

A MEETING  
OF THE UNIVERSITY FACULTY SENATE  
WEDNESDAY, APRIL 13, 2016

**1. CALL TO ORDER**

Professor and Chair, Department of Science and Technology Studies and Speaker, Bruce Lewenstein: “Everybody – as we get started and while we worry about whether or not screens are going up and down, I remind everybody there's no photos or recording devices of any kind, no programs for recording allowed during the meeting. Ask everybody to please turn off their cell phones, beepers, tablets, the start-up noises on your computers when you open them, those should have been turned off, and any other noise-making devices.

“Remind the body that senators have priority in speaking and that only senators and their designated alternates may vote. I am going to ask, when people do speak, that they go to a microphone when I recognize them and identify themselves and their department.

“As in previous meetings, we'll ask people to hold their remarks to two minutes, and the parliamentarian will hold up a sign with times. We allotted no time on the agenda for Good and Welfare. And that's a good thing, because nobody asked to be put into that period, so we will use the full time for the meeting.

“The agenda, the first items are the consent items, [approval of the minutes](#) of the last meeting. Are there any corrections to the minutes? Those minutes are approved.

[“The title of research professor in the College of Veterinary Medicine has been posted and approved by CAPP,](#) so that now goes into effect as of now.

“Next on the agenda will be acting dean of the faculty, Mike Fontaine.”

**2. [REPORT](#) FROM THE ACTING DEAN OF THE FACULTY, MIKE FONTAINE**

Acting Dean of the Faculty, Michael Fontaine, Associate Dean of the University Faculty and Professor, Classics Department: “Good afternoon, everybody. I want to remind you of a couple things: The first one is that CALS, the proposal for implementing the [title research professor](#) has been approved by CAPP, and now that will go out for 60 days and will be voted on presumably this fall.

“A couple other things. I just want to remind you the agenda you see for these meetings basically is the committee report for the UFC, the University Faculty Committee, so I don't have a report for that committee specifically, but a few other things have come in since then.

“One is to update you that the Faculty Governance Committee, which has been a little bit dormant, met again just today. We don't have a report for you yet, but we have been discussing process and we've scheduled another meeting for next month, so there may be a report on that.

“Earlier this week, I received two resolutions from the other assemblies, one is from the graduate students who are concerned about [romantic or sexual relationships](#) between advisors or supervisors and graduate students. We do have a policy about this. You may recall we discussed this here in the meeting extensively last November and December. So I have referred that resolution to our committee, the [AFPS](#), the Academic Freedom and Professional Status Committee, and they're going to take a look at that.

“The second resolution is from the Undergraduate Assembly, and they have asked us to [enforce our policy of not assigning work to students over the breaks](#). That is, in fact, our policy not to do that. Turns out, I guess, we are doing it anyway. So I would ask this august body to consider not doing it; because if we don't do it, someone will make sure we don't do it, and it won't be us. I have referred it to the Educational Policy Committee to try to come up with some enforcement mechanisms to try and improve that for our students.

“The second part of my report is going to be the [election results](#), and here they are: So our new dean of faculty for the next three years is [Charlie van Loan](#).

(APPLAUSE)

“Associate dean of faculty, [Chris Schaffer](#). And the faculty board of trustees, [Bruce Lewenstein](#).

(APPLAUSE)

“Our other members: [Rob Thorne](#) on the UFC, [Durba Ghosh](#), [Kate Walsh](#), also on the UFC. And for Nominations and Elections, [Julia Felipe](#). So thank you very much to everyone who voted or who ran or stood for election. And that concludes my report.

Speaker Lewenstein: Thank you, Dean Fontaine. Next on the agenda will be discussion of the review of the Social Sciences, and Judy Appleton and Ted O'Donoghue."

### 3. DISCUSSION OF REVIEW OF SOCIAL SCIENCES

Professor Ted O'Donoghue, Department of Economics: "For those of you who don't know me, I'm Ted O'Donoghue, a faculty member in the economics department. I am also currently the senior associate dean for social sciences in the College of Arts and Sciences. So we are here to talk to you about the review of social sciences that are upcoming.

Just to give you a little bit of background, there have been a variety of reports assessing the social sciences at Cornell over the years. So there was an internal provost task force in 1999, there was a provost external advisory committee in 2006, there was the internal social science task force in 2009.

"In addition, the other reports more focused on the subparts of the social sciences, reports on economics, reports on the public policy school. The broader reports all had a similar message that was expressed well by the 2006 committee. And if you read the charge that was handed out, we put in a couple quotes there, but sort of the key idea is that Cornell is known for strength in engineering the sciences and humanities, but less so in the social sciences. So the need to bring the social sciences up on par with the other areas of Cornell.

"And also, sort of pointing out that it is not just the lack of resources being sent to the social sciences, so again, the quote from the 2006 committee: The whole of the social sciences at Cornell is not as great as the sum of their parts.

"So that committee made a number of recommendations in 2006, which sort of led to a renewed focus in the social sciences, some changes since then, perhaps most notably, the reorganization of the economics department. And here we are at the ten-year milestone and, at this ten-year milestone, the provost called for another external committee to sort of assess where we are, to take stock of how successful have we been and to get advice on sort of what are the next steps to continue to improve the social sciences at Cornell.

"So the process moving forward, we are currently at a stage of information gathering, so we put together the charge that was handed out, and now we are going around, talking about the charge, getting feedback on the process. So last week, Judy and I spoke at the provost's academic leadership conference to

college deans, department chairs, other leaders to get their feedback. Today we are here to get feedback from the faculty senate, all of you.

“Over the upcoming weeks, Judy and I are happy to come meet with departments, programs, other units that want to give us feedback, and we also invite e-mail feedback. So you will notice on the charge we have sent out, we have put together an e-mail address, [ssreview@cornell.edu](mailto:ssreview@cornell.edu), that you can send us feedback that way as well.

“In a few weeks, after we have collected a lot of feedback, the next step, the provost will appoint an internal committee that will assemble a report on the social sciences at Cornell. We are emphasizing this is meant to be a descriptive report, so not a report that's critiquing the social sciences at Cornell or being prescriptive. That's sort of what we want from the external committee. We want a sense of how things are at Cornell.

“Then finally, the provost will appoint an external committee of highly distinguished scholars that will be given this descriptive report, invited to come to campus and talk with people, and then give us their assessment of the social sciences at Cornell and what we can do to further distinguish the social sciences at Cornell.

“So two last comments before I open it up to all of you: One is we do invite feedback from people on the composition of both those committees, the internal committee and external committees. So if you have ideas, feel free to send it our way. You can use that e-mail address.

“And second, just since we have been asked this question in multiple venues now, I want to say from the outset we don't have a sort of preset outcome here. We are out to gather information and then to get advice from an external committee on what we should be doing next to improve the social sciences at Cornell. So on that note, let me open up to your feedback.”

Professor N'Dri Assie-Lumumba, Africana Studies: “I wonder what is the unit of analysis, if you are using the social science department as the unit of analysis, how do you have the input of consider those social scientists who are in multidisciplinary programs?”

