeting of the old session and the present meeting, then according to Robert’s Rules of Order, we are not bound in this session by any action of the old session, for example, the tabling of a similar motion. The only business that can be carried over between sessions, over this one-quarter of a year interval, is a motion referred to committee. And some believe that this was the real intent of the motion to table, but in that case the committee also has total freedom in bringing a new motion to the assembly, thus I rule that the motion about to be introduced is in proper order. If any members object, they may appeal this ruling of the Chair. I ask for unanimous consent to proceed with this motion. Hearing no dissent, we will now proceed. I will now call on Professor Charles Walcott to move the resolution, and then I will call on Alan Bell, Animal Science and Chair of the Professorial Titles Task Force, to present the brief background on the resolution regarding the Clinical Professor Title.”

Professor Walcott: “Mr. Speaker, I would like to move the motion.”

UNKNOWN: “Second.”

Speaker Howland: “Thank you. It needs no second, but thank you. The motion is now on the floor, and I call on Professor Bell.”

6. RESOLUTION REGARDING CLINICAL PROFESSOR TITLE

Professor Alan Bell, Animal Science and Chair of the Professorial Titles Task Force: “Thank you, Mr. Speaker. It seems only a week or two since I last stood before you. This time I have been careful to well and truly cover the bull’s eye on my chest. All senators should have received a revised version of what we are now calling version 1.4 of the resolution (Appendix 2), which describes enabling legislation for the Clinical Professor title. You will recall that at the last meeting, those of you who are continuing members of the Senate will recall that we began

in good order at the last meeting and we did pass, notwithstanding the concern about whether the business done at the last meeting was valid or can continue or not, the business that we did achieve was the collapsing of language in the preamble statement. The Senate at that time at least voted to pass that amendment. We then got seriously tangled up with language in so called item IV.B. Then there was a motion passed to table the resolution.

With all this in mind, the task force retreated and then reconsidered and has produced a revised version which should be in your hands. It was sent out to you in August and also with the materials for this meeting. The changes to the resolution that are in this new document are summarized in this overhead (Appendix 3). So we have in keeping with the amendment made at the last meeting, we have retained that changed language in the preamble. We have made some minor changes in modifying language in item II, and we have wrestled manfully with language in item IV.B that was the focus of concern. That will be perhaps part of today's discussion, and I hope we'll proceed to a vote from the body. But before we get to that, I would like you to consider another amendment that was brought to us by Professors Shiffrin and Lieberwitz that concerns a passage that was originally described as item VI.D but now is appended as Appendix B of version 1.4 of the resolution. So this is right at the back of the document, if you haven't read right through, and this is modifying the attempt to avoid imbalance between members of faculty that would come under the new title versus the tenure stream faculty in the department. The first part of this is not underlined. It deals with the expectation that the percentage of the positions bearing these titles will not exceed 25% of the total faculty.

Appendix B

a version of amendment to VI.D proposed by Steven Shiffrin and Risa Lieberwitz, 7 May.

additions underlined

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located, except as herein provided. A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

[Note: Tape recorder came unplugged so exact wording was missed. Professor Steve Shiffrin provided brief background and moved the amendment. The motion was seconded by Professor Risa Lieberwitz. Further discussion follows.]

Professor Steven Shiffrin, Law: “The automatic bar is set at an arbitrary figure at 25% and says that the Law School or some other school could go beyond that if it makes a very demanding showing. I’m not going to read what is underlined there, but I think you would agree it’s a very demanding showing. It’s not an impossible showing. It wouldn’t be enough to say, ‘Well, if you spend money on this that would jeopardize adding tenured faculty.’ Unless it were a vast amount. The notion is simply to make it more flexible and to allow a showing to be made.”

Professor Thomas Gilovich, Psychology: “I was just wondering – one person’s over powering showing may not seem as over powering to someone else, and therefore over powering showing to whom? Who decides that issue?”

Professor Shiffrin: “The committee that these proposals go to in the legislation. Whether you said ‘burden of proof beyond a reasonable doubt’ or ‘convincing evidence’ or whatever phrase you use, that problem would exist. It is ‘over powering showing’ because the idea is that you need to make a really strong showing.”

Speaker Howland: “Additional discussion on the amendment?”

Professor Terrence Fine, Electrical Engineering: “I’m opposed to the amendment, because I feel very tentative about the main motion. I might be willing to support the main motion, but this is a departure for us, and I would like to have some empirical experience, assuming the motion does pass, in how it works out before one starts loosening the reins on it. I think there needs to be reins on it, particularly initially, so I am very concerned that one of the reins here is being loosened. You say 27%-28%, but this allows 70%, too. It all depends on who is looking at it. So I am opposed to this, because I would like to start in a very controlled fashion and this is less than that.”

Professor Nicholson: “My concern is exactly the same as Professor Fine has stated. If we want to change it, I think, we should put a number on it rather than leaving it open ended, say 35% instead of 25%. This sounds like 70% to me.”

Speaker Howland: “Additional discussion on the amendment?”

Professor Mukherjee: “I think of tenure-track as people who are hoping to get tenure and not ones already tenured. So do you mean tenure-track? I’m tenured. All together or do you strictly mean tenure-track?”

Professor Shiffrin: “Both.’

Professor Martin Lindau, Applied Engineering and Physics: “The ‘over powering showing’ to me sounds very ill defined. I think what is meant, is maybe something like ‘convincingly argued.’ Is that what you mean by overpowering and should there be rewording in some way?”

Professor Shiffrin: “I don’t think so. Risa and I wanted to have a standard of proof that would be very demanding, so that people like Terry would not be concerned. The idea that the Law School or any other school is going to have 70% clinical faculty, I think is a laugh. I just think there might be a need to have some greater number of clinical faculty, and notice that there must be a showing that they would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty and that there is a need for a higher percentage. If you want to defeat it, that’s fine, but sending it back is not worth it.”

Professor Lieberwitz: “The legislative reason I signed for this with Steve, I have expressed doubts about the overall legislation prior to this meeting when we have had prior discussions. I think a lot of us continue to have doubts or at least are torn on the overall legislation. I hope to be able to speak to some of that later in terms of my view of the overall legislation. But the reason I supported this amendment is that it seems to me that the Law School is the one example that I can think of where the overall legislation could be legitimately used. That is, as Steve explained, we have a body of clinical professors already who have never been tenure-track. I personally would like to see them move towards the tenure-track. Perhaps we will see that in the future, but for the moment and historically as has been pointed out, they haven’t been tenure-track. So that changing their title, in fact, would not hold the danger of diluting tenure-track positions, which is the main concern that I, and a lot of people have. It seems to me that this is needed for the reasons Steve described in terms of the numbers in order to avoid yet another third tier being added, where because of the percentage, you have a certain number of clinical professors who can now be called clinical professors, but then other people doing clinical work in the Law School couldn’t be called clinical professors because of the 25%. It’s because of I felt the Law School had a legitimate claim on this that I supported it.”

