

Minutes of a  
Meeting of the Faculty Senate  
Wednesday, May 8, 2013

**1. CALL TO ORDER**

Speaker Pro-Tem, Steven Beer: The Faculty Senate operates on time, although the clock on the wall does not. It's about four minutes slow. So I'd like to remind all the people present in the room to please silence or turn off cell phones and other noise-makers that you may be carrying, and remind you also that there will be no recording of the proceedings, either visually or audibly.

When a person wishes to speak, please be recognized by the speaker and then await the arrival of a roving microphone. Then please stand, identify yourself as to name and department or other administrative unit, and then speak your piece, and please speak it in two minutes or less.

We have no Good and Welfare speakers today, so we will, as needed, use the time allotted to Good and Welfare speakers for other matters to come before the body. So now I'd like to introduce Dean of the Faculty Joe Burns for his comments and announcements.

**2. REPORT BY THE DEAN OF THE FACULTY, JOSEPH BURNS**

Dean Burns: "Thank you very much, Steve. I'd like to welcome you all and thank you for coming. I know it's an extraordinarily busy time of the year. As an illustration of that, I have a final exam later at 7:00 with 200-plus students. I got up at 4:30 to get ready for this meeting, and I wrote to four deans at 5:30. Before 6:00, two of them had responded with the answers I wanted, and the other two responded within an hour. So they were out there working for you.

"Anyway, welcome. We are doing our usual thing of trying to get snacks for the meetings that come from Cornell, so this is a cherry drink that was developed up at the Geneva Ag Station, with the help of a faculty member up there, and it's being tested by somebody in the Vet College. So it really is a treat. And your staff in the Dean of Faculty office here actually have taste tested it, and we would go with the light variety, not the regular.

(LAUGHTER)

“But with the regular, maybe some gin or something like that and some club soda would be great, but it's good. It will get you to sleep tonight as well, so they say. We are testing.

Getting back to the agenda, just to remind you of what we have on the schedule, and it is a very full agenda. There is a report, as stipulated by the UFC, about what they have been doing, given by Bruce Lewenstein. There's another report on a very busy couple of weeks or couple of months by the Nominations and Elections.

“We'll have an informative discussion by Elmira Mangum, who kindly agreed to come and talk to us about the new budget model, so that's all important stuff. We have the formation of a Committee on Distance Learning that Bruce Lewenstein will tell you about. This is something led by the UFC. We'll have an opportunity to speak about that. We'll have a report that was requested, if you recall back at the end of the fall semester, on the Ho Plaza incident. Three very able faculty members will come in and tell us about that. They failed to do one thing, and I'm going to ask for your indulgence at the end of the meeting. They failed to put in a resolution on which their report is received, so that needs to be done. I would like to do that at the end of the meeting, but that will require a suspension of the rules of order. And I will, in the last five minutes, put in a motion to suspend the rules of order and allow us to take something onto the table that doesn't have the full week advance notice, but all it's going to say is we received it and we want other people to decide what to do with that motion. So that's the plan.

“My spring activities are pretty much what Bruce will be telling you about the UFC doing, and many of those are on the agenda, so I don't have to say much about that.

“I have also overseen, I guess 25 or 30 tenure cases that have come through the office, gone to FACTA. There's one tenure appeal which is at FACTA, so that's a busy time. And we have several academic misconduct cases. One of the activities by the committees I thought you might be interested in concerns the privacy of our electronic messages back and forth, following the upsetting news from Harvard, and FABIT has met with the IT people and found that our privacy is assured.

“There is also an ongoing study by the Educational Policy Committee investigating the faculty sale of their own textbooks, and whether or not that

should be done and whether we should be limiting it in some way and issues of academic integrity in the 21st Century, with all the electronic means that are available. The library is talking about open access issues as well. So that's the spring activities.

"As to my year very briefly, I've proven to myself that you can still learn at my age, because I've learned a lot about the way the university operates and the way the senate operates and the great faculty we have here. I find that the university, at least my impression, is that the university is improving dramatically compared to the crisis that we had a few years back. Hiring is extraordinarily exciting and going on, and the faculty and the administration are hard-working and extremely productive.

"I would remind you some of the things we have done during the term. One was to introduce these faculty forums. We had one on MOOCs in the fall, another one in the spring on the research library in the 21st Century. We will continue doing that next year, and I welcome new topics for us to cover in these forums.

"A lot of the activity, again, is on the agenda today that I was involved with over the last year. The issues of distance learning, eCornell, MOOCs, and the Ho Plaza incident have taken a lot of time as well. I think we are getting more and more faculty involvement. It's great to see. I'd like to see even more involvement at these senate meetings from a wide variety of speakers, so I hope we can see that starting today.

"One of the areas in which I think I have failed as a dean is that the faculty committees could have been used in a much better way; that is, that they should be doing the work, rather than me getting up at 4:30 in the morning. And I hope I learn that lesson.

"Here are the thanks. We've got Steve Beers leaving after two terms. Our Parliamentarian, Peter Stein, has been serving a long time as well. Three members of the UFC -- and the UFC have been absolutely terrific, really very concerned and thoughtful individuals. They are stepping down.

"The staff does a terrific job. Many of you communicate with Karen Lucas and Andrea Smith often, and they are marvelous. Mike Fontaine has been very supportive and very helpful when I need a shoulder to lean on, and I thank all of you retiring senators and the retiring committee members and all of you out

there, for your interest and your concern about the university. So let's move on to Bruce now."