Professor O'Donoghue: “That's a very good question, something we are starting to think about a lot, continuing to think about. So some of the initial ideas we

have had, one of the things we are planning to do is to work through the graduate fields, so that is to start with sort of the obvious core social science departments in the fields there, but to work through the linkages through the fields to find social sciences elsewhere.

“So we are trying to figure out exactly what is the right scope. We don't want it to be too broad. Otherwise, the committee won't be able to say much, but we also don't want it to be really narrow, so we are working on that. And other ideas for how to sort of figure out that scope are welcome.”

Professor Abby Cohn, Department of Linguistics: “I have kind of a parallel question, which is: how do you identify which departments are social sciences. Linguistics is this odd field, sometimes it's considered social sciences. I like to think of it as a humanistic study using natural science methodology, so what about Linguistics, Anthropology? It wasn't clear from the charge how some of the fields are –“

Professor O'Donoghue: “So again, I think it's something we are working on. I can tell you Linguistics falls in the social sciences. It would be one of the six social science departments; Anthropology as well. Again, we are sort of working on that. So it's on our mind and we need to come up with a good way to identify what exactly the right set of places to look are.

Professor Matthew Evangelista, Department of Government: “I just wanted to express appreciation for your coming here and transparency of this initiative, which seems to conform to our norms of governance, which we haven't always seen. And I think it's an important, potentially hopeful, change.

“I just wanted to make a couple of comments about what you discussed as the way of getting feedback. I remember in Charlie Van Loan's campaign for dean of faculty, he mentioned that sometimes there are e-mail addresses to which we can send our comments, and they are kept confidential or it's a one-way process, or perhaps bilateral, if there's a response to it. Would it be possible to have some kind of online forum, where you could see what other people are having to say about this issue?

“And then a specific suggestion, maybe you have already decided on it, to make public the names of the members of that internal committee, so that there can be a fuller discussion, and that it won't be any kind of secret process, the way some of the previous initiatives seemed to have been. Thank you.

Vice Provost Judith Appleton: "It is not the intent to have a closed committee. It's meant to be known to everybody who's on the committee. And I would like to just thank those of you who have already sent nominations for membership on either committee. We have a lot of nominations in already and some input that's come in already, so thank you for that."

Professor Richard Bense, Department of Government: "This is a very nice document: Charge, scope, process, recommendations. Could you say something about the process after the recommendations are made? Are you going to come back to the faculty senate with those recommendations? Is there going to be involvement of the faculty senate in those recommendations? How do you envision the university acting upon the recommendations when they're made?"

Acting President and Provost Michael Kotlikoff: "Mike Kotlikoff, either acting president or provost, whichever you prefer. One thing I can commit to, Richard, is that the report will be submitted back to the faculty senate, so it will be a public report available to the faculty senate. It's a little hard to predict what the actions will be without the report, obviously, but I think the intent -- and we just had a discussion of this in the UFC and Governance Committee of the Faculty Senate -- is to have this report available for the faculty senate to consider and make any recommendations that they choose."

Professor Risa Lieberwitz, ILR: "I wanted to continue on the vein of what the questions were and the response from Mike Kotlikoff. So I'm really glad to hear Mike talk about the intent to send the report back to the senate for our consideration and for the senate's responses, and it seems to me it would also be good to think about amending the charge so that we add that, and also add that at earlier stages, like with the internal committee.

"And this is something we discussed today in the Faculty Governance Committee, for that internal committee that we have something like Nominations and Elections Committee from the senate putting X number, whatever number of people onto the internal committee and perhaps members of standing committees, which are relevant from the senate having representation on that internal committee.

"And then also, at different stages, it would probably be good to report back, what does the internal committee's report say, and report back to the senate."

Professor O'Donoghue: "Thanks. Those seem like good points."

Professor Lieberwitz: "Okay, thanks."

Speaker Lewenstein: "Other questions? You have final comments?"

Professor O'Donoghue: "Please send feedback and nominations. Thank you."

Speaker Lewenstein: "Thank you very much. We are well ahead of schedule now, and I will allocate that time to a couple of the other items, adding five minutes each to the next items.

"The next item on the agenda is the question of graduate student unionization, where Acting President and Provost Michael Kotlikoff; Senior Vice Provost and Dean of the Graduate School, Barb Knuth; and from the graduate student unionization group, Alana Staiti are here. I don't know how you have arranged your time."

#### **4. DISCUSSION OF GRADUATE STUDENT UNIONIZATION**

Acting President and Provost Kotlikoff: "I'll just briefly start this off. So in the spirit of transparency, we suggested we represent to the faculty the discussions that are going on between the administration and CGSU on the rules of engagement associated with potential changes in the law being considered by the National Labor Relations Board.

"So I will ask Vice Provost Knuth to describe some of the specifics of those discussions and how we are going forward as a university to have a conversation about the issue of graduate student unionization. Barb?"

Dean Barbara Knuth: "Thank you, Mike, and thank you to the faculty senate for accommodating us. I think it was short notice to the UFC that we requested this time with the Cornell Graduate Students United, so I appreciate the accommodation by the UFC in that and Mike Fontaine in helping facilitate that.

"What I would like to do is provide a bit of context for the discussion that we're having with you here today. I sent out a [letter](#) to graduate faculty and others yesterday, but some of you may not have seen that, so I'm just going to keep my overview remarks brief, and then we'll hear some comments from students. And then we'll have a final comment about the activity that's going on between the university and Cornell Graduate Students United, and then we'll have a discussion.

“Just to provide a little bit of background and context, the National Labor Relations Act is a federal law that governs labor relations in the private sector. So including private universities, like Cornell University, fall within the NLRA, the National Labor Relations Act jurisdiction.

“The law is administered by the National Labor Relations Board. So in conversations today, you may hear reference to the NLRB. That is the National Labor Relations Board. The official NLRB precedent, which defines the parameters of who is enabled under federal law to form a union, legally or not, the existing NLRB precedent is currently informed by a 2004 NLRB decision in a Brown University case. So it's often referred to as the ruling in Brown.

“And that ruling in Brown holds that graduate students currently, under NLRB current precedent, are not employees as defined by the National Labor Relations Act; and therefore, because they are not employees, do not have the right to unionize or to collective bargaining.

“But that interpretation has changed over time, as many things do, and as a result of challenges to prior precedent and new findings. There are two cases that are pending before the NLRB currently. One deals with Columbia University, and the other deals with The New School, and they are both seeking to reverse that existing precedent set in 2004 in Brown, and instead find that graduate students are employees, as defined by the National Labor Relations Act.

“And we believe, and many agree with us across the country, that there's a good chance that Brown will be overturned this year, possibly as early as this summer. And so that's part of what's happening here, is that there are preparations by all involved for anticipating that Brown precedent may be overturned.

“So earlier this year, some of you may be aware that Cornell joined all its Ivy Plus peers in an Amici brief in the Columbia University case before the National Labor Relations Board. The position of all of these universities that signed onto the Amici brief, all these Ivy Plus institutions is that Ph.D. coursework, research and teaching are an integrated educational experience and are components of the students' progression toward earning a degree.

