

# Minutes from the April 11, 2007 Faculty Senate Meeting

Speaker Pro Tem Jeremy Rabkin called the meeting to order by announcing the existence of a quorum. "I am supposed to remind you that you shouldn't take photographs, or tape-record anything during the meeting. Turn off your cell phones. If you want to speak, raise your hand but then when you start to speak, you have to first identify yourself by name and department.

"At the end we will have a few minutes allocated to Good and Welfare. We have one speaker for that."

## 1. APPROVAL OF MINUTES OF THE MARCH 14 FACULTY SENATE MEETING

"The first item of business is the approval of the minutes of the March 14 meeting. I would like to call for unanimous consent to declare the minutes approved. You can just say aye. Is there anyone opposed? If so raise your hand.

[Minutes approved.]

"Our next item is a report from the Nominations and Elections Committee."

## 2. REPORT FROM NOMINATIONS & ELECTIONS COMMITTEE

**Associate Dean and Secretary of the Faculty, Brad Anton:** "First of all I will tell you that Dean Walcott cannot be here today. He is representing our interests to the Executive Committee of the Board of Trustees in New York this afternoon. I have no real report to give you. The Nominations and Elections Committee has met twice recently. We need some people to fill various committee positions. We'll have a full report at the last meeting, and hopefully everything will be filled at that time."

"We do have two important other positions to fill. Our Speaker of the Senate, Barbara Knuth, will be finishing her term this year and will not be able take another term next year because of new responsibilities she has in her own College. And, Speaker Pro Tem, Jeremy Rabkin, is moving on to greener pastures at the end of this semester, and he will be unavailable to move up, so both of those positions will need to be filled. They both are two-year terms. If you have nominations please e-mail them to me with a courtesy copy to Sandie Sutfin, our administrative helper. That is all."

**Speaker Rabkin:** "Thank you. The reason for the silence is that the next order of business is Professor Hatch is going to talk to us as soon as he gets back. We need to approve the resolution from the CAPP Committee to approve the offering of a degree in the Engineering College in Systems Engineering to be taught using distance learning."

**Professor Ron Ehrenberg, ILR:** "On behalf of the parents of all the students who have had Professor Rabkin as a professor during his years at Cornell, I would personally like to say thank you for everything you have done for the University and good luck to you."

**Professor Peter Stein, Physics:** “The words were taken out of my mouth, but I have a more mundane observation - if you would turn the lights out that are shining light on that screen, it would make that thing a lot more visible.”

**Professor Abby Cohn, Linguistics:** “Can we reverse the order of two items on the agenda?”

**Speaker Rabkin:** “Yes, that a good idea. You are next. Are you ready?”

### **3. RESOLUTION CONCERNING CAMPUS CODE REVIEW**

**Professor Abigail Cohn, Linguistics, Faculty Senator-At-Large:** “We are trying our new-fangled method here. I guess our resolution ([Appendix 1](#)) is there under Campus Code. I don’t think I need to say very much. As all of you know we have been engaged in a conversation about a proposed revision to the Campus Code, and the University Assemblies are responsible for that Code, at least they have been up until now. And there was a somewhat controversial report that was circulated in the fall. And the University Assemblies reviewed that report, and we heard from various members of the University Assemblies as well as the Judicial Codes Committee at a couple of different points about their response. They solicited a very wide input from the community. They held open fora. And then the CJC issued a report, which they referred to the UA. The University Assembly accepted that report unanimously. That report has now been forwarded to President Skorton. And so the idea today is whether we would like to just endorse both the process and the recommendations in that report. I might mention that the Student Assembly and the Graduate and Professional Student Assembly have also unanimously endorsed the report.

“They have been available online for the last few weeks. The crucial points are that they have reaffirmed some crucial aspects of the Code, which include the Judicial Administrator remaining independent, the University Assembly retaining oversight over the Code, and a uniform judicial process that applies not just to students but students, faculty, and staff, including administrators. There were a number of issues that were brought up for discussion that has been agreed warrant further discussion and consideration. And I understand that the CJC is prepared to continue that important work.

“So, the thrust of this resolution is to endorse the recommendations of that report in support both of the specific recommendations and the process. I’m happy to take questions and if they get too difficult I will ask Marty to answer them. There are five Senators co-sponsoring this, a couple of whom can’t be here today.”

**Associate Professor Nick Calderone, Entomology:** “What became of some of the more controversial elements of that report, specifically, the right to have an attorney speak for you, the right to continue with the University proceedings prior to and in civil or criminal proceedings?”

**Professor Cohn:** “Basically, the CJC didn’t fully engage on the substance of some of those matters, thinking that before that conversation could even happen there had to be a reaffirmation of the Code being the purview of the UA and some of these other more fundamental matters. My reading of this, and I’m not a member of either the UA or the CJC, is that there’s an

implicit rejection of all those proposals. But that is not the way that the report has been framed. The report has taken a somewhat more neutral stand relative to some of the specific proposed changes with the idea that some of these things do warrant further discussion. The one item that the CJC explicitly acknowledged probably does need further discussion is the rather controversial issue of on-campus versus off-campus jurisdiction. There is a clause in the current code which allows the President to extend the jurisdiction if he or she feels that's warranted. The CJC did feel that fuller discussion of that item was warranted.

"Marty did you want to add anything to that?"

**Associate Professor Martin Hatch, Music:** "No, that's right on line."

**Professor Steven Beer, Plant Pathology:** "I'd like to ask you to play the devil's advocate. Why would a faculty member or a Faculty Senator not support this?"

**Professor Cohn:** "I find it hard to play the devil's advocate because I find it hard to imagine that there wouldn't be quite strong support in this room, as I hope there will be. But I really can't answer that question directly. I personally have been very concerned about the matter since it first kind of broke or was broken by the Sun. I have been very concerned about the procedural issues, the issues of both the student governance, the faculty governance, and the notion of how we function as a community. I think both the CJC and UA have done an absolutely wonderful job of addressing those issues in a very constructive, positive light. So I do hope it will find very strong support for this resolution, which supports those of the report and those actions."