Speaker Howland: “Are we ready for a vote then?”

Professor Lindau: “The only question which remains to me is since there is a very clear paragraph now about the availability for this title where it says ‘who serve an essential teaching function in a clinical setting,’ could someone define for me what a clinical setting is?”

Speaker Howland: “Would the maker of the motion care to define a clinical setting?”

Professor Shiffrin: “Well, I think that is a question that is not germane to this amendment. I think it applies to the overall legislation. I can answer with respect to the Law faculty. There are faculty who we call clinical faculty who represent live clients, and there are faculty who at the moment we call legal writing faculty who teach people how to engage in depositions, to write interrogatories, and teach them how to represent live clients where there actually are live clients. Both are engaged in clinical teaching as opposed to what I do, which is to go in and talk about the First Amendment and so forth. I don’t have a definition up in the sky, but I do think the practical orientation is, in the Law School, the defining characteristic.”

Speaker Howland: “Good. Are we ready for the question then or not?”

Professor Elizabeth Earle, Plant Breeding and At-Large: “Could I ask what percentage of the faculty or the personnel in the Law School would fall into this title or be eligible for this title if the legislation is approved?”

Professor Shiffrin: “There would be debate within the Law School, but I think the Dean would take the position that the legal writing faculty and the clinical faculty would all be eligible. That is at about 25 or a little over.”

Speaker Howland: “There was another question.”

Professor Jonathan Ochshorn, Architecture: “By setting these conditions for clinical professors from 25% to 100%, are you not implying that those conditions do not apply to 0 to 25%? That is that the clinical professors in the initial 25% can represent tenured or tenure-track positions?”

Professor Shiffrin: “There are other mechanisms within this proposal to guard against the erosion of the tenure system. They apply from 0 - 25%. There isn’t a requirement of an overpowering showing, and there isn’t a requirement of a showing of the need for the particular percentage.”

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: “You’ll forgive me that I have been browsing through the *Chronicle of Higher*

Education and reading about the state of Columbia, about the School of Journalism. Basically, this really goes to the question of what goes on in professional schools at major research universities and to what extent does the research faculty abdicate responsibility not only in the professional schools but in other schools for things that they might reasonably be expected to do. I would say that for a university with limited researchers that aspires to be a great research university, it is quite reasonable to set an upper limit of 25% and ask professional colleges to structure their programs according to that. So I support Professor Fine's comments."

Professor Peter Stein, Physics: "May I call the question on this amendment?"

Speaker Howland: "Yes, you may. All those in favor of closing debate say 'aye.'"

AYE.

Speaker Howland: "Opposed? Debate is closed. We now move to a vote on the amendment. All in favor of the amendment say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think the no's clearly have it. The amendment fails. We come back to the main motion. Professor Bell are there any additional things that need to be done?"

Professor Bell: "There was some of the discussion of this resolution that began immediately after the May meeting and there was action by the task force then. But particularly in the last few days, perhaps predictably, there has been a flurry of additional activity and some reaction to the task force's rewording of section IV.B. The rewriting we did is the un-amended passage here, and the amending of it come from suggestions by Professor McAdams and others in the last day or two sponsored by the task force. So I will try to read this to you. We will offer this to you as a modification of the formal amendment and would hope, I'm not quite sure what the process is for getting approval, but let me read it to you. I should also preface this by saying that this whole passage was not in our very early versions of the resolution but was a direct response to concern by the faculty, including Professor Fine, who spoke to this issue in an earlier faculty meeting and also from discussion in the faculty forum that devoted a whole

session to this issue. The attempt here is to put considerable rigor into the voting expectations for individual colleges or schools that may wish to implement this resolution. This is a faculty empowerment issue. So the proposal reads:

Item IV.B.

B. The proposal must be approved by at least two-thirds of those voting, by ballot, in separate votes, of tenure-track and non-tenure-track faculty respectively of the originating college or school (as defined under Article XIII of the University Bylaws). Further, those voting positively must represent at least half of the respective faculty group with voting rights on that issue.

We did get snarled by the word ‘eligible’ to vote and apparently that word ‘eligible’ has some special meaning across schools that may interpret this as being just the body that is at a meeting that may vote, as in a body such as this.”

Speaker Howland: “So because this was not distributed with the Call to the Meeting, the Chair asks for unanimous consent to substitute this wording from the committee. Hearing no objections, that is the wording of the motion. We are now, I think, ready to discuss the main motion.”

Professor Bell: “Professor Shiffrin has offered an amendment that we would actually strike all of IV.B. My understanding is that this would be another way of offering some flexibility.”

Speaker Howland: “Let me step in as Chair. It sounds to me like we are going to discuss the motion, and I am willing to recognize Professor Shiffrin if he wants to make this amendment.”

Professor Shiffrin: “I would move the amendment (Appendix 4), which is to strike IV.B and as been distributed to the faculty, it changes C to B and D to C.”

Speaker Howland: “Is there a second to this amendment to strike section IV.B? Hearing no second the motion fails.”

Professor Herbert Deinert: “Second.”

Speaker Howland: “Thank you very much. The motion has been made and seconded. If you would speak to it?”

Professor Shiffrin: “Given the avalanche of people rushing to second this, I’ll be brief. The idea is basically this. In section VI there are a number of provisions

that have to be met in order to get the Clinical Professor title through a school. There are all kinds of showings that have to be made, including this percentage rule that you have recently reaffirmed. My concern is that if we are going to pass legislation that allows Clinical Professor titles, we should have direct substantive limitations but not a limitation on the self-governing autonomy of schools. Maybe people from the Arts College can tell me what the likelihood is of half the faculty from each of the groups voting on a particular issue. How often does the Arts College generate that kind of response to a proposal? My fear is that a promise given on the one hand, with a lot of limitations on it, will be taken away by this particular limitation. It seems to me each school ought to be able to decide for itself how it governs itself."

Speaker Howland: "Comment on this?"

Professor Alan McAdams, Johnson Graduate School of Management: "I take it that you are reading the word group to be any subgroup in the faculty. The intent of the word group is to refer only to the group of tenured faculty and the group of non-tenured faculty. So those are the groups we are talking about, and I think that should meet your objection, I hope."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "Just an observation. As I read the existing amendment IV.B, in a department or a school with only one untenured faculty member, that person would have absolute veto rights on any clinical appointment."

LAUGHTER.

Speaker Howland: "Additional comments?"

Professor Walter Mebane, Government: "I would like to call the question."

Speaker Howland: "All previous questions?"

Professor Mebane: "Just the one on this motion."

Speaker Howland: "All those in favor of calling the question say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think the ayes have it, so we are calling the question on this amendment. All in favor of the amendment to strike section IV.B say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The 'no's' have it. I think that clears away the amendments, and we are now into debate on the main motion. Who would like to speak to the main motion?"