“Also, that teaching experience is an important component of preparing doctoral candidates for careers, either as teachers or as professional leaders, trained in effective presentation skills.



“Research and scholarship are fundamental to producing a thesis or dissertation and earning a graduate degree as a student, and time spent on research and scholarship will differ, determined by the project needs and the academic objectives that are being pursued in that degree program.

“As I noted in my [letter](#) to the faculty yesterday, in 2002, Cornell University faced a similar situation in which at that time the NLRB precedent was different. At that time, the NLRB precedent had ruled graduate students at private universities were considered employees.

“At that time, there was a student group called the Cornell Association of Student Employees, or CASE, who affiliated with United Auto Workers, and they filed a petition with the NLRB seeking to be recognized as a collective bargaining unit on behalf of Cornell graduate students.

“At that time, back in 2002, other private universities, including Columbia at that time and including Brown, which eventually led to the Brown ruling, were challenging these graduate student voices at those institutions on unionization through very protracted, administrative hearings and appeals. So again, this was 2002, and the Brown ruling occurred in 2004, so you can see that it can be a very protracted process.

“At that time, instead of taking an adversarial approach with our students, Cornell came to an agreement with the union to hold an election at Cornell. And indeed, an election was held; very good voter turnout for the students who would have been in the prospective collective bargaining unit. That was held in October 2002, and the union was not supported by those voting. 90% turnout, but not supported by those voting.

“So if federal law changes the status of graduate students at private universities, the position of the Cornell administration is that the decision about union representation of graduate students should be decided through a legally sanctioned election, secret ballot election by the graduate students themselves.

“In 2002, to help inform the debate, the faculty senate -- it might have been the dean of faculty's office -- hosted an informational panel on graduate student unionization prior to the election process. I believe there were both faculty and graduate students who were involved in that panel, providing various perspectives on graduate student unionization. So perhaps the dean of faculty

office or faculty senate might wish to hold such a panel again in the coming months, particularly if the legal landscape changes.

“At an appropriate time, sometime in the future, particularly if Brown is overturned, the university administration will make a public statement to share its opinion regarding the appropriateness of a union for graduate students, explaining the basis of the administration's belief that a union is not in the best interest of graduate students, as they pursue their academic programs.

“Finally, as Mike alluded to and you will hear in about ten minutes, Cornell Graduate Students United, of which there are many proud button-wearing members here, affiliated with the American Federation of Teachers, that group and Cornell's administration are working on a mutual agreement to promote respectful relationships and enable students to make their own decisions regarding graduate student unionization, in the event Brown is overturned by the NLRB.

“So after the students speak, we will speak jointly about that agreement, and then allow for some discussion. So thank you.”

Graduate Student, Michaela Brangan: “Hi to faculty and Dean Knuth and Provost Kotlikoff and other members of the Cornell community, lots of our proud button-wearing members. My name is Michaela Brangan. I'm a fifth-year in the English Department here at Cornell. I thought I would give you a little bit of an introduction, some current history and leave some for friends that are going to be talking after this, and then talk a little bit about CGSU's view.

“Cornell Graduate Students United, or CGSU, started in February 2014 as a small group of graduate students interested in building a union dedicated to improving the working lives of Cornell grads. We started off as a very small group. I and some of the original folk are here, and it grew from there.

“I was one of the members of a working group, among other kinds of working groups, that helped draft our first constitution and bylaws, which is available for you to read, if you are interested, on our web site, [cornellgsu.org](http://cornellgsu.org).

“I just wanted to clarify as well that our current effort is not related to the 2002 effort that Dean Knuth mentioned. Also, as Dean Knuth mentioned, we are affiliated with AFT. In October, our membership voted to affiliate with AFT, after a three- or four-month process of auditioning various national unions.

“AFT is American Federation of Teachers, and the regional affiliate is called NYSUT, New York State Union of Teachers. AFT has 1.6 million members currently, all across mostly educational professionals, from K through 12 teachers to other graduate unions to professors. Actually, AFT's 100th anniversary is going to be this Friday.

“Some of the other graduate unions that are affiliated with AFT are University of Chicago, University of Michigan, University of Oregon, Rutgers, which actually has a joint union between faculty and their graduate students, and many others.

“Graduate unionization is an enduring phenomenon. Harvard has recently affiliated with UAW, for example. Yale has had a union since the 1990s, and there are dozens of public institutions that are unionized, some more for 40 years or so.

“As has already been pointed out, there are currently cases under review at the NLRB involving The New School of Social Research in New York City and Columbia University. And the ruling, which will probably be coming down in August, is expected by all parties to restore the employee status of graduate assistants at private universities.

“CGSU believes this would be the correct ruling. In our view, current economic and institutional realities at Cornell and other private universities are such that grads doing teaching and research for the benefit of the university's core educational and research mission should be recognized as employees and should be able to choose whether to engage in collective bargaining at Cornell.

“And now I'm going to turn the floor over to Alana Staiti.”

Graduate Student, Alana Staiti: ([Slides](#)) “Thanks. I should also mention my name was the only one on the agenda -- okay. I tend to project anyway.

“So my name was the only name on the agenda, because I'm the one that made the formal request, but of course we are here *en masse*. So I'm Alana Staiti, a fourth-year Ph.D. candidate in science and technology studies and Cornell class of 2006.

“I want to thank Mike Fontaine for helping to facilitate our request to be put on the agenda and for the welcoming atmosphere of the faculty senate in general.

I'm proud to be a member of the Cornell community. I care deeply about this place, which is one reason why I made the choice to get involved in Cornell Graduate Students United.

“We know that one of the many hats that a faculty member wears is in a supervisory role to graduate teaching and research assistants. Perhaps this goes without saying, but we'll say it anyway, this supervisory relationship between a faculty member and a graduate student involves a power differential. CGSU wants to not only protect, but also in some ways make explicit the terms of this power differential.

“Graduate students at Cornell, as well as grads all over the country, are unionizing for lots of reasons, as Michaela mentioned. Some include the need to protect tangible benefits, like summer funding that was formerly promised to them, or affordable health insurance for partners and dependents, or making explicit the terms and policies for parental leave or sick leave, and other benefits that may be negotiated when the time comes to do so.

“Less tangible, but no less important concerns include lending voice to the terms under which we work for Cornell, and graduate student advocacy in general. Graduates have the right to unionize, and we should feel free to make that choice. This is something that we cannot stress enough.

“This right to unionize is protected by federal law, and if you would like more information about these laws, I encourage you to look at the links we have provided at the end of the [handout](#). So that's available in PDF form, as well as outside in hard copy.

“To echo one point in the [letter](#) that you recently received from Dean Knuth, if you are unsure how to approach students about this topic, please just don't bring it up, keeping in mind again that a power differential exists between faculty and graduate students.

“We encourage you to allow grads to exercise the right to make a free choice to join the union. At last month's faculty senate meeting, you all received a very helpful document from the GPSA about suggested best practices for fostering a positive, productive relationship between faculty advisors and graduate advisees. We are interested in making the faculty graduate relationship less stressful by making certain things concrete about our terms of employment.”