**Professor Terrence Fine, Electrical and Computer Engineering:** "How did this reach us? Did it reach us on the basis of six Senators going through the University Faculty Committee? How did this come to this forum?"

**Professor Cohn:** "Some of us have been quite concerned about this matter. I spoke first about it in Good and Welfare back in November at the request of the UFC. There were members of the UA who spoke to this body. We've had subsequent reports from the CJC. I've been kind of keeping an eye on this and once the CJC's report was accepted by the UA, and the other Assemblies also chose to endorse it. I, in consultation with a few colleagues in the Senate, felt it would be good for us to do the same thing. It supports, I think, principles that we as faculty should be concerned about - about democratic process, about how we function as a respectful community in decision-making, and it does touch on agents of faculty governance as well."

**Professor Elizabeth Earle, Plant Breeding and Genetics:** "Has the Employee Assembly taken a position on this?"

**Professor Cohn:** "Marty said that they were debating it. I don't know what's happened."

**Professor Hatch:** "Right. They have a committee that is drafting something but have not yet had a meeting to ratify it. They have representatives both on the CJC and the UA. Both representatives of the CJC and the UA have voted in favor of this."

**Professor Cohn:** “I might add just one point. Both the Student Assembly’s resolution and the Graduate and Professional Student Assembly, their resolutions take on some of the substantive issues. But we felt that because of how the CJC and the UA have handled these matters, we didn’t need to engage in those points, even though they are indeed very important ones.”

**Speaker Rabkin:** “If there are no further questions we can call the question. All is favor of this resolution, say aye. Opposed, say nay.

[Resolution passed.]

#### **4. RESOLUTION FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES TO APPROVE THE OFFERING OF THE MASTERS OF ENGINEERING DEGREE IN SYSTEMS ENGINEERING TAUGHT USING DISTANCE LEARNING (DL M ENG IN SE)**

**Professor Martin Hatch:** “I am presenting a resolution from the Committee on Academic Programs and Policies. This is a resolution to approve the offering of a Masters of Engineering Degree in Systems Engineering taught using distance learning (DL MEng in SE) ([Appendix 2](#)).

“Okay. Let me read it to you.

*“Whereas the General Committee of the Graduate School has reviewed and agrees that the existing Masters of Engineering Degree in Systems Engineering can also be offered in a distance learning format (DL MEng in SE).*

*“Whereas, the Committee on Academic Programs and Policies has reviewed and recommends approval of this DL component in the MEng in SE consistent with the recommendations made by the General Committee;*

*“Therefore, be it resolved that the Faculty Senate approves the Distance Learning component of the Masters of Engineering Degree in Systems Engineering (DL MEng in SE) subject to recommendations made by the General Committee of the Graduate School.*

“I ask if there are any questions about this. We have in the hall today Assistant Dean Deborah Cox of the Engineering School and Professor Peter Jackson in Operations Research, who is the Director of the Systems Engineering Program, to answer any questions you might have.”

**Professor Mike Timmons, Biological and Environmental Engineering:** “A student, when they do a project, do they come to campus to present, or do they do that at a different site?”

**Professor Peter Jackson, Operations Research and Information Engineering:** “There is a project required in the Master of Engineering Program. There will be a project required in this degree program. The project presentations would take place during the face-to-face component of this degree. It’s not a complete distance learning degree. There is a two-credit portion which is face-to-face, and that is where we would handle the project presentations, in particular their oral presentations.”

**Professor Howard Howland, Neurobiology & Behavior:** “I went through this rather long document on the web and I have a couple of questions about it. One concerned the ownership of course materials. It says course materials developed for use in this learning course shall be subject to the same ownership policy as materials developed for use in traditional on campus courses. I imagine is that there is a fair amount of technical expertise that goes into preparing a distance-learning course, is there not? It seems to me that that’s a sort of collaborative project. So it’s not clear to me, say that if I’m a professor who has put together a course with a lot of help from the University, and I say oh by the way I’m going to Yale and I’m taking my course, is that okay? What is the ownership arrangement here? That’s the first question.”

**Professor Jackson:** “The Systems Engineering Program makes no claim on the curricular content of the courses that faculty offer. So that’s the primary intent of that clause. The courses that we are currently offering distance learning are traditional courses offered in a classroom, but we are capturing the session and video streaming it to students or in some cases it’s a live connection with an off-site location. What the University contributes technically is hardware and just the video stream capturing. There’s no development of materials that we are actively engaged in.”

**Professor Howland:** “Presuming a lecture might be recorded?”

**Professor Jackson:** “Yes.”

**Professor Howland:** “And does that then belong to the professor?”

**Professor Jackson:** “The Systems Engineering Program has no plans for use of that material after it’s offered in the course. If the professor finds a use for it, then we would be happy to work with them on that.”

**Professor Howland:** “Fine. There was also a note about fees, which I didn’t quite understand. ‘Students in Distance Learning Programs shall be charged tuition and fees at a College of Engineering special program rate.’ Is that higher or lower than what you might expect on campus?”

**Professor Jackson:** “I would expect it would be higher.”

**Professor Howland:** “It would be higher?”

**Professor Jackson:** “Because of the significant costs that we undergo as a program to offer these courses distance learning.”

**Professor Howland:** “This is a professional masters program, right? It’s true that part of the money that’s earned that way goes back to the department, isn’t that right?”

**Professor Jackson:** “Correct.”

**Professor Howland:** “The last question I had was maybe a comment. Under curriculum information, how many committee members will a student be required to have? It says Master of Engineering students require only one committee member. But when I looked into the faculty regulations on the web it says, under academic program and special committee, a master student must have at least two members of the graduate faculty on his committee.”