Professor Peter Stein, Physics: "I am a little bit concerned that we only have ten minutes to discuss this."

Speaker Howland: "We have more than ten minutes. We have until 5:45, because we have Good and Welfare."

Professor Stein: "OK. I have been sitting and listening to this debate for some time and really haven't taken a position. When I first heard it, it seemed to me this was something special for the Vet School, and they know what they need and why in the world should we not let the Vet School or the departments in the Vet School make that decision for themselves? But as I have been sitting here and listening to the discussion, it seems to me that we are embarking on what seems to be a major change in the way we do things at the University.

"Now this by itself will not do that, but this is the first step in that direction. We have had a model at Cornell, and it has been a standard model for most the research universities in the country, that it is a good thing to educate students by people who do research, and in fact that all of the people who teach students do research and all of the people who do research teach students, more or less. When I came here to Cornell that was pretty much true in the endowed campus. Of course, there was always the question of Extension, but to me that is really just a change in wording, because those people teach in a different kind of setting. I think it was pretty much true when I came to Cornell that the people who did research were the people who taught and the people that taught did research. And you could argue that maybe that is not a very sensible model, but it seems to me that it has served us well over the years. And it is something that I value. It's not only that I value it, but the institution values it. Hunter Rawlings has said that Cornell is the best teaching institution of the research universities, and he also has talked a great deal about the fact that students who come to a research university are taught by people who do cutting-edge research. It's a

fundamental change from high school, because the people who are teaching them are actually people who have carried forward knowledge in those areas. If you look at the brochures that we send out to students, they make a great deal of that. 'Be taught by a Nobel Prize winner. Be taught by somebody who is at that moment making a fundamental change in the field.'

"Now we all know that that has limitations. We know that in fact there are freshman humanities or writing seminars that are taught by graduate students, and we know that over the years we have had more and more lecturers. When I first heard about lecturers it was because there were certain things where it didn't make sense to have people do research, like teaching conversational language. So that brought us lecturers, but then little by little we have had lecturers doing the work in the Arts College and in other places in the University, lecturers who do not do research teaching large numbers of students. I don't really like that, but I have become used to it.

"What do we mean when we say to students that in fact if you come to Cornell, you will be taught by people who do cutting-edge research? Is that just a complete sham or does it have meaning? I think the only meaning it really has, if you think about it, is the fact that someone who bears the title professor in this University does this combination job, does both research and teaching. And we believe that the research that he or she does enriches their teaching and the teaching they do enriches their research. It seems to me that really has been something that is true from one end of campus to the other, and I am extremely disturbed about making a change, which may just be a change in name, whereby we can no longer say that. I have the sense that we are, in a certain sense, concealing from the students, who exactly is it that is teaching them. Students call lecturers 'professors.' In a certain sense, it has already been muddied over. I think that calling people Clinical Professors or other titles that will be invented over the years is a way to obfuscate this fundamental structure that this University has been built on. Because of this, I have become convinced that even though the Veterinary School or the Dean of the Veterinary School or some department thinks it's a good idea for them, I think it's a bad idea for Cornell. I think it is better for the students in the Veterinary College and everywhere else to have it clearly identified who are the people that are teaching them. Are they people who are in some sense professional teachers or are they people who are simultaneously carrying on research and participating in the advancement of the knowledge in that field? For that reason I am going to vote against this proposal."

Speaker Howland: "Would someone like to speak for the motion?"

Professor McAdams: “I would say, Peter, that people in the Medical School, at the time you arrived and to the present time, have titles of this kind, and what we find is that students are very delighted to have professors of surgery who are doing surgery. I think that the Veterinary School has many close parallels to that, and I don’t think either the Medical School or the Veterinary School or the University as a whole will somehow come tumbling down. We do have professional schools, and I know that our Dean is very strongly in favor of something of this kind, because we have this same need to have the interaction between theory and practice. We have some very distinguished people, including winners of major productivity prizes on our faculty who command the full respect of our students. And we are better off for having them. We would probably be more able to attract them if we could have a title equivalent to the Clinical Professor title, indicating these people have done it in another form of research, in the direct application of theory to practice.”

Professor Lieberwitz: “Point of order. At the last meeting, as presented in the minutes, we voted to bifurcate.”

Speaker Howland: “Fell by the wayside.”

Professor Lieberwitz: “It’s null and void now?”

Speaker Howland: “Correct. So the Chair ruled and it was sustained.”

Professor Fine: “I move to divide.”

Speaker Howland: “Tell me what you want to divide.”

Professor Fine: “I want to divide off VII from the rest of the motion.”

Speaker Howland: “You wish to divide section VII from the rest of the motion. Is there a second to the motion.”

Professor Shiffrin: “Second.”

Speaker Howland: “I think that is debatable. Does anyone want to speak to it?”

Professor Lieberwitz: “The reason I wanted to do that (I’m glad Terry jumped in) is the same reason as last time. Roman numeral VII deals with the issue of the committee to investigate the status of non-tenure-track faculty, and it seems apparent that many people could support the formation of that committee and not support the rest of the legislation as has been proposed. In order to enable

people to accurately vote on each of them, I think the two pieces should be considered separately.”

Speaker Howland: “Since this has been considered by two-thirds of the body before, perhaps we could move on the question. If there is no objection, let us take a vote to divide. All in favor of the motion to divide say ‘aye.’”

AYE.

Speaker Howland: “Opposed? The motion passes. Further discussion on the main motion, the first part, not section VII.”

Professor David Delchamps, Electrical and Computer Engineering: “I agree, in a sense, with what Peter was saying about the title of professor, but my impression from the discussion I have heard so far is that the horse is already out of the barn at our peer institutions. I’m taking the words of my Law School and Vet School colleagues on that. If we are to attract people of the caliber that we already have and to continue attracting them and keep the ones we have and give them the respect they deserve, we need to let these people judge for themselves about the clinical title.”

Professor Ronald Booker, Neurobiology and Behavior: “I think it’s also important to realize that there will be a chance to debate this issue in every school and college in the University. I think Professor Stein is correct. The views of the needs of the college of our concerns are going to be very different from that of the Vet School. I think at the point in time when this motion is considered, the idea of creating these clinical positions in Arts and Sciences is considered, then I think we should debate the issue there and address the issue of whether or not it would be good to have clinical faculty in our college. We need to understand that this is not a homogeneous college department. Each school and college has a different need, and we need to respect those differences. I think that is what the legislation deals with. We shouldn’t just focus on our own particular colleges and departments in considering this issue. We need to look at the University as a whole; we need to look outward not necessarily inward.

Speaker Howland: “Additional debate is on sections I through VI.”

Professor Elizabeth Earle, Plant Breeding and At-Large: “Did I understand Professor McAdams to say that the Johnson School would not want to use the Clinical Professor title? They liked the concept but not that particular name?”