Graduate Student, Andi Kao: "I'm a first-year Ph.D. in the ILR school, and I just want to start by thanking the faculty senate for allowing us equal time to speak on behalf of CGSU. And also, just as a disclaimer, these words are more or less my own, so I take full responsibility for any bad, irreverent jokes or the like. The CGSU members here today and untold others have been talking to friends and colleagues, hosting meet and greets and knocking on office doors to chat with graduate students about their experiences, relationships and economic livelihoods and well-being.

"The fact is students here at Cornell realize that exorbitant labor costs will only harm the university by making research grants less competitive. This is consistent with studies showing that graduate student unionization has a negligible or slightly positive effect on compensation.

"A collective bargaining agreement negotiated between administration, faculty and graduate students will be a detriment neither to the university's economic viability or to the student-teacher relationship. It will instead facilitate and enhance that relationship. Students and faculty have a shared interest in upholding the standards and ethics of the academy.

"While formal classroom training on research methods introduces students to rigorous disciplinary standards, it is by producing research goods and academic services that, as TAs and RAs, students develop a deeper understanding about professional life in academia.

"The products of a graduate student labor intern create real value for the university. As evidenced by this bridging of the classroom and the workplace, the relationship between a faculty adviser and graduate advisee is a complicated one. Incoming students to ILR will hear that asking a professor to be their advisor is like asking someone to be your date to the prom.

"With such a delicate nature, any institutional change with the potential to damage the student-teacher relationship should be treated with due care. Fortunately, a growing body of research has demonstrated that unionization, far from harming the student-teacher relationship, will actually strengthen it by encouraging strong mentoring and fostering mutual trust between faculty advisors and graduate student advisees.

"The authors of a 2013 study published by Cornell's very own ILR Review suggested the potential benefits to the student-teacher relationship result from

the liberal constitutional and democratic processes triggered by unionization. Negotiated guidelines governing the working relationship between graduate students and faculty reduce ambiguity, encourage open channels of communication and cultivate an active and productive learning environment by including stakeholders in the deliberative process.

“By clarifying workplace relationships and creating clear guidelines to protect all parties therein, graduate student unionization can enrich the Cornell community and further the university's proud tradition as an advocate of workplace democracy and social justice. Thank you.”

(APPLAUSE)

Speaker Lewenstein: “Thank you. Now I believe you have a joint presentation.”

Graduate Student, Katryn Evinson: “Hi. Good afternoon. Briefly I wanted to introduce myself. I'm a second-year Ph.D. student in Romance Studies, and I'm also the administration liaison for CGSU, Cornell Graduate Students United.

“I want to thank you for having us here today, and I would also like to acknowledge my fellow team members who have been working with us and in the ongoing negotiations that we have been having with the university. So if you could please quickly wave for the Q&A afterwards. Thank you.

“So we wanted to say CGSU sees the opportunity to engage with the faculty senate today as an essential part of building a strong and collaborative relationship with the university community as a whole. The work graduate students do as part of the community makes Cornell work. And yeah, CGSU trusts that the faculty working closely with graduate students as TAs, RAs and in other capacities will be able to acknowledge and support our labor.

“So I was going –“

Dean Knuth: “If this was to be a joint statement, the comments that were just read are not part of the joint statement. So just be clear about that.”

Graduate Student Evinson: “Yeah. I was just going to say I will now begin reading a joint statement issued today by both CGSU and the university.

“Should I just read it? Okay.

“So since mid-December, CGSU and Cornell University have been working on developing a union university conduct rules and recognition election agreement that will serve as a common guide for the union and the university as CGSU campaign to be collective bargaining representative for Cornell graduate student assistant continues. Although discussions are still ongoing, negotiation teams representing the university and the union hope to soon be able to reach a tentative agreement.

“If that happens, CGSU's negotiation team would bring back a tentative agreement to be delivered and voted on by the union's membership, following its internal democratic process. So a guiding shared value that has carried the union and the university's negotiations forward is that the decision to join CGSU belongs to graduate students alone.

“We respect graduate students' choices. Cornell and CGSU are committed to working together to ensure that our community environment remains one in which the conditions for graduate students to make their own decisions about unionization without intimidation are achieved.

“Our negotiations have been setting a positive tone, based on our shared values of dignity and respect for each other, and we recognize there's a strong possibility that the National Labor Relations Board, as Dean Knuth was mentioning before, may soon overturn current case law to consider private university graduate student assistants to be employees under the National Labor Relations Act.

“So in anticipation of this likely scenario, we believe that by proactively building a productive and considerate working relationship between the union and the university now, such a relationship will carry over into negotiations regarding a collective bargaining agreement if a majority of graduate student assistants selects CGSU as its representative.

“We are proud of the work we have done to date and we look forward to the work ahead. The union and the university are committed to building a relationship that is aligned with Cornell's core value of being a collaborative, collegial and caring community, as well as its roles as a leader in labor relations education and as the land grant university of New York state. Thank you.”

Dean Knuth: "So as Katryn acknowledged her team, I would like to acknowledge the Cornell participant in the discussions that have been going on, and that's Mary Opperman. She's been very effective, I think, in representing the university's interests and in interacting positively and productively with CGSU, AFT and NYSUT in those discussions.

"On the whole, as you have heard, the university administration and Mike Kotlikoff and I agree with the comments that you just heard. And we plan to include, assuming an agreement is reached between the two organizations prior to its signing, we plan to include discussion of that agreement on the next meeting agenda for the faculty of the general committee of the graduate school.

"So now we'd like to invite your comments and discussion, and I'll ask Bruce to lead that, I guess."

Speaker Lewenstein: "So we have until 4:30 for questions and discussion."

Professor Debbie Cherney, Animal Sciences: "An easy one to start with. In all your discussions, it said Ph.D., Ph.D., Ph.D. We also have masters students. Are they being overlooked?"

Graduate Student Brangan: "It's a good question. All graduate students are welcome to join the union. What our bargaining unit is going to look like may only include those students who do teaching or research for the university. That's the traditional unit. There's not been very many instances in which someone who doesn't fit those roles ends up in there, but if a masters student does either of those things for the university, then they would be part of the bargaining unit. So we're all Ph.D.s here, but there are masters students. Are there any with us? See? Yeah."

Speaker Lewenstein: "Professor Thorne."

Professor Robert Thorne, Department of Physics: "Of course, when we think of unions, we think of all different kind of organizations, from the Chicago's public school unions to professional engineering -- unions of professional engineers in California, so there's a huge diversity of different kind of unions. Can you make this abstract idea more concrete for us by telling us what unions at other universities have asked for, what do you think are their big accomplishments?"



“And one concern I think many of us have is that the graduate student experience and the roles of graduate students are extremely diverse across the university, and if there are too many constraints imposed on the relationship, that could make things more complicated to get things done in certain areas. Now, maybe just because we faculty haven't thought creatively enough about that, but that's a concern some of us have, so thank you.”

Graduate Student Staiti: “Thank you for your question. I think that obviously, there's all different kinds of graduate students at Cornell and all different kinds of work goes on in your graduate worlds. So the union at the moment looks just as diverse. What can be brought to, for instance, the negotiation sessions, when that time comes, will likely depend on the needs and wants of membership.