**Professor Jackson:** “I need somebody to help me on this on.”

Terry Plater, Associate Dean for Academic Affairs, Graduate School: “I can only imagine that at some point we responded to this request - allowing to have one committee member for the professional masters degree only.”

**Professor Howland:** “This is a professional masters, not master of science?”

**Professor Fine:** “For at least fifty years, the MEng program is run with a single faculty member advising the student in a Master of Engineering degree.”

**Associate Professor David Delchamps, Electrical and Computer Engineering:** “I don’t know if this is a CAPP question or a Grad School question. Are there any other degrees at Cornell now being offered through the distance-learning format? I’m not talking about courses, I’m talking about degrees.”

**Terry Plater:** “I can answer that question. No. And one of the reasons that we are both being cautious and also pleased with what we are discussing today is that we feel there will be more, and this offers us a very good learning opportunity.”

**Professor Stein:** “The experience of a student in taking this program, is the student that takes this program, is he equal to what a student does here, except that that student does it at a distance location? That is to say, all the various component parts of education like doing homework and taking prelims and listening to lectures, you could take those exact same things and have them done with the student at a distant location, and it seems to me it wouldn’t dilute the program at all. But then there are other changes that you make, like having the computer grade your homework, and having the computer take the class... I just wonder where does this program stand in that spectrum?”

**Professor Jackson:** “This is not computer-aided instruction. This is an on-campus degree and program offered to a distance audience to the best of our ability. So it’s classrooms that are televised, classroom lectures that are televised. It’s homework that you have to submit. It’s exams that you take under a proctor. The portions of our curriculum that are experiential, where you work in teams and you interact.... we can’t replicate that in a distance-learning format, and that’s why we have opted to have a portion of it be face-to-face. And those will be intensive experiences where you run them through team experiences.”

**Professor Stein:** “Then I can’t imagine a single reason to vote against this thing.”

**Professor Anton:** I did not read the full document. The one question I've had about these things, or the worry I've had is, how would issues of academic integrity be handled or enforced? For example, what happens if people are receiving the broadcast of these lectures and receiving the assignments, the homework that they have to do, and they send these papers into to be graded, and you find that two students at different locations have the same answers, or something like that? We have a procedure spelled out. There's a primary hearing of a witness, and so forth. How do you apply that in this circumstance?"

**Professor Jackson:** "We would apply the academic integrity process as we would on campus. In other words, if we do detect duplication of work we have to enforce the rules of the program. How we facilitate that with video conferencing or distance learning or require the student to come on campus, we'll have to work out as we go through this. But we are not sacrificing those principles in the design of the program."

**Professor Anton:** "So you could have a distance hearing?"

**Professor Jackson:** "I would imagine so. I've never done one of those. I hope never to have to do one."

**Professor Richard Talman, Physics:** "There's been a scandal in the newspapers the last months or so about the quality of distance learning courses of one kind or another. I'd like to know the kinds of ways in which what's being discussed here is superior or safer than those programs."

**Professor Jackson:** "One of the things we did is we have all of the lecture links from the past several semesters. We have made those available to the various committees if they would like to see what we are doing in these. These courses exist. We are running them. People who have viewed the lectures say they are of high quality in terms of what we are putting out. We certainly enforce the rigor of the program for off campus students, just as for on campus. So that is very important to us."

**Professor Hatch:** "May I just interject here that you notice there's a clause saying subject to the recommendations made by the General Committee of the Graduate School. And CAPP had some questions along the lines of several questions that were raised here that the members felt were successfully answered by communications from the faculty. But the Graduate School also had certain conditions and recommendations to make which CAPP then reviewed and felt as necessary to make them a part of this. And I thought Terry Plater might be willing to at least be willing to review those recommendations, because they have to do with this being a new distance learning experience."

**Terry Plater:** "I can review them. I am sorry I didn't bring my full document with me. There were four. A lot of them have to do with that this is so new, and we are going to learn from these experiences. And so far, Professional Masters Degree only is what we are talking about, and no blanket approval is to be implied or inferred from this decision."

“There’s confusion if you read the Graduate School Code over both part-time and pro-rated. You can read the Code and come to any number of conclusions about whether we do it or not. So we made it clear that this is an exception to what people see as a prohibition on part-time registration enrollment. It’s a one-time only exception, and the business of how tuition will be charged is something we have to work out as we proceed. The other thing, though probably more germane for this discussion, has to do with attrition rates. I found out from talking with one of my colleagues within the room on an entirely different subject, that there’s a high attrition rate in some distance learning programs. It’s an attrition that happens even before the student takes the first exam, because it’s not as easy as people think to succeed in these programs. We have asked for a report on attrition rates in the program. They have some evidence based on the courses the students have enrolled in - individual courses - and we’ve asked them to be very conscious of that as they proceed, so we can know if this is something that needs to be addressed.

“And we asked for a review in three years. So we will do two cohorts. Two sets of students will come and go through the program and we have asked them if they will come back and let us know how they are doing. We’ll see if we can tweak it at that point. And as you can imagine, it was a very lively discussion in the General Committee, not the least of which was Professor Jackson coming in with two catapults being aimed around the room - he had everybody sort of ducking under the table - Systems Engineers to a group of humanists.”

“Between our questions and the CAPP’s questions we think we did a fair job of doing what we will be doing a lot of in the future, which is looking at some new models of delivering degrees. “Any other questions?”

**Speaker Rabkin:** “This is important and the first time Cornell is going to authorize this, so I don’t want to rush people, but we are starting to fall behind schedule.”