Professor McAdams: “Absolutely.”

Professor Earle: "So would we be back considering a different title for the Johnson School?"

UNKNOWN: Sounds like Professor Fine: "You don't have to answer that."

LAUGHTER.

Professor McAdams: "I cannot answer it. What I can say is this. The title of Clinical Professor won't do us much good among people winning national awards in management. My assumption from prior discussion was that each of the colleges would be able to select a title similar to Clinical Professor."

Speaker Howland: "Additional discussion on sections I through VI."

Professor Philip Nicholson, Astronomy: 'I have a question as to information for Professor Bell. In item III, where it talks about the limited availability of the title, I think I understand pretty well the distinction between Clinical Professor and regular tenure-track faculty, but then the last sentence of this says, 'Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.' I guess I don't have such a clear picture in my mind, since we don't have any of these people in my department, what the distinction between a Lecturer and a Clinical Professor would be. Is it long term nature or something in the word clinical itself or is it that the Clinical Professor seems more essential and less disposable than Lecturers?"

Professor Bell: "The intent of that sentence in section III was to remove any expectation that existing non-tenured staff in the University might have that this would just be a wholesale mechanism for converting to some new title. But the other answer to your question is that our expectation is that the bar will be higher for the clinical title, both in terms of the rigor of the search, in terms of the rigor of the evaluations throughout all three levels of appointment and perhaps in some of the terms and conditions of appointment that might be enjoyed by these people as well."

Professor Nicholson: "Do you expect some departments to continue to have both Lecturers and Clinical Professors?"

Professor Bell: "Yes, that would be probably true."

Speaker Howland: "I just want to say that we have about six more minutes, so I would like to try and get at least through the first part."

Professor Francis Kallfelz, Clinical Sciences: “Following up on Professor Stein’s comment, it seems to me that under V.A. Justification, the Justification should include a discussion as to why tenure-track appointees should not or cannot fill the need that is to be filled by non-tenure-track appointments. That should be part and parcel of the justification for having the title. I don’t know how one would go about putting that in, but does one have to vote against the whole motion in order to implement that?”

Speaker Howland: “I believe at this point yes. Additional discussion on the main motion.”

Professor Robert Bland, Operations Research and Industrial Engineering: “I have a question for Professor Bell. It’s my impression that in the Medical College, at least at Cornell, the faculty members with the Clinical Professor title are still expected to publish, not publish basic science but rather publish articles for clinical journals. Is that expectation to be carried forward here as well?”

Professor Bell: “Up to a point, yes. This was a point of discussion in at least two earlier meetings. I think it was discussed considerably at the faculty forum and was certainly discussed in at least one Senate meeting. I think the intent here is that clinical faculty will be encouraged to conduct, in the case of Vet faculty for example, case studies, applied clinical studies, and may collaborate with tenure-stream faculty in various ways. Certainly there will be an atmosphere of expectation that they will, where possible, conduct research and publish that research. However, there is no doubt that the first and major responsibility of these people will be clinical teaching and certainly clinical service. I’m not sure about Law faculty, but I think that is the Vet School situation. It’s hard to be black and white on this. There are untenured faculty in Professor Kallfelz’s department who publish, for example.”

Speaker Howland: “We are getting very short on time. It may be that the faculty wishes to postpone this to another meeting, but if not, I think we should try to move the question. Yes, Dean Smith.”

Donald F. Smith, Dean of the College of Veterinary Medicine: “Just as a neighbor and colleague of Professor Stein, I would like to briefly mention the merits of this motion. There are three points to be made. One, I believe strongly that this motion is important for the College of Veterinary Medicine, as it for many medical schools in this country and first-rate research universities and also veterinary colleges that are in the same situation. The first reason is one of fairness to those people who are involved in clinical teaching and clinical service and also, as Professor Bell said, in some aspect of clinical scholarship. Secondly, it is an issue of competitiveness. We feel strongly, most of us in the College of

Veterinary Medicine, as relayed by the recent vote, we feel strongly that it is important from a competitive standpoint relative to our peers. We are ranked number one, and we want to maintain that rank. This is one of the many ways in which we can do that. Thirdly, without elaborating, I feel that this will strengthen the tenure process and the integrity of the tenure process. Thank you."

Speaker Howland: "The Chair would like now to move to a call on the question. If you don't want to . . . "

Professor McAdams: "Could I say five words?"

Speaker Howland: "Five words."

Professor McAdams: "Amendment to change the titles only."

Speaker Howland: "Out of order. I'm sorry, Sir, you are out of order."

Professor McAdams: "I meant to offer an amendment in response to Lisa's question. I'm not offering an amendment now. I'm not trying to offer an amendment."

Speaker Howland: "The Chair will entertain a call for the question. If you don't want to vote on it, you can vote down the call for the question."

UNKNOWN: "Call the question."

UNKNOWN: "Seconded."

Speaker Howland: "Fine. All those in favor of terminating debate and voting say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "We are now voting on sections I through VI. All those in favor of the motion, say 'aye.'"

AYE.

Speaker Howland: “All those opposed?”

NO.

Speaker Howland: “We need a count. Mr. Secretary, will you help me with the count? All those in favor of sections I through VI please stand. All those opposed please stand. The vote is 54 yes and 24 no. Abstentions please stand. There are 12 abstentions. The motion passes. (Resolution as approved is attached as Appendix 5.)

We are out of time. The Chair will now call the next item of business, which is Professor Robert Harris, Vice Provost for Diversity and Faculty Development, and Lynette Chappell-Williams, Director of Workforce Diversity, Equity and Life Quality for a report on Bias Response Protocol: 2001-2002: Report on Campus Incidents.”

7. BIAS RESPONSE PROTOCOL 2001-2002: REPORT ON CAMPUS INCIDENTS

Professor Robert Harris, Africana Studies and Vice Provost for Diversity and Faculty Development: “I’ll try to be very brief so that you might have an opportunity to ask questions. Bias activity protocol was put in place during the 2001-2002 academic year to gather accurate information about bias incidents, crimes and complaints involving Cornell students, staff and faculty. After a series of assaults and incidents primarily involving Asian and Asian-American students during the 1999-2000 academic year, students in particular expressed concern about the University’s response to bias crimes and incidents. Many students indicated that they felt alone and vulnerable. Both the affected individuals and the targeted communities complained that bias activity negatively affected their academic work and created concern for their personal safety.

“The bias activity protocol provides a mechanism to respond immediately to reports of bias crimes and incidents, to offer support to the targeted students, to work with the affected community and to determine patterns that can help in taking preventative measures. Students are encouraged to report bias incidents and crimes. A list of Bias Reporting Team members is available on the web and is identified in a brochure that was sent out in the call to the meeting. The report is filed with the Office of Workforce Diversity, Equity and Life Quality that provides assistance to students and members of the Bias Response Committee, should the students desire it. If there is likelihood that the incident constitutes a crime, the student is encouraged to report it to the Cornell Police.

