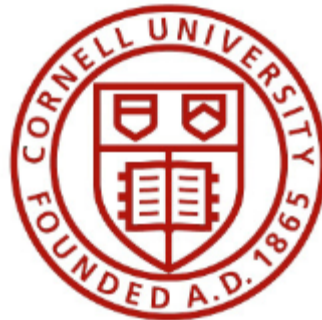


UNIVERSITY FACULTY SENATE MEETING

DECEMBER 12, 2012



AGENDA

- Call to Order – Speaker Pro Tem Charlie Walcott (3 min)
- Introductions & Announcements from Dean of Faculty –
Joe Burns (5 min)
- Approval of Nov 14, 2012, minutes – Speaker Charlie Walcott (2 min)
- Background on Distance Learning Programs - Harry Katz, ILR – (15 min)
 - Panel to Answer Questions –
Ted Dodds, Cornell's Chief Information Officer, Chris Proulx, CEO, eCornell and Kavita Bala, Computer Science Senator **(15 min)**
- UFC Resolution on an Amendment to the eCornell Agreement –
David Delchamps, UFC (15 min)
- UFC Resolution on Investigation Concerning Free Expression –
Clare Fewtrell, UFC (15 min)
- Alternate Resolution on Investigation Concerning Freedom of Expression
Eric Cheyfitz, Senator (15 min)
- General Good and Welfare (5 min)

APPROVAL OF MINUTES FROM 14 NOVEMBER 2012

**BACKGROUND ON DISTANCE
LEARNING PROGRAMS
HARRY KATZ, ILR
DECEMBER 12, 2012**

PANEL TO ANSWER QUESTIONS

- Harry Katz, Dean, ILR
- Ted Dodds, Cornell's Chief Information Officer
- Chris Proulx, CEO, eCornell
- Kavita Bala, Computer Science Senator

**UFC RESOLUTION ON AN AMENDMENT TO
THE eCORNELL AGREEMENT
DAVID DELCHAMPS, UFC
DECEMBER 12, 2012**

WHEREAS a Faculty Senate Resolution of December 13, 2000, endorsed an agreement (dated 11/14/2000) between Cornell University and Tower Innovative Learning Solutions (TILS), Inc., a New York State business corporation (for which Cornell is the sole shareholder and which is licensed to do business as “eCornell”); and

WHEREAS the aforementioned resolution carried a proviso that “The Senate should be informed of any future change of status...[including] the expansion of the entity’s programs...”; and

WHEREAS the Rationale of the aforementioned resolution also mentions that “The current version of the agreement prevents eCornell from offering courses that could receive Cornell credit”; and

**UFC RESOLUTION ON AN AMENDMENT TO
THE eCORNELL AGREEMENT
DAVID DELCHAMPS, UFC
DECEMBER 12, 2012**

WHEREAS the distinction between “offering courses” and “providing support services” is now clearer than it was in 2000; and

WHEREAS many commercial and educational entities are marketing, producing, and distributing online courses; and

WHEREAS Cornell University and TILS would like to amend the overarching agreement so that eCornell can compete with other vendors of services for online courses; and

WHEREAS the proposed amendment does not authorize eCornell to offer its own for-credit courses or degrees but only allows the provision of its services to existing academic units that are already authorized to offer online course credit;

**UFC RESOLUTION ON AN AMENDMENT TO
THE eCORNELL AGREEMENT
DAVID DELCHAMPS, UFC
DECEMBER 12, 2012**

THEREFORE BE IT RESOLVED that the Faculty Senate supports amending the agreement between Cornell University and Tower Innovative Learning Solutions to allow university academic units to retain eCornell on a non-exclusive basis to provide production, administrative, marketing, and related support services in connection with credit-bearing distance learning courses that such academic units may seek to offer.

BACKGROUND ON THE eCORNELL AGREEMENT

DAVID DELCHAMPS, UFC

DECEMBER 12, 2012

- a. with such assistance and support of eCornell and as eCornell is prepared to provide, exercise its best efforts to maintain such authorizations and approvals of accrediting bodies and state agencies as may be required for the delivery of the Courses in each jurisdiction where the University is not otherwise authorized and approved as a postsecondary institution;
- b. be responsible for the development, assessment, adoption, and revision of all instructional programs, and curricula, including the selection of Courses and Course content, and the exercise of control over Course content;
- c. set standards for and provide for the recruitment, appointment and approval of faculty to teach the Courses; To appoint personnel to carry out the academic functions of professors, lecturers, and teaching assistants; set and pay salaries of faculty teaching Courses; act as liaison between faculty and eCornell;
- d. set standards for and admit students to Cornell University and enroll students in the Courses;
- e. provide for the grading of students enrolled in the Courses, provided that the technological mechanisms for such grading may be provided by eCornell; and.... P. 4

**RESOLUTION ON INVESTIGATION
CONCERNING FREE EXPRESSION
CLARE FEWTRELL, UFC COMMITTEE
DECEMBER 12, 2012**

WHEREAS, members of the Cornell community have the right to free expression, academic freedom, and freedom of peaceable assembly, as recognized by the Cornell Campus Code of Conduct; and