**Professor Howland:** “My fear is that we may be endangering some junior faculty who get involved in this. In the first place, there is a financial motivation for a department to keep doing this because it earns a lot of money for them. Secondly, it is primarily a teaching business; it’s going to take a lot of energy and a lot of work to get it going. I can see a few junior faculty getting sacrificed in the machinery of this if they get taken up with it. That’s my major worry. We somehow have to get the work done but still keep up the Cornell standards of promoting our faculty for doing research. Teaching is great, but on the other hand, we are a research university. The combination of the novelty of it, the attractiveness of it, and the financial motive scares me with respect to junior faculty.”

**Professor Ronald Ehrenberg:** “I understand your concern, Howard, but in fact that’s the same concern that you might express for the whole MEng Program. The MEng Program in the College of Engineering is designed to bring revenues to the departments and the college, which is then used further the research and the undergraduate teaching mission. So, if I felt your concern was an important one, I would worry about the whole MEng Program, and I don’t. I think it’s been a very important program for the college.”



**Professor Howland:** “I can see the overall benefit, but it’s the people who get caught in the wrong end of it, the teaching end and wrapped up in it.”

**Terry Plater:** “If I may, it was addressed in the proposal. Professor Jackson - remember your wrote this. You had stated that faculty had to be groomed to take into account the work of junior faculty, especially with respect to getting it in their tenure reviews. Maybe it’s not in the resolution, but it didn’t go unaddressed.”

**Speaker Rabkin:** “It looks like we are ready to vote on this resolution ([Appendix 2](#)). All in favor say aye. All opposed, say nay. Abstentions (4).

[Resolution Passed.]

## **5. REPORT FROM COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF FACULTY ON JOB-RELATED FACULTY MISCONDUCT POLICY (SUSPENSION POLICY)**

**Associate Professor Vicki Meyers-Wallen, Biomedical Sciences and Chair, AFPS:** “First let me apologize to you. I did not know Power Point would be available. However, I brought my memory stick, but it’s in Word. So I am going to try to go from Word to Power Point. If you get motion sickness, don’t look when I scroll.

“I’m here to report to you from the AFPS and there is a hand out on the table. If you didn’t get it, I hope someone will pass one to you. First of all, the AFPS last reported on this issue in February, and the documents from that meeting are on the University Faculty Website. The information from the last meeting is also there.

“I am going to give you a brief history in case you weren’t at the February meeting when we didn’t have a quorum. This policy originally came from the task force that was formed by Dean Cooke in 2001. They came up with a policy. The Senate voted on it 2004 and passed it. Then there was about year period of discussion with the Administration, and it came back to the Senate as a different revision and was approved by the Senate in September 2006. We expected at that time that it would actually go to the Trustees, but it didn’t. What happened was the Executive Policy Review Group saw it and decided to put it into a different format and gave it back to us, and we ended up with in on February 12th, and so on February 14th I informed you that we had it but hadn’t had time to really look at it. I told you I was going to come back and report to you. So here I am.

“The AFPS has looked at this report that we got from the Executive Policy Review Group, that we got in February, and decided it was basically unacceptable. We sat down and asked ourselves, ‘What are the essential principles that we want to see in a policy?’, and we also discussed this with former AFPS members. We came up with the essential principles that the AFPS would expect in such a policy. The central principle is a suspension is a serious disciplinary sanction, second only to that of dismissal in its effects on a faculty member’s career, and therefore we should consider it right there with dismissal. Second, there should be a final common pathway to suspension, meaning that regardless of the offense committed, whether it be

sexual harassment, stealing money, whatever, that the procedures for hearing a suspension should go through the same channels at the end.

“As with dismissal, we felt that the hearing board should report to the President as the final responsible authority who can impose a suspension, just as a dismissal. We thought that the definition of suspension should be stated as it was, in fact, when we submitted it and came up with a reasonable definition. We also felt the emergency suspension should only be levied by the highest authority for serious reasons and be tailored to the offence, as is stated in the Faculty Senate document. We also felt there should be a hearing in which the accused could come and question his or her accuser.

“Lastly, but it’s not the only thing, punishment should not precede conviction and specifically, full salary should not be suspended or taken away until the process has been completed and a suspension has actually been levied. So they shouldn’t lose their salary before being convicted, or even part of their salary. We thought those were the important things.

There was a meeting with the Dean of Faculty, administration representatives, and AFPS on April 5th, which was only last week. At that meeting a compromise was offered in which the procedure for suspension would ‘mirror’ the procedure for dismissal. That means that they were going to give us a new procedure, not a policy, but a procedure that would have to replace the policy written by the Faculty Senate. The procedure is the one you have in front of you, which is the revision of the by-laws covering dismissal. So what we are suggesting is a revision of the Bylaws covering dismissal to include suspension which fully will take place of the policy that we passed. So that’s the draft that you have in your hand out.

“The AFPS only received this yesterday morning, but we have all really worked hard to look at it, and we actually agree that it does contain the essential principles that I just talked to you about. Some concerns have been raised, and I’m talking about mostly by the AFPS members. There are some things to think about. The procedure doesn’t pertain to suspensions that are less than one semester in duration. The procedure you have in front of you is only for suspensions that are a semester or more in duration. The second thing is, it’s only for faculty that are full time, defined as they are in the by-laws. These are for full-time faculty. However, if the suspension is less than a semester or if the person is not defined as a full-time faculty member, the person can take the appeal about a suspension through the grievance procedure. And if you look at the grievance procedure, the final committee that will hear the grievance if it goes all the way through the college and it comes to the University, is the AFPS. They hear it and report to the President. That will be in Section D in the handout.

“Now another person asked me, ‘What happens to the dismissal policy?’ Regarding the dismissal policy - is there anything in there that we don’t want to see in the revision of it? All I can say is that the part that’s changed regarding dismissal is that the Provost rather than the President is now responsible for the receiving the complaint and for governing the hearing process. That’s in A and B in your document; before it was the President. However, the final decision is still made by the President, not the Provost. The President takes the recommendation of the Hearing Board to the Trustees. That hasn’t changed.