Speaker Beer: "I'd like to now introduce Professor Lewenstein, who on behalf of the University Faculty Committee, is going to give us some wisdom.

**3. [REMARKS](#) BY UNIVERSITY FACULTY COMMITTEE MEMBER  
BRUCE LEWENSTEIN**

Professor Lewenstein: "No wisdom. As you know, we've started implementing this report from UFC to help ensure some continuity in providing the Senate information about the activity of the UFC, which meets anywhere from once a week to every second or third week in various ways. Since our last meeting, we have dealt with three issues. First, staying connected with the committee working on the Ho Plaza incident, which will, as Joe said, come up here soon. In particular, there was some coordination with the University Assembly, which as many of you know has postponed a decision about changes to the campus code of conduct and to the UUC property form, which we'll hear about later.

"Second, we spent a significant amount of time talking about governance issues. Some of you will know that there was a committee started a couple of years ago to address a series of continuing concerns about relationships between the faculty and the administration, particularly around some issues of different definitions of what counts as educational policy, and therefore falls under the remit of the faculty senate; what counts as something that's across-college, which again falls to the senate; and what constitutes consultation, which is a recurring issue. We've had discussions with the provost and the president about this, and have pushed to restart a committee that will be addressing these issues.

"And then finally, following on the discussions all year, we have been talking about the distance learning committee and developing a charge and a committee. You'll hear about that from me in a few minutes.

**4. [REMARKS](#) BY THE ASSOCIATE DEAN OF THE FACULTY,  
MICHAEL FONTAINE**

Associate Dean Fontaine: "Good afternoon. We have a lot of appointments. So first of all, thank you to you and your colleagues that have stepped up to do this. Please have a look, and we'll just go through them quickly.

"On Academic Freedom and Professional Status of the Faculty, there's Elizabeth Adkins-Regan. Academic Programs and Policies Committee -- that's CAPP -- we

have Chi Wong. On FACAPE, the Faculty Advisory Committee On Athletics and Physical Education, Brad Bell from ILR, Paul Bowser from the Vet School, and Andrea Simitch from Architecture.

“On UBC, the University Benefits Committee, we have Michelle Louge from Engineering and Jon Parmenter from Arts and Sciences. On EPC, the Educational Policy Committee, David Delchamps from Engineering, who will also be chair. On FABIT, the Faculty Advisory Board on Information Technologies, we have Tarleton Gillespie from CALS, Monica Gerber from CALS.

“On FPC, the Committee On Financial Policies, Laurence Blume from Arts and Sciences will be chair, Amy McCune from CALS. On NEC, Nominations and Elections Committee, we have Joanne Fortune from the Vet School and Maureen Hanson from CALS. On the Professor-at-Large Committee, we have Maria Fernandez from Arts and Sciences.

“On FCPR, the Faculty Committee on Program Review, we have Aija Leiponen from CALS and Philip McMichael from Arts and Sciences. On UFC, the University Faculty Committee, these were from the elections: Rosemary Avery from Human Ecology; Ronald Ehrenberg from ILR; Clare Fewtrell from the Vet School, Isaac Kramnick from Arts and Sciences, and Risa Lieberwitz from ILR.

“The Distance Learning Committee that we'll be talking about, Jefferson Cowie from ILR; David Delchamps, Engineering; Thorsten Joachims from Computing and Information Sciences; Susan McCouch from CALS; Erich Mueller from Arts and Sciences; Richard Miller, Arts and Sciences; Christina Stark, Human Ecology; as well as Laura Brown, Vice Provost for Undergraduate Education and Arts and Sciences; Robert Buhrman, Senior Vice Provost for Research, College of Engineering; Ted Dodds, Vice President for Information Technology; Patricia McClary, The Counsel's Office; and Theresa Pettit, Center for Teaching Excellence. Thank you.”

Speaker Beer: “Thanks very much, Associate Dean Fontaine. And now I'd like to introduce the Vice President for Budget Matters, Elmira Mangum, to talk about the new budget model.”

## **5. REPORT FROM THE VICE PRESIDENT FOR PLANNING AND BUDGET, ELMIRA MANGUM**

Elmira Mangum: “Good afternoon, everyone. Thank you for this opportunity to talk with you about the budget model and answer a few questions. I would like to begin by introducing the team that's been primarily responsible for modeling, remodeling and mock modeling the budget over the last four years. John Adams, the Assistant Vice President of Budget and Planning; budget director; Davina Desnoes and Rob Van Brunt, Financial Analyst. Rob has been doing a lot of modeling and working out the details of each principle that we will talk about this afternoon.

“I'm going to try to keep the discussion at a high level. We have so much detail in terms of the eight principles that we could dive very deep into them. I'd like to deliver an overview and then entertain questions that you might have about its impact. We have had a lot of discussion around campus on this budget model.

“I wanted to first let you know what the process was and how we actually came to these eight principles, what's involved and the reason why we felt like it was needed. Over the last several years, the financial crisis highlighted the need for us to change the way we make decisions with regard to campus resource allocation, movement of students across campus into a way that it was clear for the faculty, as well as the deans in terms of their relationships with the center and with the institution.

“With a need for transparency around how resources were allocated was an important part of the discussion process, and also the fact that we have three different budget strategies on campus which provides a degree of complexity that we think does not exist in other institutions in higher education.