“We have noticed that from concern for incidents reported that sexual orientation, race, national origin and religion were the most frequently reported incidents. On the alleged type of activity reported – verbal attacks, slurs, graffiti, vandalism were the most frequent, with e-mail, flyers and chalkings in the other category. The University status of alleged individuals affected – graduate students and staff, with graduate students being the largest group. The alleged location of reported bias incidents – most of the reported incidents have taken place on campus and in residence halls, but it is in the residence halls where we have our most effective reporting system in place right now. The perpetrator profile – undergraduate students have been the most identified. We were able to identify 25 perpetrators in minor instances where the target did not want to press charges. There was some educational intervention; in other incidents complaints were filed with the Judicial Administrator or the Cornell Police. In one instance an alleged victim was prosecuted for filing a false report. We take these reports very seriously; we investigate them, so if someone files a false report, they are subject to be prosecuted. Suggestions that we have for the faculty – we encourage faculty who might hear from their advisees or students in their courses about bias incidents to refer students to one of the Reporting Team members. We have a list of Reporting Team members that we will make available, as well as it’s available on the web site. We also urge faculty to discuss incidents that take place in the classroom that might be offensive to students in the course.”

Speaker Howland: “Questions for Professor Harris.”

Professor Lindau: “What is going to be the treatment of the offenders?”

Professor Harris: “Well, there are some instances in which we are not able to identify the offender.”

Professor Lindau: “Hopefully, you are. The purpose is not identifying the offender?”

Professor Harris: “Not necessarily, because there are some things that are done anonymously. We still want to have a sense of what type of activity is taking place, where it’s taking place, and what preventative measures we might be able to take. This is not intended to be a punitive system; it’s an information gathering system, because in the past, we have had a lot of rumors floating around about activity taking place without having real substantive documentation and information about what was happening.

Professor Lindau: “Well, then what will you do with this information you get? What is the information used for?”

Professor Harris: “We are able to determine, for example, that most of the activity is occurring within a particular residence hall. Then we look at that particular residence hall and try to make sure that we have information sessions, discussions about the type of activity as a way, hopefully, to reduce that activity. Also, if the student reports that that student is a target, say someone is posting notes on their dorm room or sending them e-mail messages, that student is very much concerned about his or her personal safety, so we can recommend that student to consult and confer with someone. We can also make sure that the residence hall director, the resident advisor, is sort of keeping an eye on that court and consulting with that student. So that is the purpose for gathering this information.”

Speaker Howland: “Other questions?”

Professor Lieberwitz: “Could you perhaps give some evaluation of your view on what you are hearing? Were you surprised by the numbers? Do you feel that the reporting is helping you in figuring out a response? That would interest people here.”

Lynette Chappell-Williams: “For this past year we have received information about 83 incidents. There has been an increase partly because of the reporting of the program. Some of the individuals who were the recipients of the bias activity have expressed a sense of comfort in knowing that there is concern in terms of the University community, as well as being connected with resources that are available throughout the University. As word is getting out, we are finding that more and more individuals are finding a higher comfort level in bringing these matters forward.”

Speaker Howland: “Additional questions? Thank you very much. The Speaker now calls on Professor Charles Walcott and Stewart Gray, Courtesy Professor, Plant Pathology and Chair of the Recombinant DNA Committee for a resolution to change rDNA Committee to Institutional Biosafety Committee.”

8. RESOLUTION TO CHANGE rDNA COMMITTEE TO INSTITUTIONAL BIOSAFETY COMMITTEE

Professor Walcott: “So moved.”

UNKNOWN: “Call the question.”

Speaker Howland: "Is there any discussion? Specify."

Professor Fine: "What the question is on--it says 'established under the authority of The Office of the President,' and it proceeds to say 'a standing committee of the Faculty Senate.' Could somebody explain if this is consistent?"

Speaker Howland: "Professor Walcott, can you answer this question?"

Professor Walcott: "No, I can't. I couldn't hear it."

LAUGHTER.

Speaker Howland: "Professor Fine, you will have to speak louder."

Professor Fine: "Under the Authorization it says that it shall have a committee 'established under the authority of the Office of the President'; under the General Charge, the next sentence, it says 'is a standing committee of the Faculty Senate.' I'm trying to understand whether these are different jurisdictions or whether these are consistent with each other?"

Professor Walcott: "I believe that it is, in fact, a joint Administration/Faculty Senate committee. It is one of these things that is joint between the two of us."

Speaker Howland: "Do you have a comment on that?"

Andres Garcia-Rivera: Director Environmental Health & Safety: "Yes, essentially what we are doing here is we are recharging the committee with the changes that have taken place. If you go back to the 1980's, that's when the Recombinant DNA Committee was created. The mechanism still remains the same; we are not proposing any change in how the committee was originally conceived. As Professor Walcott has mentioned, it was conceived as that dual type of administrative/faculty committee."

Professor Elaine Wethington, Human Development and At-Large: "I'm Chair of the University Committee on Human Subjects. I have a question about some of the coordination that is being suggested here. My specific question is on page 4, under Gene Transfer Therapy, the last sentence in that paragraph states that 'Final approval for human subjects studies is contingent upon protocol approval to the Office of Recombinant DNA Activities,' etcetera. Should that statement say 'Final approval for human subjects studies is contingent upon protocol approval *by* the Office of Recombinant DNA Activities?'"

Andres Garcia-Rivera: "Yes, that would be much better."

Professor Wethington: "OK. I have no objection to that."

Andres Garcia-Rivera: "Yes. We can make that change once it's approved."

Speaker Howland: "Friendly amendment. Are you ready for the question? All those in favor of the motion say 'aye.'"

AYE.

Speaker Howland: "All opposed? No opposition. (Resolution as approved is attached as Appendix 6.)

Thank you. That bring us to the end of our agenda."

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Appendix 1

Report from N&E Committee

September 4, 2002

Affirmative Action Committee

Ronald Booker, A&S
Michael Kelley, Engr.
Susan Suarez, Vet.

**Committee on Academic Freedom & Professional Status
of the Faculty**

Peter Kahn, A&S
Risa Lieberwitz, ILR
R. Laurence Moore, A&S

Committee on Academic Programs and Policies

Jennifer Gerner, CHE
Trevor Pinch, A&S
Bud Tennant, Vet.