“Lastly there was minor change that the AFPS and if you look at A and B and D, the blue is not changing anything that you have in your document, it’s just highlighted so you can see what I’m talking about. The red is suggested wording. So under A these suggestions remain because it didn’t look really clear as to when you would have the opportunity to ask for a hearing. The question was, do you have the right to ask for a hearing when you are given the charges, or do you also have the opportunity to ask for a hearing when you are actually given the suspension? Clearly looking at the dismissal policy, you really only have one chance to ask for a hearing, and it’s when you are given the written charges. However, we had the concern that how do you know you are given the charges? How do you know it fits into the suspension policy? Because unless you knew you might get suspended, how would you know to ask for a hearing at that point? So we thought that it was important to say that in addition to getting your charges, you should be given a hint what disciplinary action would be suggested, because it is a suspension if one semester suspension is applied. We had this put in, to request a hearing within thirty days of receiving the written charges. We think that’s a minor change, and we don’t think that’s going to be a problem with Administration. We also made a change in D just to clarify that if the suspension is recommended, and you have failed to request a hearing within thirty days as in Section B, then the suspension goes into effect. So there is only one opportunity to ask for a hearing, when you get the charges and it is suggested that you will be suspended more than a semester.

“I want to make it clear that adoption of this procedure would replace the policy that the Senate passed. And we, the AFPS, hope to bring this matter to a vote at the May Faculty Senate meeting. That’s why I bring it to you now - that’s why AFPS hurried up with it yesterday, so we could bring it to you now. We have been going at this for several years, and it’s time for a vote. Finally it is important that we have a strong procedure that deals with this matter. I want to remind you that in order to actually get this done, we do need your support again in May, and so I hope you will all come. I now open this matter to discussion. I request that if you have additional comments that you will e-mail me at vnm1 or anyone else on AFPS. We all will be glad to take your comments.”

**Speaker Rabkin:** “Just to be clear about this - if there is a quorum at the next meeting, there will be a resolution and there will be time for some discussion at the next meeting?”

**Professor Meyers-Wallen:** “Yes, but we are hoping that we will be able to hear a lot of comments now and in the next few weeks, so that we can address them.”

**Speaker Rabkin:** “Not a lot of comments because we don’t have time for a lot of comments. Let’s hear some quick comments.”

**Professor Cohn:** “Could you say a little bit more about the differences between this document and the approach in the one that the Senate approved, particularly in light of the fact that at our last meeting the Provost said explicitly that she still fully endorsed the document that we had passed?”

**Professor Meyers-Wallen:** “I have not talked to her. I’m sure that she does endorse what was in the document, and I think that what we have now, what she endorsed, is in this document. We

can go through it if you like on your copy and talk about what's in here in these two pages, but I think if you have questions, I would rather do that first."

**Professor Richard Talman Physics:** "I didn't understand what was said about the time limit. I understood you to say that it applied only to suspensions one term or greater. The only reason there's a distinction between suspension and dismissal is that one is less serious than the other. Now suspension for one term is tantamount to dismissal. If that remains there is really no reason to have a suspension policy."

**Professor Meyers-Wallen:** "Well I think people might agree that dismissal is dismissal and you don't come back after the semester is over. So I think it has to be clear that there is a difference."

**Professor Talman:** "But there's not a difference because suspension for one term is tantamount to dismissal. So it basically guts the document as insignificant."

**Professor Peter Stein:** "As probably the biggest suspension expert on the campus from the faculty point of view, I would like to answer both of the questions that got raised. To Dick's question, yes you are right. It does violate the essential policy that a suspension severely damages a person's career and not in proportion to the length of the suspension. You are absolutely right. So, in a sense this is a compromise."

"To Abby's question about what has changed between this policy and policy that the Provost endorsed, the essential change is that there is due process in the hearing in which the suspension is adjudicated. Now, if the suspension is a whole semester, the adjudication takes place with more due process than in the policy that we passed. On the other hand, if it's less than a semester, it takes place with less due process. Now, I believe this is a good deal because I frankly don't think that the level of due process is all that important. My conclusions are based on having gone through an extremely painful appeal of a suspension that lasted for about a year and a half, at which time a lot of the difficulties in the process were revealed. But the fundamental difficulty in the process was that for suspensions now of a month, it would go through the normal grievance procedure that ends up in AFPS Committee. What happened in that case was it ended up at the AFPS Committee. The AFPS Committee heard it, spent a lot of time. There were no hearings, but it didn't matter. The AFPS Committee discussed it fully, felt there was no need for hearings, no need to consult, to confront witnesses, and AFPS issued a finding that in blunt terms was simply disregarded by the Provost. And the Provost's Office took the position that an appeal to the Provost from AFPS was an improper action, and that in fact, a Dean ought to control what happens in his or her college. I'm trying to make it as brief as possible. But, that's more or less what happened. And, the AFPS Committee was in a furor about that, and a lot of things came to the forefront as a result of that. Now to me that's the essential question. What's common to both, the Senate-passed policy before and this one, is that the concluding process, in the one case, a committee that's appointed by both; and in the other case, for a short suspension, the AFPS Committee, and both lead to the President. And it's written down, it makes it absolutely clear that the President must take this thing and must make a decision. That's the same in both cases and as far as I'm concerned, that's the essential point."

**Speaker Rabkin:** “Okay. We have other business so I think we should move on now and we will have a chance to revisit this in the next meeting.”

**Professor Meyers-Wallen:** “Yes. If you have any comments or questions, please e-mail anyone on the committee and we will try to get back to you.”

**Speaker Rabkin:** “The last item on our agenda is Professor David Harris who will present findings of the Teagle Foundation Working Group on the Minority Achievement Gap in Higher Education.”