“The three models that we often hear about are the endowed colleges, the contract colleges and the tubs, with the rules regarding how we engage and how they use their resources actually playing out differently across the institution, and, in fact across a student's education or how they choose to engage around the education and research that's offered. That was one of the main reasons we wanted to try to create a new framework.

“In fact, the deans and the budget task force were engaged by the provost. The budget model task force wanted to go to more of an activity-based or RCM, responsibility center type of management system.

“The tubs will tell you they wanted the rest of the campus to become more tub-like, and as a result of the model, the tubs feel like they probably became more like the rest of the campus. So we kind of met in the middle. The tubs are less tub-like and the others are more tub-like. Places that actually bring in their own resources and they live off the resources they bring in. The tubs on campus are: Johnson School, Law School and Hotel.

“The Contract Colleges are the colleges that were created in state statute that are supported partially by the State of New York, and there are four: Human Ecology, Vet Med, CALS and ILR. Then we have the endowed colleges: Engineering, Arts and Sciences, and Architecture, Art and Planning. I want to let you know why it took us four years with three years of real active engagement and a lot of forums to get to the eight principles. It was complicated to unravel what was actually happening. There were three models, everyone didn't know what they thought they knew with respect of what was happening in other colleges or schools, with regard to how they were actually managing their budgets and how they were engaging the center.

“The center had this thing called the General Purpose (GP) budget. One of the things that we want to highlight was to have the process be consistent as far as the distribution of revenues, and we wanted the general purpose budget (which was what you heard a lot about when we were trying to right size and balance our structural budget over the last couple of years), was allocating way more resources than it had. The process was designed to highlight that fact and also right size the general purpose budget. One of the decisions that was made along the way in this process was why not eliminate the general purpose budget and let the resources go to the purpose for which they were provided for and to let the expenses follow those resources.

“That was one of the underpinning factors in this process of developing this model. We wanted to have a consistent distribution of all the revenues and costs across the colleges and schools. So distributing those by the number of students was a consideration. We went through a long process of trying to determine whether or not it should be distributed based upon workload or revenue.

“You may recall the old budget model allocated costs and everything was based upon revenue. We decided how to fund based upon revenue. This model changes that and it uses a variety of metrics to determine who gets what revenue and what costs they actually have to pay. We are trying to have units pay for things that they actually consume, as far as the costs are concerned.

“It also exposes all of the costs at the center. One of the things in the initiatives that you heard us talk about and you've seen in "The Chronicle" is about administrative costs, the desire to reduce the cost of administration that each college pays and what the central costs are. And the shares, as far as the costs are concerned, that are being distributed based upon, workload or an impact or use metric. I'll give you an example of that in just a moment as far as who pays what and how we actually distribute the cost associated with the center.

“The other big change in this model was a university support pool (USP) or strategic priorities pool. The task force recommended that there be some resources at the center to provide for subventions and special initiatives. The colleges and vice presidents still prepare their budgets and continue to hold annual budget hearing meetings. They come to the center to make their case for additional resources, new initiatives; and after consultation, the provost decides in consultation with senior leadership how to distribute those resources.

“Senior leadership includes deans of every college and school. In the past, these decisions would be made, and each college would go away thinking they got their best deal perhaps, and another college would come in and they'd get their best deal. We were overspending, because we were meeting their needs. And as the financial crisis pointed out, we need to get a control on that.

“Now we do it as a part of the transparency issue we expose all of the requests before the final decisions are made and conversations are held with the deans. We talk about what we can do, what we can't do, and a decision is made to how to subvent each college and which initiatives the provost wants to invest in.

“There are some rules, –that are not quite as loose as they used to be, but there are rules around whether or not subventions are for permanent or temporary activity i.e. start-up to get colleges moving in a direction or strategic direction that the institution would like it to go in terms of pursuing new programs and activities.

“The USP tax that we're talking about this year is a 10% hit against undergraduate tuition. Details around tuition and that revenue that I'd like to share: for months we modeled what the percentage share should be and what percentage should come to the center. Part of our sizing the tax rate had to do with the size of commitments that the general purpose budget had already made across the institution. It's the kind of thing that can change over time depending



upon what the central issues are in terms of providing subventions or start-up types of activity.

“The major categories of revenues and expenses that are involved in these eight principles that we’re talking about are all the revenue sources that we have. You are all familiar with undergraduate tuition and fees, graduate tuition and fees, the New York State appropriation, philanthropy, the endowment payout, including professorships.

“You may recall the provost shared with you a year or so ago that we moved all of the centrally held professorships out to the college where the professorships are being held and administered. Also, there are some changes in the F&A from external grants in terms of the indirect cost recovery return. You may not know, but that was also done three different ways, depending upon whether or not you were an endowed college, a contract college, or a tub. This model is designed to treat everything the same way.

“The expense, or central administrative costs formally known as CAM, it is the allocation of central costs. We are now calling it allocated cost. You are paying for the cost at the center and I will share with you a few of those metrics. The expenses for financial aid are an important part of this budget model in terms of its change on the campus, financial aid for graduate students, as well as facilities, utility costs, and debt. I want to talk about the undergraduate tuition and how that’s actually being managed, we modeled what was most critical part of the budget modeling activity, it affects student movement and it affects the final allocation of tuition that each college receives, based upon their undergraduate population.