“So while we are talking to all different kind of graduate students on campus to learn more about the kind of work that they do, the union is definitely getting a good sense of needs and wants and what can be discussed.

“One thing we listed on the [handout](#), which I would encourage everyone to consult, are three existing collective bargaining agreements at different universities. You can look at the language inside of those collective bargaining agreements. Of course, there are statements about compensation and benefits.

“Obviously, like I mentioned before, the tangible elements are definitely something that like any union would negotiate on. We work and we get compensation; but then also again, we don't know yet what will end up in the collective bargaining agreement for our purposes, because we have not fully discussed that yet, and that's part of the beauty of this negotiation process.”

Graduate Student, Kao: “Just some concrete things that other unions have bargained for: Health and safety regulations, appointment procedures, evaluation, dental, vision insurance, a sick day policy. These are some of the things that we have seen in other collective bargaining agreements.”

Professor Cynthia Bowman, Law School: “I must say that as a faculty member who was once a graduate assistant, as I assume many of the people in the room were, I start from a rather sympathetic point of view. Now, I was a graduate assistant at a time when I regarded myself as extremely exploited by the terms and conditions of my employment.

"I have no idea what the terms and conditions of the employment are today. My salary had to be entirely turned over to a babysitter just in order to keep showing up at work each day, and I found that distressing.

"However, I think one of the reasons that you are not getting more response is that we know so little. We don't know that. The administration, I hear you as saying we have our reasons why we think this is not in the best interest of the students, but we aren't going to tell you right now. I think that's what you said, yeah; that you would tell us in the future. You would make an announcement.

"And from my point of view, I'm thinking gee, if you expect the NLRB to reverse Brown, wouldn't you be in a better position just like saying yes now and starting to just negotiate the terms on which an election would take place? I don't see any reason why a rational institution wouldn't do that."

Acting President and Provost Kotlikoff: "That's essentially what we are doing, which is the purpose of this meeting, is to inform the faculty of ongoing negotiations for rules of engagement around a vote. As was said earlier, this will be a decision of graduate students. That process of stating the rationale both for and against a union will occur according to these rules of engagement.

"So this is not meant to be a process where we're trying to convince the faculty for or against supporting unionization. This is just information to the faculty that we are negotiating a fair rule of engagement with graduate students in good faith in a way to move forward together to give graduate students an opportunity to make an informed decision."

Graduate Student Brangan: "I just also wanted -- thank you for the question. I wanted to clarify that we asked for voluntary recognition and neutrality, and it wasn't given to us. So just to be clear on that."

Professor Martin Hatch, Department of Music: "I'm wondering what arrangements are being made or thought about for packages; for example, two years of grants, two years of employment. So it's not a union of graduate students, per se. It's a union of graduate students who are employed, one assumes, as teaching assistants and that's specified; is that correct?

"Then if that's the case, then open enrollment, I guess you could say, at the point where you begin to get in the teaching arrangement. Is that the kind of things that you're thinking of?"

Graduate Student, Brangan: "I think, yeah. So what we envision and what has happened at other universities is that people come and go out of the bargaining unit, depending on what their package looks like. And what a package ends up looking like -- as Alana mentioned, the different departments and colleges have different requirements -- is going to be probably curriculum and management rights decision.

"We wouldn't necessarily have control over how long, for example, somebody ends up going on their research fellowship or something like that, and leaves and comes back; but yeah, at other universities, it's simply if you qualify as a teacher or as a researcher under what the bargaining unit looks like, then you would come and go out of that, depending."

Dean Knuth: "I wonder if I could just clarify Professor Hatch's question, which I think I heard a little bit of this in your question related to your comments. I think I heard the comment where you said that any graduate student at any time could be a member of the union, but the collective bargaining unit would be different from the union. So perhaps you can elaborate on what you mean by that. That might help with the question."

Graduate Student, Brangan: "We haven't decided what the collective bargaining unit's going to look like yet. That's something we are deciding with the university and among ourselves. As a union, we started with envisioning being as inclusive as possible. And just because somebody doesn't happen to be in the bargaining unit at any given moment doesn't mean we wouldn't necessarily be there, if there's some kind of applicable support; but as of now, we have a very wide-ranging membership, and we are going to try to keep it as inclusive as possible, but you know, economic realities being what they are, that's going to be something that's up for negotiation with the university."

Professor Evangelista: "This is a question of clarification, and I apologize for having the answer, because it seems consequential. The CGSU exists as a union of graduate student employees. It's in a negotiating process with the university over the terms of graduate student employment. Is this all contingent on the National Labor Relations Board's reversing its position on Brown? And if it does not, this is all moot? Or could there still be a collective bargaining unit that comes to an agreement with the university, or would that unit be illegal, according to the NLRB's ruling? I just somehow missed that.

Dean Knuth: "Thank you. I appreciate the question. Just to be clear that what's under negotiation now is not terms and conditions of employment. What's under negotiation now is an agreement about conduct of the two parties, so an agreement that focuses on keeping interactions, keeping communications respectful and dignified.

"As we go into a period where we presume the CGSU campaign to recruit positive votes is going to pick up, and that eventually there would be an election, again, if Brown is overturned, eventually there would be an election. And then after the election, if a union is voted in, at that point, the collective bargaining negotiations about terms and conditions of employment would be engaged in. So that's not the negotiation now. The negotiation now is about kind of the communication relationship and preparing for a possible election in the future and what the landscape might look like. Is that fair?"

Graduate Student Evinson: "I would add something. I was going to say for CGSU, no matter what happens at Brown, we will continue to move forward with our campaign, and there's other ways in which we could do that, such as filing at the NLRB, for example."

Graduate Student, Kao: "I just want to add in the context of -- right now it is not illegal for private universities to recognize a union. For example, NYU, the university chose to voluntarily recognize the union there."

Acting President and Provost Kotlikoff: "I just want to make it clear, there's a few potential outcomes here. One outcome is, as in 2002, that we have a campaign and the graduate students choose not to unionize. That is a potential outcome. So we should not assume that the outcome is that graduate students themselves will decide to unionize and that then the university will negotiate; but if they do, we are setting up rules of engagement where we will then negotiate with the union."

Professor Jerry Stedinger, Center for Civil and Environmental Engineering: "I have a question. The relationship between graduate students and faculty is really complex, because you're trying to mentor them in classes, you're trying to mentor them in education, trying to mentor them in research. Sometimes your TA is somebody else's TA.

"So it does make me nervous if we have a collective bargaining unit that's just focusing on one of those parts, particularly when so often teaching is a way we

support students to do research, particularly their thesis, but also papers and other things that come out.

“But the particular question I have after that statement is you talk about creating a collective bargaining unit to deal with wages and then you talk about how that's going to be wonderful for clarification of roles and policies, and it's not clear to me how collective bargaining on things like wages is going to result on a clarification of roles and policies and how that clarification couldn't be done just as well without a collective bargaining unit.”