## **6. REPORT ON THE FINDINGS OF THE TEAGLE FOUNDATION WORKING GROUP ON THE MINORITY ACHIEVEMENT GAP IN HIGHER EDUCATION**

**David Harris, Professor, Sociology and Vice Provost for Social Sciences:** “Thanks Jeremy. Thanks folks for having me here. Charlie Walcott asked me to come talk with you today. The important part here is Professor, not Vice Provost. This is a project that started at the end of my second year at Cornell, before I was part of the Provost’s office. It’s a project that started as a faculty member interested in equality issues. I was approached by the Provost about doing something with the Teagle Foundation, as in Teagle Hall. And so, that’s the context in which I want you to hear it. Not as a Vice Provost administration person, but as faculty member’s research project.

“I presented this to the Trustees first back last March at their meeting and then again when the report was pretty much done in October. At that point Charlie talked to me and said he was concerned about lots of these issues and he really wanted me to come talk with the Faculty Senate, both in terms of bringing this to your attention, but also in the context that any solutions we have are going to be the faculty having to be huge partners in any solution. It’s in that context that I bring this to you today.

“I brought four copies of the report with me. They are over there on the corner of the table. If you are interested, it’s also available electronically. At the end of my talk, I’ll show you a link from the web to the report.”

“So, what’s this about? If you think about diversity - I’m only going to talk about race/ethnicity. Not because it’s the only kind of diversity that’s important, not because it’s the only kind of diversity that’s a diversity issue that the University has focused on, but because when this Professor started this project, it was a relatively narrow question of racial and ethnic issues, disparities in higher education.

“So what’s the concern? I was at Michigan on the faculty from 1996 to 2003. If you are into these issues you know that was an important time period. Actually, that was right when the case was basically being filed to right when it was decided. I was at Michigan at that period. The big concern people had about diversity, race, and ethnicity in higher education was about access. They were very worried about being able to use a point system, or whatever it is, some form of affirmative action, so you can ensure that you have a racially and ethnically diverse entering class among undergraduates, primarily. While the case is decided, my concern though

was that that wasn't the goal. The goal here should never have been - and I think most of it wasn't really - to get a diverse cohort in. The goal is really to graduate students from schools in rates that are comparable across racial and ethnic groups. We know that having a diverse cohort come in is necessary, but it's not a sufficient condition for graduating a diverse cohort. That's what really makes this project.

"Why do I say it's necessary but not sufficient? Obviously, it's necessary. Why isn't it sufficient? Well, first look at graduation rates. This was stunning to me when I first saw it. Even though the whites and Asians who have the highest graduate rates among the racial and ethnic groups, it's still about a third of whites and not quite as bad among Asians, who start as four year students, not community colleges, do not have a degree at the end of the six-year period. If you start at Cornell and transferred you would still count. The transfers are in here as successes. It's these students who do not have a degree from anywhere. That's quite high, I would say. In terms of students who don't finish, if you look at Blacks and Latinos, it's most of the Blacks and Latinos who start at a four year institution in the United States do not have a degree from any four year institution at the end of the six year period. It's not sufficient, and there is a big disparity by race/ethnicity. Why else? Well, here is some data we've pulled together. You can see this becomes a bigger issue since the 1980s. You have seen this drop, look at the "Y" axis, it's not as big as you think it is, but it's still a big drop in percent white among the undergraduate populations at Cornell. What happened - blacks didn't move much, Latinos moved somewhat. Asians have moved quite a bit. So the context slide says that while you have seen the percent white among undergraduates drop over the last twenty-five years, you have actually seen the racial composition of that context (being the Cornell community), hasn't changed that much with respect to this indicator - percent white. In fact, faculty percent white declined, but not as much as for students. And among staff you have actually seen that not changed at all, or hardly at all. And now here is an interesting fact, if you look at the zip code of Ithaca, it's only 8 percent white. This is actually whiter than the zip code of Ithaca. And so that's gives us some sense about context and some issues about why you might be concerned about not graduating and some other data we could quickly throw up here to set the stage. Again look at the "Y" axis. It's not as big as you think it is. But there are differences. This is at Cornell in graduation rates for Blacks, Latinos, Whites and Asians.

"And the last slide where we get to the meat of it, is the GPA data. What you are seeing here in this box plot is the differences of GPAs at the end of the first year for Blacks and Latinos contrasted with the Asians and Whites. Why did I put this in a box plot? I put this in a box spot because there are two critical points I want you to remember. One, there's differences by race and ethnicity. Two, these are overlapping distributions. So I'm talking about these racial differences. I'm talking about differences at the mean. I'm talking about overlap; and substantial overlap going on. At this point you might have the question as we had in this project, so what's going on? Why is it that you are seeing racial/ethnic disparity in terms of graduation rates? Why are you seeing it in GPAs? You can see it in terms of satisfaction. There are lots of indicators. What's going on? I was going to have more conversation, but in the interest of time I will just tell you what I think. The usual response in people's head, it was in my head as well, is well if you have affirmative action operating in admissions and if you have students of one group who maybe don't have the same background as another group, then you shouldn't be surprised to find that at the end of the day, one group graduates at higher rates. One group also has higher

GPA's and might be more satisfied. That shouldn't be that big of a surprise for us, right? So, is it true that this is a selection effect largely?

What we did is form a working group project. This is an exercise that was Cornell, Hamilton, Hobart-William Smith, Colgate, and Wells College. So you got a lot of variation in the type of schools involved. But what unites these schools is that all of the schools are aware of concerns, especially once I said to them that Cornell has some concerns. They would say, we are concerned too, concerned that maybe there is some disparity going on at their schools and you might not see it as much in graduation rates but it might be bigger in terms of GPA's, or majors or other kinds of things. And so let's come together and see what we can figure out about what's going on at our schools, what's going on more broadly and see what we can do about it.