“We went through various weights and measures with regard to what percentage should stay with the enrolling college and what should go to the college of instruction or the college that’s actually teaching the student. Part of the concern was that some colleges may admit a lot of students, but actually deliver instruction to a considerably smaller number. We looked at those ratios with a panel of deans and looked at the numbers between the colleges to see who was bringing students, and who was enrolling students. We know the enrollment numbers are set by an enrollment group, and they have been pretty much consistent for all of Cornell’s history as far as undergraduate education is concerned. The number of students has not changed, but who’s actually teaching the students changed based upon a lot of criteria that are held within the

departments and within the schools in terms of how many credits a student can take from one college to another.

“Part of the decision process with regard to enrollment was whether or not we would distribute the resources based upon credit hours, and we got a lot of discussion and feedback about the setting of credit hours on a course, because it differs across each college and school; whether it's a three credit hour course or four credit hour course.

“We pushed that to the background after looking at data and decided what was the appropriate measure and the appropriate weight to assign to credit hours. It came down to a final decision of 25/75. Twenty-five percent of the tuition that a student paid goes to the enrolling college and 75% goes to the college that's actually providing the instruction. It's basically a workload measure.

“One of the things that I didn't say first was that all the money is pooled for tuition, and then it's distributed based upon workload. 25/75 based upon enrolling college or teaching college or college of instruction, but all of the students now have the same value put in the pool.

“The contract college deans decided that in order to participate in a pooled tuition, they needed to put in tuition that was equitable to the endowed tuition that students were paying (a \$16,000-plus tuition difference between endowed tuition and contract college tuition). The contract college deans put in the equivalent of the difference (\$16,000) into that pool, so that their students would have the same value.

“Teaching a contract college student doesn't cost you any more or less than it does to teach an endowed college student. That was a very important principle in order for the distribution of resources based upon workload, they basically reduced their state appropriation, because they put the money in the tuition pool. That's always been a concern, but the important part of that was to allow the distribution to be equitable, and to allow students to take courses not based upon their college of enrollment, but based upon the fact that they would have a mixture of students in the class with different interests, to enrich the educational value.

“The other part that was important to the undergraduate tuition was the financial aid. Because we have need-blind admissions, no school can control the

economic wealth of the student that decides to come to their school or that's admitted.

"Instead of CALS paying all of the financial aid for each student because they admitted them (not knowing their wealth), the financial aid bill now is pooled and they only pay their share of the collective institutional financial aid bill for undergraduate students based upon their percentage of the tuition that they got from the pool, so it was equitable. No school will be burdened heavily because of the financial aid policy that is set at the institutional level. Some were paying more for financial aid than they actually had in tuition, which we didn't find to be exactly accurate, but that was the perception, because you may have had a number of more needy students in your school. This would change some of the recruiting practices, we believe.

"I'm just going to keep going through the same principles, but give you a different picture of it, the difference between the sources and the units and how the sources were actually being paid for as far as allocated cost is concerned. You will notice that graduate tuition doesn't go into a pool, like the undergraduate tuition. It goes straight to the colleges and academic units that is providing the admission and instruction.

"As far as the graduate construction is concerned and the allocation of fellowships, that's all being managed by the graduate school. The model is not having any impact on that, other than it's changing how the students actually pay for in terms of graduate fellowships and graduate tuition.

"Whoever is paying the stipend is getting the tuition for the graduate students. There are a little more intricacies involved in field study that's actually being taken care of with the graduate school's involvement in providing fellowships, etc. Those details would be particularly important to understand from your department chair with regard to graduate education.

"The state appropriation, that little true-up sign that you see, the arrow here points to the fact that contract colleges are taking part of the state appropriation and putting it in a tuition pool and acknowledging that. That's not a problem with the State. Professional school tuition is still being set by the professional schools, and they are charged a tax, and that tax is going to the center to provide subventions.

“One of the things that still has to be done, because we know in some of the professional programs students do take courses across the campus and in different professional school departments or in colleges, we did not pool that tuition and we tried on several occasions to come to an agreement on what that exchange should look like; but because the tuitions vary so much from one professional program to another. The professional schools have not been able to come to an agreement that says a formula should determine how much money they get when a student moves from one program to another.

“We are continuing in this first year of the model to do it the way they have always done it. The deans negotiate and they exchange resources based upon their desire to have a mixture of students in the class and what they can afford. That's not changing this year, but that's something we want to look into next year to see whether or not the provost would like to see whether or not we need to prescribe that or they can agree as a default to a particular formula for sharing tuition for professional programs.

“Another important part of this new model is debt. Many people understand that we took on a lot of debt at the center because we wanted to build whatever we wanted to build, the center just took on that debt and they built it. The difference now is the process that's already been in place, is no new buildings are being built without the resources being identified, but the existing debt service we have now on facilities at the center came from the GP budget, which was not adequately funded. We are pushing that debt out to the occupants of the facilities.

“The dean is willing to pick up the debt. If you build a new facility and it's mortgaged and it's not fully paid for, you are going to need to cover that debt. Everybody agreed that this is a good practice. That's what's happening with debt on facilities going forward. This is the budget and planning web site. What I want to show you are the links that are available for anyone to look at. We had a peer review come on campus from Stanford, Michigan, Harvard, Penn to look at the new principles to let us know if we were in the right ballpark. Many of our peers have implemented models and have changed the way they do budgets, so we are getting feedback from them. It has been very positive so far with regard to what we are doing.

“We also have a budget manual that's on that site that you can download, and can see exactly how we are exchanging resources between colleges and schools, how we are paying for debt, and what the debt schedules are. We have all the

data in this model that applies to your school out there. It's been verified and was used to prepare the overall budget, and your school's budgets, so they know what to expect in terms of the detail.