Graduate Student Kao: “Okay, so in the [handout](#) we passed out to everybody -- or they are outside, if you didn't get one -- there have been studies done on the effect of unionization on student-teacher relationship. So at a unionized campus, 95% of faculty believe unionization did not inhibit the free exchange of ideas. More than 90% did not believe that graduate student collective bargaining inhibited their own ability to advise or instruct their graduate students, and 88% of faculty felt collective bargaining did not negatively impact the mentoring relationship.

“So we feel that these numbers of surveys of faculty members pretty much speak for themselves.”

Dean Knuth: “Just to clarify the context a bit, that as you have heard, there's only one private university that has a graduate student union, and that's NYU. So all these studies have to do with examples from public universities. Public universities are guided, mandated under state labor law, not federal labor law. There are different provisions in state labor law, as compared to federal labor law.

“Many, not all, but many state labor laws draw a much brighter line between what is labor, what is employment versus what is academic.

“Federal labor law does not do that, and that's one of the largest concerns. If you read the Amici brief that the Ivy Plus group filed, you will find more details about that, but that's a key unknown about what will be considered academic and what will be considered terms and conditions of employment. So all the studies, and you can correct me if I'm wrong, I don't believe these come from private universities that are governed under federal labor law.”

Graduate Student, Staiti: "Let me also add that we believe that we are both students and workers. There's no reason why we can't move forward with that sort of mature relationship that exists, that is part of intellectual stimulation, that is part of working towards professional development, of course, but that is also making explicit certain terms of employment. There's the relationship between, for instance, the graduate TA and his or her supervisor.

"Nothing would be made explicit without, again, being negotiated on between all parties involved, all stakeholders. So we hope that there won't be surprises along those lines. We are mature, thinking individuals. We also know what's best for us too."

Dean Knuth: "And just a comment about who would be involved in negotiations, again, remember I indicated that the lead and main person for Cornell who's engaged in these discussions now is Mary Opperman, who is the vice president, who oversees Human Resources. She's not in the academic side of the university, so please keep that in mind as well, that who gets involved in negotiating an agreement about terms and conditions of employment has to be decided, and to what extent that would be faculty versus Human Resources is something to consider as well."

Acting President and Provost Kotlikoff: "I just want to respond to that again, absolutely graduate students who are members of CGSU are in the best position to determine what's in their best interest. So are graduate students that are not in CGSU. It is the position of the university that this is a decision of the graduate students as a whole, and that's the position that we are taking on why we are negotiating these rules of engagement."

Speaker Lewenstein: "Thank you very much. We have reached the time. Thank you very much both to the deans and acting president and students who are here.

(APPLAUSE)

## **5. REPORT ON THE COLLEGE OF BUSINESS**

"Next on the agenda is report on the College of Business from Chris Barrett, who is deputy dean of the new College of Business."

Deputy Dean Chris Barrett: "Thank you very much, Bruce. To be a bit more specific, I'm here to report on the deliberations of the Faculty Governance

Committee of the College of Business, which is occupying itself of matters I think are the greatest interest to this body, to just explain first what we have been talking about, and then I'll get to what some of the provisional arrangements that we are proposing are.

"The body is co-chaired by Deputy Provost John Siliciano and myself. The Acting Dean of the Faculty Mike Fontaine represents this body there. We also have three tenured faculty from each of the three schools, the Dyson School, the Hotel School and the Johnson School. And for the last several of our gatherings and the upcoming two meetings we have already scheduled, we have also been joined by two non-tenure track faculty from each of the three schools, as we begin to expand beyond tenure matters into broader issues that concern our non-tenure track colleagues as well.

"As you can all appreciate, the central challenge we face is in balancing on the one hand the need to preserve the unique high-value mission of each of the three schools, and on the other hand, to integrate the faculty so that we can enjoy, as a university, the synergies that come from being able to integrate some of the common functions we have to build somewhat larger scholarly communities, to be able to cross-list courses and offer somewhat more diverse and expanded curricula for our students and to be able to engage with outside clientele, external stakeholder groups in a range of ways that we are limited by size in some fashion in a few of these areas.

"So that's the core challenge we face, that just the prospect of trying to resolve those two competing demands causes some anxiety necessarily. We all appreciate that. And that's why this body has met now 13 or 14 times. We have another couple meetings coming up, so please give a pat on the back to your colleagues for enduring this marathon. They are all doing really remarkable work. We are very appreciative for the dialogue.

"We meet at least weekly. More recently, we have been meeting multiple times a week. Each of these bodies goes back to their faculties almost every week to confer with them on the things that we have been discussing to get their guidance, their concerns. Ultimately, our deliverable is a set of recommendations to the steering committee for the College of Business, so that combined with the inputs from other committees will inform decisions that the university senior administration will make.

“We have had extremely robust internal discussions. I think Mike can attest to that. The key thing here to keep in mind is we all have a shared aspiration. Everybody in that committee comes from one of these schools, with the exception of Mike and John, and all are passionate about the mission of their school and their particular programs. At the same time, we all see the gains that can be enjoyed by finding some creative and appropriate union of the three schools.

“So what we started by doing was just familiarizing ourselves with each other. So we started by describing our own school's core values, missions, visions, some of our history.

“And in doing so, we pretty quickly discovered a number of things where multiple schools immediately saw some gains to be had from closer integration of faculties, around graduate and professional programming, especially at the one-year MPS level, around curriculum for Ph.D. students, which is difficult to put together in several of the schools around career services, which is very uneven in its offerings for our undergraduates across the two schools with undergraduate programs and across the different graduate and professional programs in all three schools, strengthening centers and institutes that all have reaches outside the university, but thematically, that cross all three schools.

“It was very quickly apparent to all of us as we learned more about each of the schools how much there is to be gained by creating a much tighter integration of the faculties, provided we don't compromise the fundamental missions of each of the three schools. So we are aiming to be better, not bigger, but better.

“From that, we began to explore so what really are the central themes of this enhancement of being better, not just bigger. And really, the drum beat underneath most of that conversation wound up being leveraging Cornell's excellence and contributing to Cornell's excellence; that if we just aim to become another business school like some of our larger brethren, we're not going to differentiate Cornell, this will not be a value addition proposition for our students, it won't help us to attract the very best faculty in the world; that what we really have to do is leverage the things that make Cornell very distinctive among the best research universities in the world.

“So leveraging the fact that we've got a College of Agriculture and Life Sciences that doesn't exist in the other Ivies, leveraging the strengths in Computing and Information Sciences, Architecture, et cetera.



“A second thing that came out very quickly, and it was interesting how as we first went around the room, each delegation of school faculty would comment on how fearful they were of the dilution of teaching that would occur by blending with the other school's faculty, that each school's faculty takes great pride in relatively high-touch, by business school standards, at least, relatively high-touch work with students, and emphasizing student engagement and student satisfaction. So we all began to take comfort in the fact that all of us seemed to care about this a great deal.

“And thirdly, although only one of the three schools falls within one of the contract colleges and has a very formal extension mission as part of Cornell Cooperative Extension, it equally became very immediately apparent to all of us how much engagement with external stakeholders matters to each of the three schools' faculty and research and outreach programs. So we began to see quickly synergies in these areas.