WHEREAS, the Campus Code of Conduct, Article III.B.1, states: “All protection and regulation of expressive conduct should be content-neutral. A group’s persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group’s expressive conduct”; and

WHEREAS, the Campus Code of Conduct, Article III.B.3, states: “Because outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property, there appears to be no need for a mandatory permit procedure for such outdoor activities”; and

**RESOLUTION ON INVESTIGATION
CONCERNING FREE EXPRESSION
CLARE FEWTRELL, UFC COMMITTEE
DECEMBER 12, 2012**

WHEREAS, any administratively imposed requirements of a mandatory permit procedure (such as a Use of University Property Form/UUP) for outdoor picketing, marches, rallies, and other demonstrations, including rallies in Ho Plaza, are in conflict with the Campus Code of Conduct, Article III.B.3; and

WHEREAS, on November 19, 2012, conflict reportedly occurred on Ho Plaza between members of the Cornell police department, observers, and participants in rallies by the Students for Justice in Palestine (SJP) and the Cornell Israel Public Affairs Committee (CIPAC); and

WHEREAS, University President David Skorton is already investigating the events of November 19, 2012;

THEREFORE BE IT RESOLVED that the Faculty Senate requests the President to issue (by February 1) a public written report of his findings concerning whether the rights of free expression, academic freedom or freedom of assembly were violated.

ALTERNATIVE RESOLUTION ON INVESTIGATION CONCERNING FREEDOM OF EXPRESSION – ERIC CHEYFITZ, SENATOR DECEMBER 12, 2012

WHEREAS, members of the Cornell community have the right to free expression, academic freedom, and freedom of peaceable assembly, as recognized by the Cornell Campus Code of Conduct;

WHEREAS, the Campus Code of Conduct, Article III.B.1, states: “All protection and regulation of expressive conduct should be content-neutral. A group’s persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group’s expressive conduct.”

WHEREAS, the Campus Code of Conduct, Article III.B.3, states: “Because outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property, there appears to be no need for a mandatory permit procedure for such outdoor activities”;

ALTERNATIVE RESOLUTION ON INVESTIGATION CONCERNING FREEDOM OF EXPRESSION – ERIC CHEYFITZ, SENATOR DECEMBER 12, 2012

WHEREAS, any administratively imposed requirements of a mandatory permit procedure (such as a Use of University Property Form/UUP) for outdoor picketing, marches, rallies, and other demonstrations, including rallies in Ho Plaza, are in conflict with the Campus Code of Conduct, Article III.B.3;

WHEREAS, on November 19, 2012, the Cornell police attempted to stop or restrain the rally by the Students for Justice in Palestine (SJP) on Ho Plaza, while allowing the Cornell Israel Public Affairs Committee (CIPAC) to carry out its rally on Ho Plaza;

WHEREAS, the Cornell police, in attempting to stop or restrain the SJP rally, reportedly engaged in intimidating and physically aggressive conduct, including: pushing one faculty member and interrogating at least two others and threatening them with judicial action for failing to show identification; and intimidating at least two students, including throwing one to the ground and threatening to arrest a student;

ALTERNATIVE RESOLUTION ON INVESTIGATION CONCERNING FREEDOM OF EXPRESSION – ERIC CHEYFITZ, SENATOR DECEMBER 12, 2012

THEREFORE BE IT RESOLVED that the Faculty Senate charges the Dean of the Faculty and the University Faculty Committee to form an *ad hoc* committee to investigate any interference with freedom of expression, academic freedom, and freedom of peaceable assembly during the events of November 19, 2012 on Ho Plaza, including, but not limited to: obtaining statements from relevant administrators, the Cornell Police Chief, Cornell police officers present at Ho Plaza, the heads of the SJP and CIPAC, aggrieved students and faculty, and other witnesses to the events; and obtaining other evidence such as photographs or video recordings of the events;

ALTERNATIVE RESOLUTION ON INVESTIGATION CONCERNING FREEDOM OF EXPRESSION – ERIC CHEYFITZ, SENATOR DECEMBER 12, 2012

BE IT FURTHER RESOLVED that the *ad hoc* investigating committee shall report back to the Faculty Senate with a written account including the committee's findings concerning any interference with freedom of expression, academic freedom, and freedom of peaceable assembly on November 19, 2012; and the committee's recommendations to ensure that freedom of expression, academic freedom, and freedom of peaceable assembly be upheld at Cornell, including, but not limited to: rescinding administrative policies that are inconsistent with the campus code's presumption that permits are not required for outdoor events involving freedom of expression, academic freedom, and freedom of peaceable assembly; disciplining any police engaged in misconduct during the events of November 19, 2012 on Ho Plaza; and educating and training Cornell police concerning their obligations to respect and protect freedom of expression, academic freedom, and freedom of peaceable assembly on campus.

Eric Cheyfitz (English)
Joanie Mackowski (English)
Vicki Meyers-Wallen (Vet School)
Richard Miller (Philosophy)
Wendy Wolford (Development Sociology)
Shawkat Toorawa (Near Eastern Studies)

GENERAL GOOD AND WELFARE

DECEMBER 12, 2012