"We've had a lot of public forums throughout the winter, going into detail about the model, and getting feedback from across the colleges. The provost has held a couple as well. If you'd like to view his explanation, it has been posted on the web site, and you can hear Kent walk through all of these principles and what the ideas were.

"We also formed a faculty team to be stewards over the budget model, Laura Brown is heading up a team of people called the Stewards of Undergraduate Excellence or the Educational Priorities and Planning Committee.

"They're to ensure that the undergraduate experience is taken care of in terms of supporting a strong presence of the faculty in the classroom, as well as the proper mix of large and small class sizes and to make sure students have access to traditional as well as innovative courses. We are aware that games might be played, but we have a governance group that's paying attention to that. They are starting with the point where we are now and they'll bring back the changes that they see occurring across the campus in terms of student movement, enrollment for consideration and modifications of the model as we go forward.

"I know it's a lot of data. Do we have time for a question or two, or not?"

Speaker Beer: "I think we can take a couple minutes for questions. Professor Cheyfitz, wait for the microphone, please."

The Ernest I. White Professor of American Studies and Humane Letters, Eric Cheyfitz: "Thank you very much for this presentation. I have two questions..."

Speaker Beer: "One."

Professor Cheyfitz: "I can get one question, okay. So all of that debt that had been pushed out to the colleges amounts to something above \$100 million. That, to me, indicates we have an unsustainable university budget. So my question is how is that going to be discharged and over what time period?"

Elmira Mangum: "The debt service for the buildings we have is out on the site, and we have mortgage statements. The colleges have been able to embrace

paying that. In the case of the colleges that didn't see the debt before, the resources that we have at the center that was paying the debt, we pushed the resources out to the college to pay it."

Speaker Beer: "One more question."

Unidentified Speaker: "Arts has a \$60 million debt, CALS has a \$30 million debt, and other colleges, all the colleges have debt. And it's not just the buildings."

Elmira Mangum: "I don't know what that would be. The debt service that we pushed out was related to facilities. If colleges are out of balance with regard to their annual operating budget, is that what you mean by debt?"

Unidentified Speaker: "I'm not sure what I mean. I'm talking about -- more than just buildings, because we are charged..."

Elmira Mangum: "The allocated costs are not necessarily debt. When we talked about CAM and allocated costs, paying for lights, heat and other services on campus is not a debt. It's just an annual ongoing operating cost that some colleges used to see but some didn't. The State provides for the contract colleges in terms of some of their maintenance and their other operating costs."

Speaker Beer: "One more question. Professor Stein. And a short one, please."

Professor Emeritus, Peter Stein, Physics: "Very short. One thing that sort of comes naturally, at least to my mind, is put it bluntly, who are the winners and who are the losers. And one way of answering that question is to take your model and apply it in reverse; namely, what would have happened, had money been allocated three years ago, say, to the colleges and to compare that to actually the way the money was allocated. And that will sort of tell you, at least shed some light on that question. I wonder if you thought about doing that."

Elmira Mangum: "Actually, we did that, we took the current year, FY14, and we started modeling, to get the principles in line, we modeled the FY13 budget as is and used it to help us develop the principles for going forward; but we also took the FY14 budget as the college had just entered them into the system and we used that to see what their budget would have been like this coming year if we had not changed the budget model.

“So we could see the impact of the budget on each one of the colleges; but what the provost promised everyone was that we would smooth out the first year in case there were any glitches within the system in terms of the way we are implementing the model and the way that it's currently being managed to give people an opportunity to make adjustments as needed.

“We did do that as part of the process, and it is a continuing process. This year, first year, there are no losers, and there might be a few winners. I think the center is losing on this first year, to be honest with you, because of what the provost decided was that the center would go into as much debt as we would have been in, had we not adopted a new budget model.

“For us, that was somewhere in the \$20 million range. He put that \$20 million back in the process. So basically I'm sitting on behalf of the institution \$20 million more than I would have to if we actually pushed out all those costs without smoothing it out for the other colleges and administrative areas.”

Speaker Beer: “Okay, well, thank you very much, vice president Mangum. Appreciate your report. And now we're going to go the distance to distance learning, by Professor Lewenstein again on behalf of the UFC.”

#### 6. FORMATION OF COMMITTEE ON DISTANCE LEARNING

Professor Lewenstein: “Thank you. So as you know, the issue of distance learning has come up a number of times over the semester and led to the UFC feeling a need for there to be a more systematic exploration of some of the issues. Just to remind you briefly, the purpose of my presentation now, which will be relatively short, is to set up some context, allowing you to express your concerns so that they can be taken up by the committee.

“Remember that there was a lot of debate on campus when the original eCornell process was set up, and then we had the recent change that makes clearer that eCornell provides services and Cornell provides courses. There's been all the discussion about MOOCs that's been going on, a question of whether that's a fad or whether that's a long-term change in education.

“We recognize that there are a number of Cornell faculty already involved in offering MOOCs and other forms of distance learning -- MOOCs in particular. The provost had a committee, and the committee's report was presented and discussed by CAPP and FABIT and EPC. The question of whether that counts as

consultation is the kind of thing that that governance committee I mentioned will be dealing with.

“There are a great many ongoing distance learning activities already taking place on campus. I’ll get to those in a minute. And we heard from the trustees: they’re asking us, asking the faculty for guidance on how to think about distance learning. From all that, we identified two sets of needs, some immediate and some longer term. So the immediate need is the question of whether CU will join a MOOC consortium. The Provost is negotiating with a consortium now. He has not signed a deal.