“So with that preparatory work, and because form follows function, we then began to think about if we're going to realize these synergies and protect the unique missions of the three schools, let's now get down to the business of the architecture and the processes, because that's the hard work of what faculty governance had to do. So we began with four core principles that we all rapidly agreed, and I should add that thus far, in all of our deliberations, we are at about 15 single-spaced pages right now in the document we are assembling for the steering committee and for review by the school's faculties.

“And thus far, we are in unanimity on everything that's in there, which is kind of astonishing for anything. I can't get unanimity among my kids for the grocery list. So I'm kind of astonished, but we have four core principles from which we have built the current set of draft recommendations. The first is continuities of the school's missions, that we have three distinct schools that each are very distinguished in their own spaces, and we don't want to compromise that. The brand value is high.

“Second is continuity of faculty expectations, and I emphasize that as distinct from continuity of school mission. They are related, but they are distinct. We hire individual faculty into position descriptions with particular expectations imposed on them by the position into which they are hired, and reinforce through the process of annual reviews.

“And what we need to guard against very fervently is inadvertently switching the expectations on faculty, especially existing faculty midstream. But I emphasize, this is not just a matter of existing faculty. We equally need to be careful as we think about a tenure and promotion review process.

“For example, faculty hired to reinforce the mission of the School of Hotel administration or the Dyson School, that as they go through the process and begin to get evaluated in part by colleagues in sister schools, that there not be subtly the transplantation of a different set of expectations onto this faculty member.

“So continuity of faculty expectations from the time of hiring through review processes is a really central principle of all the processes we have been developing.

“Third is cohesion of the college. The whole value of this exercise comes from integration of intellectual communities in teaching outreach and scholarly functions.

“And fourth is fairness of process and outcomes, trying to promote as much as possible eliciting the most robust data we can, especially thinking about tenure review processes and other review processes. So eliciting as much robust data as we can from informed colleagues across the college, but also being as transparent as possible in that review process, in keeping with the principles, the continuity of school missions and faculty expectations.

“So what has come out of these processes of deliberation is a matrix management design, with three strong schools, the three existing schools, which will remain; with cross-cutting strong discipline-based areas, so think things like accounting or marketing.

“We are still in deliberations on the exact identity and number of those areas. We had a tentative list, we went back to schools' faculties, we got feedback saying we like this, we don't like that. Of course, people didn't like different things, so tomorrow's meeting actually is largely about reconciliation of feedback on areas.

“And in the processes, we seem to have earlier this week reached a unanimous agreement on draft faculty hiring periodic review, reappointment, promotion, tenure review processes.

“In those processes, they will work as we proposed anyway to the steering committee, largely as these processes work in multiple unit colleges today; that is, the school dean, think department chair in many of the units, is the first to write a formal letter of recommendation, informed by external letter-writers, but equally informed by tenured faculty members in the disciplinary area of appointment.

“So marketing faculty member in Dyson would have input from other marketing faculty in the other two schools, just like they would have input for marketing faculty from outside of Cornell. All of that is considered by the tenured faculty in the school, which feeds up to the school dean, who makes a recommendation to the college dean.

“A crucial feature there is at the very outset, it's incumbent upon the school deans to be especially clear about the responsibilities of the position, because Cornell has just one tenure standard: Excellence in fulfilling the responsibilities of the position. And the continuity of faculty expectations principle is all about respecting and enforcing respect of the position description, so that's one of the crucial modifications in the process that we are proposing.

“There are lots of other details that follow from that. I'm happy to field questions. Much of this is still in dialogue within the committee and going back to the school faculties this week for further discussion. We are talking tomorrow again about the faculty policy committee, an elected body of faculty intended to provide input into the dean's deliberations about policy matters.

“We haven't finished up numbers, et cetera, but the idea is that that is an elective representative body of the faculty to the college. I'm very happy to field questions, in so far as there's time left.”

Speaker Lewenstein: “We have time for one quick question and one quick response. Professor BenseL.”

Professor BenseL: “When the plan is finished, will you bring it back to the faculty senate?”

Deputy Dean Barrett: “So we will be bringing the plans to the faculties of the three schools. We have been bringing it piecemeal. The full faculties of the three schools will see the full document as soon as we have a draft completed, we expect next week, that goes to the steering committee.

“The steering committee is deliberating on that and all the other committees' drafts. What gets released publicly after that beyond a sort of shortened version, and I'm not quite sure, to be frank, but we know it is going to all three school faculties.”

Professor Bense: “-- bring it back to the faculty senate?”

Deputy Dean Barrett: “I frankly don't know. We haven't talked about that explicitly.”

Acting President and Provost Kotlikoff: “I will say the report will be available to the faculty senate. If you're asking is it brought back for ratification to the faculty senate? No, but Richard, your point will be available -- we will submit it to the faculty senate.”

Professor Bense: “The question is whether we get to comment and recommend before it's enacted. That's the question.”

Acting President and Provost Kotlikoff: “So this gets back to our continual dialogue about Article 13, and whether this -- this is now a recommendation that will be made from the faculties of the schools about their own college.

“And so whether this is now a matter for consultation by the faculty senate and deliberation and response or not, I think, again, well-meaning people can disagree about that, but I would suggest the main thing is we will provide it to the faculty senate. The faculty senate is then welcome to consult, pass resolutions, make any judgment that they would like.”

Speaker Lewenstein: “We need to move on. Thank you very much. Thank you, Dean Barrett. Last item on the agenda is the report of the Investigating Committee, Professor Muna Ndulo.”

## **6. REPORT FROM INVESTIGATING COMMITTEE**

Professor Muna Ndulo, Law School, and Chair of Investigating Committee: “I chaired the Investigation Committee into the conduct towards student protests at the 2015 March board of trustees meeting.

“We had a three-person committee. Professors Charles Brittain and Paulette Clancy were members of the committee.

"I'm sure that you have read the [report](#) that we presented. The [report](#) is organized in terms of first the meetings we had, the people we had access to. We feel that we met all the people that we asked to meet and those that expressed an interest to meet us.

"And we do realize that this is a matter where people have very strong passions about it; so even the presentations in the committee were along those lines.

"Now, we do make some findings, and I will just quickly relate to that. The first is related to the interrogation of Marshall, the student. We do find that I think the police acted aggressively and that, in our view, the threats that were administered were not necessary and were clearly a violation.

"We also noted that there's clearly tension, they're feeling a perception of mistrust from the student body of the police and the members of the Cornell community as well. So we then of course tried to see how we can address that. So this is where we come to our recommendations.

"And we feel that one of the things that might help our community would be the establishment of a review board. This review board would be, in our view, a board that's representative of all segments of our community; that's the student, the faculty and the administration, and the police as well. And this is really to receive complaints about, say, for example, police misconduct or alleged police misconduct.

"We feel that one of the things that fosters the mistrust is the fact that at the moment, most of the investigation will be really done by the administration, and of course there's a perception, rightly or wrongly, that there is an effort to cover up. And we think that the existence of a review board that is representative of community members would be a good step in trying to bring into place an independent body that would hear any complaints that arises.