Educational Policy Committee

Dan Barbasch, A&S
T. Michael Duncan, Engr.
Michael Gold, ILR
Donald Viands, CALS

Faculty Advisory Board on Information Technologies (FABIT)

Fred Schneider, Engr.
Paul Velleman, ILR

**Faculty Committee to Advise the Provost on All Tenure Decisions
(FACTA)**

Richard Harrison, CALS
Michael Walter, CALS

Faculty Programs in Residential Communities

Birgit Speh, A&S

Financial Policies Committee

Ronnie Coffman, CALS

Ronald Ehrenberg, ILR/ A&S
Robert Frank, JGSM
Stewart Schwab, Law
Pamela Tolbert, ILR

Local Advisory Council

Cutberto Garza, CHE

Professors-at-Large Selection Committee

Douglas Fitchen, A&S
Peter Katzenstein, A&S
Michele Moody-Adams, A&S

University Committee on Human Subjects

Michael Shapiro, CALS
Donald Tobias, CHE

University Conflicts Committee

Ronnie Coffman, CALS
Robert Gilbert, Vet.
Michael Isaacson, Engr.
Francis Moon, Engr.

University Faculty Library Board

Eberhard Bodenschatz, A&S
Paul Ginsparg, Engr.
Charlotte Jirousek, CHE
Christopher Watkins, CALS
Gary Whittaker, Vet.

University Lectures Committee

Sandra Siegel, A&S
Yervant Terzian, A&S

University-ROTC Relationships Committee

Kenneth Hover, Engr.
Sang Shin, Vet.

ASSEMBLIES

Campus Planning Committee

Michael Tomlan, AAP

Campus Store Administrative Board

Donald Kenkel, CHE
Charles Walcott, CALS

Committee on Dining Services

Richard Penner, Hotel

Transportation Hearing and Appeals Board

John McClain, JGSM

University Hearing Board

Susan Christopherson, AAP
Clare Fewtrell, Vet.
Anthony Ingraffea, Engr.
Leonard Lion, Engr.
Rolf Pendall, AAP

University Review Board

Norm Scott, CALS

Enabling Legislation for the Clinical Professor Title

May 29, 2002

* vers. 1.4, with modifications adopted by the Task Force in the wake of May 3 Senate meeting:

- ¶s 2 and 3 of previous Preamble deleted, per vote of Senate;
- Provision for modifiers "acting," "adjunct," "courtesy," and "visiting" deleted from II;
- Wording of IV.B further modified for clarity;
- Version of a pending amendment to VI.D appended as Appendix B.

I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who are, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professorial Title, and
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and
- Whereas units need to improve recruitment and retention of such faculty-members, and
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work *de facto*, while employed as Lecturers or Senior Lecturers,

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

II. Purpose of Enabling Legislation

The purpose of this legislation is to enable individual colleges and schools, in accordance with the process and requirements described below, to use the title of Clinical Professor in reference to a limited and defined group of long-term, non-tenure-track appointments. This title will be available for use at the Assistant, Associate and Full Clinical Professor rank.

III. Limited Availability of Clinical Professor Title.

The title of Clinical Professor is available only for long term, non-tenure-track faculty who serve an essential teaching function in a clinical setting. While faculty of this rank may, depending on specific

requirements of the college or school, have additional research, service, or outreach obligations, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

B. The proposal must be approved by at least two-thirds of those voting, in person or by ballot, in each of two separate votes, of tenure-track and of non-tenure-track faculty of the originating college or school (as defined under Article XIII of the University Bylaws), respectively. Further, for the proposal to be approved, at least half of all those faculty members eligible to vote in each case must vote for it.

C. A proposal so approved will come before the University Committee on Academic Policies and Procedures (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

D. At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college's or school's adoption of the Clinical Professor title.

E. If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate's determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

V. Proposal Contents

The written proposal of a college or school that seeks to use the title of Clinical Professor must include the following provisions.

A. *Justification.* A proposal for adoption of the Clinical Professor title shall include a statement offering justification for adoption of the title within the originating college or school and explaining why existing titles for non-tenure-track faculty are insufficient for staffing and recruitment. The practices of peer schools and the impact of available titles on recruitment efforts may be of particular relevance in this regard.

B. *Description of Position.* The proposal shall describe as precisely as possible the functions and responsibilities of positions bearing the title and the anticipated distribution of such positions within the college or school.

C. *Terms of Appointment.* The proposal shall include a summary of the terms on which candidates will be appointed and reappointed to such positions and promoted from one to another. These terms should include: the nature of the search by which applications will be elicited; the

credentials required by holders of these positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.

D. Percentage Limitation. The proposal shall include a statement restricting the creation of positions in the proposed titles to a certain percentage of the tenure-track faculty of the originating college and of the tenure-track faculty in those departments or programs where those positions are located.

E. Voting and Other Rights. The proposal shall define the rights and responsibilities of appointees in the proposed titles, including their voting status in their departments and colleges or schools, and their access to grievance and appeals processes available to tenure-track faculty.

F. Impact Statement. The proposal shall contain an appraisal of the impact of creating the new positions on existing tenure-track and non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders of non-tenure-track titles will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g. teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located.

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.

BE IT FURTHER RESOLVED THAT

VII. Committee to Investigate the Status of Non-Tenure-Track Faculty

A. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or task forces to investigate the status and conditions of employment of non-tenure-track faculty including their terms of employment, particularly job security, rights to academic freedom, access to appropriate

grievance and appeals procedures, eligibility for sabbatic leave, eligibility for emeritus/a status, and voting rights.

B. The Senate is mindful that the Dean of the Faculty may determine that the present Task Force on Professorial Titles should continue to work on the issue of titles.

C. Any body or bodies appointed to study these issues will report to the Senate on the progress reached no later than the second Senate meeting of the Spring of 2003, but may report earlier, if any specific proposals are ready for action.

Appendix A

Trustee adoption of this proposal will require modification of University Bylaws as follows:

ARTICLE XIII: COLLEGE AND SCHOOL FACULTIES

Add "clinical professors, associate clinical professors, and assistant clinical professors" where appropriate, and make them contingent voters along with lecturers and senior lecturers.

ARTICLE XVI: THE INSTRUCTIONAL AND RESEARCH STAFF

Add "clinical professors, associate clinical professors, and assistant clinical professors" in section 1 and amend section 2.d to read

d. Senior scholar, senior scientist, senior research associate, senior extension associate, senior lecturer, **and full, associate, and assistant clinical professor** shall be appointed by the President for a term of not to exceed five years, renewable indefinitely.

Appendix B

a version of amendment to VI.D proposed by Steven Shiffrin and Risa Lieberwitz, 7 May.
additions underlined

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located, except as herein provided. A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

Appendix 3

Version 1.4, with modifications adopted by the Task Force in the wake of May 3 Senate meeting

Paragraphs 2 and 3 of previous Preamble deleted, per vote of Senate

Provision for modifiers "acting," "adjunct," "courtesy," and "visiting" deleted from II

Wording of IV.B further modified for clarity

Version of a pending amendment to VI.D appended as Appendix B

Appendix 4

I propose that: Section IV B be deleted. Sections IV C, D, and E would then be designated IV B, C, and D respectively. Current section IV C would be reworded to say “A proposal approved by a college” instead of “A proposal so approved.”