“And again, this is one of those governance issues; is this an administrative decision or policy issue? It partly depends on whether you think MOOCs are a method for delivering Cornell lectures, but not providing any credit for those lectures, or whether you see those as a more formal part of the educational system. It depends on whether you see participation in a MOOC as an experiment in how to think about these new technologies or whether you see our participation as an end run around the question of whether it’s an administrative or educational issue.

“On the assumption that we do join a consortium, a very short-term need will be what the faculty role will be in administering participation, such as selecting courses. There are resources that go with developing a course and so forth, and there is some concern on the UFC’s part that if we don’t start taking action as a faculty, then we’ve essentially ceded the turf.

“The longer-term need is recognizing that the discussion about MOOCs raises a whole bunch of issues and that MOOCs need to be discussed in this context. Some of them are about the nature of education, about the one-on-one interaction with students. There are concerns about the commodification of education: what if a few big institutions provide all the teaching and everybody else is just there paying for it? What are the implications for our graduate students in terms of the types of jobs they’ll have? There are local, that is to say campus-based issues. How is course credit allocated for various kinds of distance learning activities? As I said, we already have units offering distance learning, including Hotel, Engineering, ILR, the nutrition division, so there’s quite a lot of distance learning already going on on campus. How are those being managed? There are concerns about the funding for developing distance learning activities. MOOCs cost somewhere between \$50,000 and \$100,000 for each course to develop, at least. Who owns the intellectual property then? It’s different than a textbook,



where you take your own time to do it. This would be using institutional resources. Another issue: Quality control and evaluation. Another issue: Who gets to allocate resources and so forth. Another issue: How much of this is about exploring new uses of technology, the flipped classroom and things like that. So we felt a need for a committee that would look at the articulation of these various different kinds of distance learning modes, ones that are offered by departments, ones that are delivered through eCornell, the possibility of MOOCs.

“For that reason, we developed this committee. We have heard some concern about the procedure of the UFC establishing an ad hoc committee. We believe that we followed appropriate procedures. The parliamentarian was checked on with this. You saw the Nominations and Elections Committee report on members who have been appointed. It's explicitly a short-term committee with a sunset date of December 1st, so that its report will be available by the end of the fall semester. That deadline was an important thing. We are trying to mesh the need for urgency, because things are happening as we speak, with the need to have these longer-term discussions. And therefore, the committee has this dual charge that you have seen: the charge of looking both at these broader policy and procedural goals, but also having a subcommittee that would be ready to act quickly, knowing what kinds of things are at issue.

“So the membership is a mix of tenure track faculty and other academic staff, ex officio advisors. The names were identified by UFC and by Nominations and Elections, and approved by Nominations and Elections. A number of people have been asked. There are still a couple of invitations outstanding.

“We asked a number of those people who have been appointed to be here, and they have tried to be here. As I said, the goal today is for the committee members to hear what are the issues that the faculty senate is concerned about, so that they can take that into consideration as they do their deliberations. And with that, I turn it over to discussion.”

Speaker Beer: “Okay, so the matter of distance learning and the committee that the UFC has established for that is now open for discussion. The gentleman halfway to the back, would you please stand, identify yourself.”

Professor Cheyfitz. “It's interesting to me that we haven't defined consultation yet, and yet we have gone ahead and made decisions. That seems to me to be a sort of top-down process and totally contradictory.

"If MOOCs are not educational policy and thereby governed by the bylaws that say there should be a senate discussion before the fact, not after the fact, I don't know what educational policy is anymore, but I was on the UFC when we suggested having discussions with the administration about this, and it just dragged its feet on these crucial issues.

"In the meantime, the administration is making these top-down decisions. It's worth pointing out that there's a fair number of faculty, certainly in the Humanities whom with I'm in touch, who opposes this kind of just rush to judgment sort of activity.

"I don't know what the urgency is. All Eva Tardos could say the last time was everybody's doing it, so we should do it. Well, if everybody is taking cyanide, I guess we should take cyanide. It's worth pointing out that Amherst, Duke, other institutions have decided to table these discussions or to proceed with discussions based on actual discussions with the faculty.

"We haven't had those actual discussions, and I think thereby the committee that's been formed before there was a senate debate on all those issues that now the committee is supposed to discuss is an illegitimate committee in terms of the bylaws of the university, which predicate that we should have had that discussion before the provost decided to join a consortium."

Speaker Beer: "Okay, is there a different view at this point? So the lady two-thirds of the way down. Please wait for a microphone.

Associate Professor Joanie Mackowski, English: "I'm new here, relatively. This is my third year, but on the legislation page with the university faculty, there are documents. And among the documents is one called Distance Learning that reports on discussions in 1999 to 2000. And these pages identify distance learning as a matter of educational policy and suggest that -- we'll say that it is the business of the faculty senate to say whether or not eCornell will engage in distance learning. So while there may be some of us for distance learning or some of us not for it, the charge to the committee to develop a process and then policies to guide Cornell's participation -- participation is a fait accompli. It is a given, but we need to decide whether or not -- the faculty senate needs to decide whether or not we will participate."

Speaker Beer: "If the speaker could ask one question. Is the committee open to discussion with members of the faculty who have an interest in having the committee apprised of their views?"