"We also, of course, to make other recommendations in terms of the need for engagement, more engagement by the police with the students and the faculty and generally the Cornell community. We think that it would help to build trust, and we also recommend sort of greater attention by the administration in terms of supervising the Cornell police.

"So I think in essence, those are our recommendations. I think the main recommendation we have is really of the review board, realizing that these are

difficult issues and issues that are likely to continue; and therefore, really for us is a way to handle such issues when they arise. And I think that the establishment of a board of this nature would be a good effort.

“Now, of course, the success of a body like that would depend on its legitimacy and transparency, that it has to be a body that is accepted by the community and acts in a manner that is transparent.

“So I think I'll end here and look forward to any clarification you might wish to have from the [report](#). Thank you.”

Speaker Lewenstein: “Before I call for questions, I do just want to note for the record that Police Chief Kathy Zoner was invited to be at the meeting, was unable to attend because of a conflict. In the materials on the university faculty web site is a copy of the [letter](#) that she provided last year when this issue was under discussion.

“Professor Schaffer.”

Professor Chris Schaffer, Biomedical Engineering Department: “Thank you very much for your hard work on this, and I appreciate your [report](#). One thing that you didn't address, though, in the [report](#) that was at least concerning to me is sort of the threshold for the administration or faculty or anyone involving police in the first place, when it comes to issues of student protesters.

“So there's clearly things that rise to the threshold, where involving the police would be appropriate, but the question of sort of where that line should be and whether there could be some guidance in the future that could maybe make better decisions about when to involve police at all.”

Professor Ndulo: “I think that's a very good question. And we did look at that, but we also realize that it's very difficult issue to set the threshold, because sometimes you have individuals in the community that they have a complaint to take up, and you cannot prevent them from doing that by saying that we have a threshold, don't do this.

“And I think, of course, one of the things that we discussed was on the part of the police and also on the part of the administration to exercise restraint in this area, but I don't think that it is really an area where you can set a rule to say don't do this, because you then have this problem of navigating individual rights in

terms of people feeling that if they have a complaint, they should be able to go to the police.

“But what we thought was really quite prevalent in the discussions was this mistrust in terms of when there is a complaint, that when it's taken to the administration, the perception, rightly or wrongly, is that there's like an effort to cover up. And then we focused on how to try to address that. And this is what we came up with, this question of the review board.”

Professor Schaffer: “But in this case, the complaint was made on behalf of the administration. It wasn't an individual coming to the police; is that correct?”

Professor Ndulo: “Which complaint?”

Professor Schaffer: “The original complaint to Kathy Zoner came, on my understanding, it was from President Skorton, but on behalf of the administration, not President Skorton as an individual bringing the complaint.”

Professor Ndulo: “Our understanding was the complaint came from the -- going into the evidence, I did not read the report, but since you asked that, we did interview President Skorton, we did not find agreement in terms of whether he was directly involved in that. I think our consensus in the end was that he said he wasn't, so I think we believed him.

“And it seems what happened was there's some involvement of the Statler at some stage, and it's not really clear who did this, whether it's the Statler or the administration, but clearly, the three -- the police, the Statler and the administration were involved at some stage.”

Professor Richard Miller, Department of Philosophy: “I have two requests for clarification and really specification of the [report](#). In paragraph 12 of the [report](#), you speak of the issuance of threats as recorded, and you condemn them. On April 29, 2015, the "Huffington Post" had an extensive report of the incident, including the interrogation, noting that there was a recording, and giving excerpts. I have heard that recording.

“In that recording, the police investigator says: ‘If you don't cooperate, I'm probably going to walk into one of your classes, walk you out in handcuffs, take you to the sheriff's department, process you and put you in front of a judge. And he's going to decide if you go to jail.’

“He continues, ‘With a felony charge, you will not get a job, I guarantee it. If you don't cooperate, I'm going to have to go with a felony charge. I've got you dead to nuts on that.’

“So the first of my two questions is whether I'm right; that the committee heard the recording and regards it as sound evidence of inappropriate threats.

“The second question of clarification and specification has to do with what actually happened that led to that interrogation with those threats. The "Huffington Post" gives us a photo of the slide that was at issue. It's a slide that says in medium type, welcome trustees; in rather small type, March 26, 1:00 p.m., Ho Plaza; and in tiny type, on the lower right, it says hash tag fight the fee.

“So my second question is do you have any evidence that what was done by Daniel Marshall was more severe than that? I guess I also have a question to you, as a lawyer. You mentioned a confidential agreement between the administration and Daniel Marshall. Isn't it your experience as a lawyer that those agreements standardly involve an agreement not to make a complaint? I ask that, because in light of that, Police Chief Zoner's statement in her [letter](#), there's no current complaint of any inappropriate interrogation, what seems to me to be highly misleading.”

Professor Ndulo: “Thank you very much for the question. Now, first, I think we had specific terms of reference. I think that has to be brought in mind. Secondly, yes, we did hear the tape, and we had the evidence. And we said that in the report, and we have made conclusions from there to say the conduct of the police was inappropriate.

“So I mean, I think that's adequate that we have addressed that issue, because we do say that we heard the tape and we know those things were said, that they are on record; but at this stage, what I'm presenting is conclusions from our investigation.

“So I'm not here to, unless you want to, to begin to reopen the whole thing and bring out the evidence. I think that would be a very lengthy process, yeah. So there's absolutely no doubt that the tape exists. I mean, the police don't deny it. The police say they didn't know at first there was a tape; but no, they do know that it does exist, yes. So we did make a conclusion on that.”



Speaker Lewenstein: "One last quick question. Professor Brown."

Professor Dan Brown, Animal Sciences: "This is just a question of the way things are put together there. In addition to being served safety and security, employees at Cornell, the police are also sworn officers for the sheriff's department in the county."

"I was just wondering, as there's a community review board set up, does the greater community or sheriff's department, have they been part of any of the investigation of the way that prank was treated or -- what was their role? Is there a role? I know they don't pay salaries, but that is the reason they're peace officers, is that they're sworn deputies of the sheriff's department. I just wondered what that's about."

Professor Ndulo: "Yeah, our investigation didn't extend to looking at the relationship of the police here with the Ithaca police, although of course the Police Chief Zoner did receive and did explain the relationship. Sometimes they do hand over cases to them and all that, but these are the protocols that they have; but it wasn't something that we focused on in terms of what exactly is their relationship, because the issue was really the Cornell police in terms of policing on this campus. So that was the focus of our investigation."

"Just to answer the last -- I think I forgot to answer one question relating to the agreement. I mean, both sides, the university, as you know, and Mr. Marshall signed an agreement to settle the matter and, as a result of that, of course the complaint was withdrawn."

"The university also withdrew the efforts to charge him, and they both agreed not to speak about the process leading up to agreement, as well as the agreement itself. And I think we respect that, because I think both sides, Marshall too, said he wouldn't speak about that. He appeared before us. Thank you very much."

(APPLAUSE)

Speaker Lewenstein: "Thank you, Professor Ndulo. We have reached the end of the meeting. The meeting is adjourned."