"A key part of this is it's not just faculty coming together. The teams from each school involved faculty, staff and undergraduates. Undergraduates were critical. Staff was critical with some sort of on the ground knowledge. And the final report that came out after this sixteen-month project is sitting over there. There are four key components. Trying to understand the inventory of existing programs and that came out of conversations I had with one of our Deans. At one point I was sitting around with that Dean trying to figure out what we ought to do about a particular issue, and I said this is crazy, every school in the country has this issue we are thinking about right now. We are smart people, but why are we reinventing the wheel? We should have some lists that at least give us the sense of what is out there so we can say we can take one of those and modify it to do what we want to do. We could do this here for forty-three schools that we went through - the inventory of what they are doing in mentoring, what they are doing in separate programs, what they are doing in terms of advising and on down the line. Analysis of the most promising programs, and then last is assessment. And here is something that was quite contentious within the group, but I kept pushing. The argument basically is as follows. We know from lots of social science research and in particular from policy research, it's just really hard when you are the service provider to figure out if that intervention is working. So in this area, in particular, where we can see some things not going well in terms of outcomes, how can we know if these programs work?

"I point to Ron Ehrenberg and his study. When you take the selection question, it seems like pretty strong evidence that this is not wholly a selection story. Some of it's a selection story, but a lot of it isn't. There's work that Ron did with one of his students, who is now off to a Ph.D. at Michigan, and work done at Duke, and there are citations in the report. It is quite compelling work. It seems like you know there is something going on once students get to college that's not just brought in, students with gaps; they leave with gaps. There's something going on once they are getting to campuses. So what do we do?

"We looked through the literature trying to see what we could figure out, what might some of these escalations be, and in the interest of time I'll just talk of a couple of these. One is the issue on stereotype threat, Claude Steele's work being the best known in this area. Here the idea basically is that some of what you see, and you can see this with race and ethnicity. There is other work done with gender. For example, another mentions difference among individuals, that some of what you are seeing are individuals who have a highly salient, and in this case racial identity, and they are in a setting in which they believe that the expectations are that their group

won't do very well. And, so it's a quick version, but the stress associated with that actually leads to worse outcomes than if that stress weren't there. It's really interesting. Most of it is work is done in a lab by some psychologists in which they prime race, people's race versus, and you can see quite significant differences in people's performance as a result. So there's some interesting other work on gender and math that works in very similar ways.

"Financial aid, financial need and social capital are a big part of the story, I would argue, as is something about networks. There is some interesting work that was done by some economists at Northwestern or Michigan. Basically what they did is, they said let's look at students and students' drinking behavior. Let's look at students at how much they drank before they came to college. Let's look at their drinking at the end when they were randomly assigned a roommate, and your room mate's high school drinking behavior has an effect on your drinking behavior. It's one of many types of experiments that show that there is some kind of a peer effect that's going on here. The question therefore is to what extent do we have policies and other things that are putting people into contact with general student population as opposed to putting them in contact with the segment of the population that either is more prepared, more connected and so forth than average? Or less connected, less prepared than average, and that might be having an effect on individuals' outcomes.

"And the last piece, climate issues. One piece of that really is important is remedial versus enrichment. And the question here is do our policies have the perspective that these are students who can excel. These students we want to give a boost to make sure they are excelling. Are these the students we expect to fail? And our goal was to not have them fail. So it's really about the tone of program, and it looks back to some of these issues about stereotype threat.

"I'm in my last five minutes and then I'll take questions. These are the fourteen programs that we pulled out from hundreds around the country that we looked at. And we thought that these were programs, not that we can say these are the silver bullets these work, but these are programs that based on theories whether it's stereotypes, and so forth, we thought were especially promising. And that we encouraged administrations to consider some of these programs and to think about trying them on their campus and to think how we know if they work. And the point I would like to make to some administrative audiences: if you want to reject some of these, it seems like its incumbent upon you to say, 'We actually think what we are doing is better. And here is why we think what we are doing is better.' Otherwise, maybe you would think of some of these that are informed by theory. And let me just talk about a couple.

"This program here, The Summer Institute for Diversity and Unity, it's a program at Hamilton College. I'm sure you have heard the talk about a diversity course. People have heard of this, right? Some people are pushing it and saying there ought to be a requirement that everybody takes a diversity course. I'm not a supporter of the diversity course concept, and I'm happy to report that the student diversity forum we had Monday night, we had upwards of a 100 students there, the strong sentiment of those students was not for a requirement. But what's done at Hamilton College, is they said, 'You know what, we can probably inject a broader perspective in lots of our courses.' So that there's not a diversity requirement but just in terms of taking courses at Hamilton College, at the end we've got more diverse set of ideas and examples than you would otherwise.



“So here’s how it works. In the summer of those four years they have trained facilitators come in, focused on sciences, humanities, social sciences. They bring faculty in for a retreat for three days. They pay the faculty \$1500 to participate, and the faculty come out with a syllabus. And the idea is those three days you are doing readings, you are working with facilitators and you are tweaking your syllabus. So by the end of those three days you have a start on trying to modify your syllabus in some ways that you may not have thought of in the past. And that group then gets together again in the second semester to talk about what happened. Did you tweak it? What worked and what didn’t? That’s one example of a way to address these issues. And last, I’m going to finish with this one up here.