Professor Lewenstein: "Absolutely. In fact, that's the point of today's discussion, to begin that process of helping the committee understand what the faculty's concerns are."

Speaker Beer: "Thank you, Professor. The gentleman in the third row."

Professor Emeritus Howard Howland, CAPE: "I'm the substitute member of CAPE, Neurology and Behavior. I have a little talk prepared, but Eric Cheyfitz said everything I was going to say. I think it was terribly ill-advised to go ahead on your own. I have great respect for the dean and the University Faculty Committee, but I agree with him totally that the basic tenet of the senate is we're here to discuss educational policy.

"It's obvious to everyone in the room that this is the issue of the decade. It should certainly have come to the senate first. There's hardly more to say, except I'm also shocked for the fact that we canceled the April meeting because there was no important business, and then we get confronted with this with only a few minutes before summer, before the committee's going to act to work. I just can't imagine what thought process went into this."

Professor Lewenstein: "I will make one quick comment about the UFC's thinking about this issue. As you know, the UFC and the dean of the faculty sponsored a faculty forum at the very beginning of the academic year to begin to raise this issue. We had at least one presentation about MOOCs that I can remember here at a senate meeting.

"And to a certain extent, we were waiting for guidance from the faculty as to what it wanted to do, and we were hearing nothing other than specific objections to MOOCs and not to this broader issue of where MOOCs fit into distance learning, given that we have quite a number of distance learning activities already taking place. It's in that context that we, around the time of the canceled meeting to be honest, developed the realization that something needed to happen more actively. The purpose of the committee is to provide the information, the ideas to be used in a faculty senate discussion."

Speaker Beer: "Gentleman on the aisle."

Professor Richard Miller, Philosophy: "There are two aspects of the charge of the committee, as I understand it. I agreed to be a member of it, though with some reluctance. One is to think about the large issues and also our problems of a fair and effective policy raised by MOOCs and distance learning in general.

"That could perfectly well provide a report and a series of proposals for open-ended deliberative discussion by the senate early in the fall. And I emphasize open-ended. I think we have to be a deliberative body. I think that involves real discussions, which people are going to talk for more than two minutes, and I appreciate Professor Beers letting people do that, but the understanding should be these are hard topics and those proposals could be a focus to be voted up or voted down eventually.

"The other part of the charge of the committee is trial runs, actually giving money to people for particular MOOCs that it seems to me intrudes or potentially intrudes on very strong worries about educational policy that have been voiced by all the speakers in the senate so far. Why not limit what this group does until the early fall to a discussion of proposals to focus a general senate discussion and eventually a vote up or down, with the understanding that trial runs and other implementation are postponed until that and the larger questions of governance are settled."

Speaker Beer: "The speaker would remind the body we have about five more minutes for discussion of this issue. Another view from the gentlewoman in the third row."

Professor Emerita Judith Reppy, Science and Technology Studies: "I'd just like to make a couple remarks. Doesn't seem to me there's a first mover advantage here. We couldn't possibly be the first mover, because other places have moved, but I do think that we should -- I don't see the rush to make a decision, because there's a lot of evidence to be gathered by watching what other people are doing, and I see no disadvantage to that.

"I don't see an economic model here that suggests Cornell's going to lose out if we're not second or third to do this. So I'd suggest slowing down, waiting for the evidence to come in, let other people make the costly experiments and making sure, if we probably would eventually go forward, that there's a provision for evaluation after the first two years or something like that so we can be sure we like what we did.

Professor Lewenstein: "I think at this point I would rather hear from the senate."

Speaker Beer: "Any other opinion? The gentleman..."

Professor André Kessler, Ecology and Evolutionary Biology: "I can totally go with what you just said. We may not have to rush it, but what's important to note is that everybody, every professor at a university can right now just offer a MOOC course. If you get the funding from somewhere else, you can offer the MOOCs course."

"And so in a way, the university kind of loses the oversight, if the university still wants to have an oversight. So they are actually facts created while you are speaking here, so kind of we are already reacting to facts that are created. So this is kind of a problem that we are faced with; and therefore, I actually support the motion that we need to collect facts that already other universities have done or collected, and then go from there and discuss them, I think."

Speaker Beer: "A point by anyone else who has not spoken yet? Professor Lieberwitz."

Professor Risa Lieberwitz, ILR: "I just have a question, and that's about the first report that was done by the committee that, I guess, the provost appointed. Is that report public? And if not, can we make sure it is and that we can all see it? Because I don't recall ever seeing it. Maybe I just missed it."

Professor Lewenstein: "Joe, do you know?"

Dean Burns: "Redacted in the sense that it said here are some negotiating -- you should make with the various vendors. That was not a good thing."

Professor Lieberwitz: "Is it on the web site?"

Dean Burns: "I believe it is on..."

Professor Lieberwitz: "Maybe not just for me, but -- so maybe it could be put up, read it. And also I would ask you to consider redacting it, because it sounds like the provost said he is doing negotiation, regardless of whether there's been faculty senate voting on it. So seems to me more information we have without redaction, the better."

## 7. REPORT FROM THE HO PLAZA COMMITTEE

Professor Richard Allmendinger, Earth and Atmospheric Sciences: "My fellow committee members are Margaret Washington from History and Bill Fry from Plant Pathology and Plant-Microbe Biology. I think I got selected because Allmendinger comes first in the alphabet. Either that or I drew the short straw. As you can imagine, the three of us were thrilled to be appointed to this committee, and although we'd like to think that everybody will absolutely love the report that we prepared, perhaps a better sign of our success will be if everybody is to one degree or another unhappy with the report. So we'll see.