Commentary: Current section IV B places supermajority requirements of those voting within different segments of the faculty of the colleges as well as a requirement that at least half of those faculty members eligible to vote in each of these segments must vote for it. Read in its best light, the section is intended to curb abuses indirectly that are directly addressed in other sections of the proposed legislation. Apparently based on a contested assessment of the situation in the Vet school, the section would invade the self-governing autonomy of all colleges, making it extremely difficult for them to provide the titles needed to recognize, reward, recruit, and retain clinical faculty.

Amendment to Enabling Legislation for the Clinical Professor Title

(additions underlined; ~~deletions strikethrough~~)

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

~~B. The proposal must be approved by at least two thirds of those voting, in person or by ballot, in each of two separate votes, of tenure track and of non tenure track faculty of the originating college or school (as defined under Article XIII of the University Bylaws), respectively. Further, for the proposal to be approved, at least half of all those faculty members eligible to vote in each case must vote for it.~~

~~C. B. A proposal so approved~~ A proposal approved by a college will come before the University Committee on Academic Policies and Procedures (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

~~D. C.~~ At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college’s or school’s adoption of the Clinical Professor title.

~~E. D.~~ If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate’s determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

Amendment Proposed by Steve Shiffrin 9/3/02

Appendix 5

Enabling Legislation *for the Clinical Professor Title*

I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who are, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professorial Title, and*
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and*
- Whereas units need to improve recruitment and retention of such faculty-members, and*
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers,*

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

II. Purpose of Enabling Legislation

The purpose of this legislation is to enable individual colleges and schools, in accordance with the process and requirements described below, to use the title of Clinical Professor in reference to a limited and defined group of long-term, non-tenure-track appointments. This title will be available for use at the Assistant, Associate and Full Clinical Professor rank.

III. Limited Availability of Clinical Professor Title.

The title of Clinical Professor is available only for long term, non-tenure-track faculty who serve an essential teaching function in a clinical setting. While faculty of this rank may, depending on specific requirements of the college or school, have additional research, service, or outreach obligations, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

B. The proposal must be approved by at least two-thirds of those voting, by ballot, in separate votes, of tenure-track and of non-tenure-track faculty respectively of the originating college or school (as defined under Article XIII of the University Bylaws). Further, those voting positively must represent at least half of the respective faculty group with voting rights on that issue.

C. A proposal so approved will come before the University Committee on Academic Programs and Policies (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

D. At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college's or school's adoption of the Clinical Professor title.

E. If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate's determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

V. Proposal Contents

The written proposal of a college or school that seeks to use the title of Clinical Professor must include the following provisions.

A. Justification. A proposal for adoption of the Clinical Professor title shall include a statement offering justification for adoption of the title within the originating college or school and explaining why existing titles for non-tenure-track faculty are insufficient for staffing and recruitment. The practices of peer schools and the impact of available titles on recruitment efforts may be of particular relevance in this regard.

B. Description of Position. The proposal shall describe as precisely as possible the functions and responsibilities of positions bearing the title and the anticipated distribution of such positions within the college or school.

C. Terms of Appointment. The proposal shall include a summary of the terms on which candidates will be appointed and reappointed to such positions and promoted from one to another. These terms should include: the nature of the search by which applications will be elicited; the credentials required by holders of these positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.

D. Percentage Limitation. The proposal shall include a statement restricting the creation of positions in the proposed titles to a certain percentage of the tenure-track faculty of the originating college and of the tenure-track faculty in those departments or programs where those positions are located.

E. Voting and Other Rights. The proposal shall define the rights and responsibilities of appointees in the proposed titles, including their voting status in their departments and colleges or schools, and their access to grievance and appeals processes available to tenure-track faculty.

F. Impact Statement. The proposal shall contain an appraisal of the impact of creating the new positions on existing tenure-track and non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders of non-tenure-track titles will

be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g. teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located, except as herein provided. A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.

Approved by the University Faculty Senate on September 4, 2002

Appendix A

Trustee adoption of this proposal will require modification of University Bylaws as follows:

ARTICLE XIII: COLLEGE AND SCHOOL FACULTIES

Add "clinical professors, associate clinical professors, and assistant clinical professors" where appropriate, and make them contingent voters along with lecturers and senior lecturers.

ARTICLE XVI: THE INSTRUCTIONAL AND RESEARCH STAFF

Add "clinical professors, associate clinical professors, and assistant clinical professors" in section 1 and amend section 2.d to read

- d. Senior scholar, senior scientist, senior research associate, senior extension associate, senior lecturer, **and full, associate, and assistant clinical professor** shall be appointed by the President for a term of not to exceed five years, renewable indefinitely.*

Appendix 6***Resolution to Change
rDNA Committee to Institutional Biosafety Committee***

Whereas the National Institutes of Health and the Center for Disease Control in the U.S. Department of Health and Human Services have established requirements for institutions to form an institutional biosafety committee whose purpose is to advise the University and to establish policies to guide principal investigators in carrying out the University's Biosafety Program in the acquisition, use, training, transfer, storage, disposal, and emergency response procedures for all biosafety activities.

Whereas current university legislation proscribes the University Committee on rDNA to review protocols for the use of recombinant DNA only.

Therefore, it is proposed that the committee name be changed from the University Committee on rDNA to the Institutional Biosafety Committee and that the following change be made to the legislation regarding the charge of the committee:

***Cornell University
Charge to the Institutional Biosafety Committee*****AUTHORIZATION**

Cornell University shall have an Institutional Biological Safety Committee established under the authority of The Office of the President.

GENERAL CHARGE

The Institutional Biosafety Committee (IBC) is a Standing Committee of the Faculty Senate and is responsible for reviewing all University research and teaching activities conducted by faculty, staff, students, and/or visiting scientists on Cornell Property that involve the use of biohazardous materials (regulated animal and plant pathogens, biological toxins, and recombinant DNA molecules). The purpose of these reviews is to ensure that all activities involving biohazardous materials and the facilities used to conduct such work are in compliance with all external regulations and applicable University policies. Foremost, the IBC's objective shall be to ensure that such activities meet standards of good biological safety practice emphasizing protection of personnel, the general public, and the environment. To this end, the IBC shall assist principal

investigators and protocol directors in meeting their responsibilities; impose requirements and review and approve policies, procedures, programs, and facilities pursuant to the safe use of biological agents, other biological materials, and toxins.