“There was tremendous support from the students the other night, the Breaking Bread program. What is this? This is at Colgate, and the Director Minority Affairs at Colgate came up with this. She was in our group. And it’s starting to get lots of attention around the country. The idea basically comes from her observations. A bunch of student groups came to her saying we need some money for our program. And she thought, ‘You know, this actually is an opportunity to achieve something. I can’t give everyone money.’ So she told them if you come to me with a proposal for a potential partner and you make an argument that’s a partner you don’t usually work with, another student group, here’s what you do. I’ll give you money. You figure out what you are going to eat. You go out as a group and purchase that food. As a group you cook that food. As a group you eat the meal and clean up afterwards. And in the process of that at the very end you come to me with a proposal for what kind of programming you could do together. And so my favorite example of this always is one of the groups that apparently came together was the College Republicans and the LGBTQ group. They don’t usually interact with each other at Hamilton College. But they came together and what came out of it was an extremely successful session and presentation on campus by Andrew Sullivan, who some of you may know is a well known gay conservative pundit who was extremely well received. The person who runs this reports the students actually say, you know now, it’s not just Bill who is a college Republican, now it’s Bill who also likes this thing or it’s Mary. There’s a bit of a link that crosses these groups that wasn’t there before. And it also helps the more diverse programs.

“There’s a bunch of other things, and in the limited time you got the flavor for what this is about. In closing is the following. The report makes the argument again that basically this stuff is going to be hard. There’s certain history that goes with a lot these program that’s politically difficult for leadership to take on. Certain groups say we ought to change certain things. But the argument is we have to, for two reasons. One that we all like to talk about is increasing diversity within diversity. If you look at the students just on racial and ethnic grounds who are at places like Cornell now, and you compare them to the students, the non-white students, who were here twenty or thirty years ago, these are very different groups in many ways. And a program that maybe worked twenty or thirty years ago won’t necessarily work today. And you are not going to know that unless you are seriously evaluating these programs and reconsidering them from time to time.

“And the second, and I think that this is the highest as a parent. My kids are too young now, but as the parent of a kid of color who will some day go through these programs, like all parents, we entrust our kids and our investment of those first eighteen years to the universities and the

colleges. And so it is incumbent upon us to make the most of that trust that the parents are putting in us for their kids and the kids are putting in us for their futures. We have to do some the hard things.

“I finished in less than the time so I have time for a minute or two of questions if there are any.”

**Professor Michel Louge, Mechanical and Aerospace Engineering:** “Over the years the University has gone back and forth on policies to mix or not mix students from different ethnic groups and origins. What is your take on the current policy and your recommendations?”

**Professor Harris:** “So what we have at this point is there’s a lot of tension. I will not take the side which says definitively get rid of program houses or any other things we are doing, or we should definitively keep them. The simple answer is I don’t actually know what’s best. And I would also say, and this is the professor hat on my head, that a professor is often in contention with the Vice Provost on some of these issues. The professor says we don’t know, I don’t know and you don’t know either, which one is best. And part of the reason is because we haven’t done some of the things we want to do to try and figure out - did students do better, or did they not? In other words, what do we know about it? We haven’t done enough of that. And sometimes I’ll use the word ‘courage’ to say let’s look at this in great depth and figure it out. The tension is, on the one hand, you can argue that it’s extremely important for individuals of color, in particular, and lots of students who are minorities in a setting to have a place where they can go and just be friends, and not be the Black kid or the Latino kid or the Asian kid who has to answer those questions and address those issues. And for many students it’s the fact that they can just take a breather and just be themselves in an environment where they are not a minority that makes these kinds of settings extremely important and extremely positive for many of these reasons. Plus most of their interactions aren’t in those places. That’s one.

“On the other hand though, and you can argue that there are social and capital networks issues, which if you have one group that you know is much better academically, one group that you know on average is much better prepared in schooling and everything else, if you are not interactive with them you can imagine having a negative impact on your grades, negative impact on your potential jobs, and so forth later. I think there’s a real question and it needs some serious scrutiny and then needs to act on whatever we find. So I think that’s the answer there.”

**Professor Cohn:** “I was just curious to know what the Trustees response to your presentation was.”

**Professor Harris:** “I was very pleased. I think their response was this is important, and we want to know. I have been impressed also since the start of Jeff Lehman and Biddy and time also under David Skorton. What I have gotten from them throughout is a green light continuously. I keep saying, ‘You understand what Professor Harris is doing could get us in lots of trouble.’” And the Trustees that I have talked to say, yeah. They are buying at some level the argument that in the end that it’s our responsibility to do what’s right, and at some levels the job of the people in leadership is to take the heat that might come if doing something that’s right conflicts with something that is politically popular. And so there’s been lots of support. And the last thing I’ll say and then sit down is that this is almost certain to happen, but nothing is firm

yet. With the money we have left we are hoping to hold a major conference in New York City this fall in which we invite the Presidents, the Provosts, Vice Presidents of Student Academic Affairs and other such folks from each of 43 schools to have a day in which we have people from these 14 programs in sessions of 30 or 45 minutes each to say, 'So here's the Breaking Bread Program, and let me talk to you about what worked and what didn't work.' So trying it with each of Presidents of these five schools when we have been moving around to try to get them in essence encourage each other to take some of these steps and look at these things. Thanks folks."

**Speaker Rabkin:** "Our last item is Professor David Levitsky as a Good and Welfare speaker.

## **7. GOOD AND WELFARE**

**Professor David Levitsky, Nutritional Science:** "A hundred years ago in 1985 when I was arrested with probably some of you in here in Day Hall, I never thought that I would say thank you, Cornell. But having gone through an eight-year litigation brought up by a student, I just want to say, 'thank you, Cornell,' because they stuck with me through the entire course. And it's quite important to me. I believe I didn't do anything wrong, and it would have been much cheaper for Cornell to make a settlement, but there would always be a stain on me, on any professor who the University had to capitulate on that. So I have to say first of all, thank you, Cornell. Second of all, I would like this body to take seriously up the procedures that happens when a faculty member is accused and in particular gets involved with litigation. We have to think about insurance, who pays for it, what are the conditions. There are many issues involved that no one ever thinks about until one gets involved. So thank you, Cornell, "

**Speaker Rabkin:** "I think that was our last item of business although we have five more minutes if someone else wanted to thank Cornell for something.

[Meeting adjourned - 5:55 PM.]