The IBC shall function so as to discharge the University's obligations and responsibilities placed upon the IBC by current governmental requirements, including those described in the National Institutes of Health Guidelines (NIH), the Centers for Disease Control and Prevention (CDC) Guidelines, Occupational Health & Safety Administration (OSHA) Regulations, and those other requirements that overlap with or are reviewed by other established University Committees – Human Subjects, Animal Care and Use, Radiation Safety, etc. The IBC is expected to advise the University and establish policies to guide principal investigators and the Department of Environmental Health & Safety (EH&S) in carrying out the University's Biosafety Program in the acquisition, use, training, transfer, storage, disposal, and emergency response procedures for all biosafety activities. Upon request, the IBC shall review and comment on proposed external regulations dealing with biosafety. When appropriate, the IBC will formulate draft policies and procedures for approval by the appropriate University bodies and promulgation by the Vice Provost for Research and/or The University Health and Safety Board. In addition, the IBC may be asked by the University administration to review research protocols on behalf of the Cornell Medical School or other institutions with which Cornell has formal affiliation agreements

DEFINITIONS

Biohazardous Agents

- A. *Infectious/pathogenic agents classified in the following categories: Class 2, 3, and 4 bacterial, fungal, parasitic, viral, rickettsial or chlamydial agents as defined by the National Institutes of Health (NIH) **or**,*
- B. *Other agents that have the potential for causing disease in healthy individuals, animals, or plants.*
- C. *Biological toxins Include metabolites of living organisms and materials rendered toxic by the metabolic activities of microorganisms (living or dead).*

Recombinant DNA Molecules

- A. *Molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell **or**,*
- B. *DNA molecules that result from the replication of those described in "A" above.*

Gene Therapy

Delivery of exogenous genetic material (DNA or RNA) to somatic cells for the purpose of modifying those cells.

OPERATIONAL GUIDELINES

All activities involving the use of biohazardous materials must be reviewed and approved by the IBC either prior to or concurrently with the start of the activities depending on the classification of the agent or the containment level required (see below). The IBC may approve research protocols with or without modifications, or withhold approval of all or any portion of a protocol. Approval of may be granted for no more than three years after review at a convened meeting of a quorum of the IBC (i.e., a majority of the voting members) with the affirmative vote of a majority of those present. Any changes in agents, protocols or project personnel must be communicated to and reviewed by the IBC on an annual basis. All biosafety protocols shall be available for review by any member of the IBC. The IBC shall maintain records of research protocol reviews, minutes of meetings, including records of attendance and IBC deliberations. All deliberations of the IBC shall meet Cornell confidentiality guidelines. In accordance with the NIH Guidelines, no member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which she/he has been or expects to be engaged or has a direct financial interest.

Coordination with Other University Committees

All human subjects protocols involving gene transfer or gene therapy, as defined in the NIH Recombinant DNA Research Guidelines, shall be reviewed by the IBC in coordination with the Human Subjects Committee. All protocols that involve gene transfer or gene therapy in non-human mammal subjects, shall be reviewed by the IBC in coordination with the Institutional Animal Care and Use Committee. All protocols that involve the use of radioisotopes or radiation producing equipment shall be reviewed by the IBC in coordination with the Radiation Safety Committee.

Sanctions

The IBC shall assess suspected or alleged violations of protocols, external regulations, or University policies that involve biohazardous materials. Activities in which serious or continuing violations occur may be suspended by the IBC. In such cases, the IBC will immediately notify the affected investigator(s), the relevant school dean, the Office of Sponsored Programs, appropriate University

officers, The University Health and Safety Board, and others as required by University policies and external regulations.

The following operational guidelines define the biohazardous agents regulated by the IBC and the timing of the review and approval process.

Biohazardous Agents

Activities involving Class 2, Class 3, and Class 4 biohazardous agents must be reviewed and approved by the IBC prior to the initiation of use of agent.

*Protocols involving Class 1 agents that **do not** involve recombinant DNA, are not reviewed by the IBC.*

Toxins

The routine use of most toxins will not require IBC review and approval. However, the IBC shall review any experiments that involve the isolation and production of toxins from live organisms, and those experiments that involve the acquisition and use of toxins that are listed in the CDC Standard, Additional Requirements for Facilities Transferring or Receiving Select Agents. Toxins appearing on this list must be registered with EH&S.

Recombinant DNA

Recombinant DNA experiments involving human, animal, plant or microbial pathogens, or whole plants or animals require IBC approval before initiation. IBC approval concurrent with project initiation is required if rDNA studies mentioned above use less than 2/3 of a eukaryotic viral genome, if whole plant experiments involve microorganisms that have no recognized potential for dissemination or environmental impact. Experiments involving rDNA molecules exempt from the NIH Guidelines must still be reported to the IBC for approval.

Gene Transfer Therapy

Human subjects and other animal subjects protocols involving gene transfer or gene therapy must be reviewed and approved by the IBC prior to initiation of protocol. Approval may be granted for no more than one year after review at a convened meeting. Final approval for human subjects studies is contingent upon protocol approval by the Office of Recombinant DNA Activities (ORDA/RAC).

APPEAL METHOD

In cases of dispute with respect to procedures or decisions of the IBC, appeals may be made to the Vice Provost for Research, and to the Health and Safety Board for cases requiring intervention for problem resolution.

MEMBERSHIP

The IBC Chairperson is appointed by the Dean of Faculty. Half of the IBC members are appointed by the Dean of Faculty and the other half of the IBC members are appointed by the IBC Chairperson after consultation with the University Biosafety Officer and Vice Provost for Research. The IBC shall have at least five members with expertise in general issues of laboratory biosafety, use of infectious materials, and recombinant DNA technology. Individuals on the IBC include at least one faculty member with expertise in each of the following areas, transgenic plants, transgenic animals or gene therapy in animals, viral pathogens and vectors, microbial pathogens, biotoxins, and biotechnology. In addition, at least one laboratory staff member, two members from the local community not otherwise affiliated with the University, the university Biosafety Officer, an executive secretary, and any others who may be invited to serve when their expertise is required.

Voting ex officio members shall include representatives of the: Department of Environmental Health & Safety (University Biosafety Officer), and a veterinarian from Cornell's College of Veterinary Medicine. Nonvoting ex-officio members shall include the Director of the Department of Environmental Health & Safety, Director of Office of Sponsored Programs, and a representative from Legal Counsel (consultation basis).

The term of membership on the IBC is a 36-month appointment renewable period beginning June 1 through May 30.

IBC MEETINGS

*The IBC shall meet as necessary to conduct its business but **no less** than once every two months. A meeting agenda will be sent at a minimum of one week in advance of a scheduled IBC. Meeting minutes will be taken each meeting and kept on file by the University Biosafety Officer.*

SUMMARY ANNUAL REPORT

The Chair shall submit an annual report of IBC activities and deliberations to the Vice Provost for Research, the Chair(s) of the University Health and Safety

Board, and the President by June 1st of the following year. The report shall be available to the Faculty Senate.

STAFF SUPPORT

The Department of Environmental Health and Safety (EH&S) and the Office of Sponsored Programs (OSP) shall provide the necessary staffing and administrative assistance for the IBC. EH&S shall provide technical expertise and advise as necessary for the IBC to fulfill its duties

9/4/02 University Faculty Senate Approved