"So the charge to the committee from the faculty senate resolution, which I won't repeat here, was both more detailed and covered broader ground than was covered in the Mingle and Miller report. We believe that our report complements what I call the M&M report by providing more context and detail, as well as identifying specifically what ambiguities in the code of conduct led to the specific issues that were experienced on November 19th.

"Our committee interviewed face-to-face or received written statements from more than 20 people, 17 of whom were directly involved in the events. All of the people that we interviewed were actually extremely cooperative and helpful. Nobody declined to meet with our committee at all.

"All of the people we interviewed were told that our committee was not actually the appropriate avenue to register official complaints, and we could direct them towards the official university offices where they could register official complaints. And as far as we know, nobody did, although they were quite frank with us.

We also interviewed two faculty experts on academic freedom, the judicial administrator and the chair of the events manager planning team, for additional perspective on issues raised by the November 19th issue or events. So you should have before you the recommendations of the committee.

We didn't prepare any spiffy graphics, thus the blank screen behind me; but very briefly, the committee made five recommendations: First the need to clarify or eliminate the necessity to show your idea upon request, which is printed on the back of everybody's ID card. We emphasize "clarify or eliminate," because we are not sure what the original intent of that was.

Clearly, if one is to check out a book from the library, you should show your ID, just so we have a record of who has what book, but it's clear that requests for IDs from faculty members on particular on November 19th unnecessarily escalated the tension in the situation, regardless of the intent of the Cornell police, who were requesting the ID.

Secondly, we affirm the faculty's right to freedom of expression and peaceful assembly as taking precedence over their responsibility to act as, quote, agents of the institution. We realize that the same may not hold true for faculty who are occupying administrative posts.

Third, we affirm the existing wording of the code of conduct concerning peaceful assembly, recommend that it be further clarified in terms of the right to peaceful assembly in open areas of the campus, without need for a permit. We outline, as those of you who may have read the report realize that the use of amplified sound was one of the primary issues involved in the November 19th rallies. We outline in our recommendations two possible approaches to the issue of use of amplified sound, in part because neither we nor the two experts on academic freedom that we consulted were able to reach unanimity to make one recommendation to the faculty.

And finally, we highlight the need for more complete training of event managers effectively handling, so that they can effectively handle events such as those that occurred on November 19th. And training for event managers and police should include a component on guaranteeing freedom of expression.

Those are all the prepared remarks we have. We are just going to sit down here and answer any questions that you might have about the report and listen to the discussion."

Speaker Beer: "Thanks very much. Are there any questions or comments? The gentleman on the aisle first."

Professor Martin Hatch, Department of Music: "I just want to ask about the event manager side of things, and the question of giving of permits. Having been a part of the campus code of conduct revision, I'm very much aware that the code was designed to preserve these rights of free expression and free assembly, and I don't believe anywhere in the code that there's a significant discussion of events that are necessary to be monitored by event managers that pertain to freedom of expression or freedom of assembly; that those event manager events are usually

**Commented [RWA1]:** This phrase makes no sense and I do not recall the exact wording so delete here.

for festivals, celebration, large-scale events to raise money of some sort or other and not for free expression of political views.

And so I'm curious as to how events managers got into the position of having to pass upon whether or not an event that involves freedom of expression of political views should be somehow decided upon by them. And I don't know what kind of counseling you could give them to be able to parse out which events require their judgment."

Speaker Beer: "Would a member of the committee address Professor Hatch's question? At the podium, please, with the microphone."

Professor Allmendinger: "I think it's probably fair to say that few faculty are aware of events, events managers, and that the university apparently has a group of mostly volunteer, nonacademic staff present intending to help and coordinate all events and public gatherings of any size in the institution.

Now, I don't know what the size limit is. We don't know that. We did talk extensively with the chair of the events management team, who is an associate dean in the university, and she gives great confidence that they are sensitive to the issues. Nonetheless, it's clear from the events that we reviewed, the training of events managers is insufficient to share the task they have been asked with.

So it is not really up to us to tell the university -- us, meaning this committee of three people -- what the appropriate way of managing public events in open spaces on the campus is. We identify obvious shortcomings in the particular event, which led to some unfortunate incidents; but your question about whether it should be up to events managers to guarantee free speech, one other possibility could be to see whether we could get a sufficient number of faculty volunteers to monitor whether freedom of expression is being respected or not.

In my own administrative role in a previous life, I learned that getting faculty volunteers isn't always easy to do in many cases. Anyway, I think it's a question for open discussion, but if the university is going to use events managers, they should be better trained than they are."

Speaker Beer: "The gentlewoman sort of in the middle."



Professor Mackowski: "I have a question. Is it necessary to manage a protest, right of peaceable assembly? Is it upon those who are protesting to manage themselves as a group and protest peaceably?"

Speaker Beer: "Can a member of the committee take the general question; is it necessary to manage such affairs as took place in November."

Professor Margaret Washington, History: "Well, I think again you are asking us a question that we can't really answer, but the fact is, there were event managers assigned to the demonstration, and that event manager gave out incorrect information that escalated the tensions that created what probably would have just been a peaceful rally of two groups that didn't agree with each other into one student being pushed down, one student being threatened with arrest and faculty being treated disrespectfully, to say the least.

So events managers do have a role, and it's not assigned by us. It was assigned by the administration; but still, they ought to be trained. The events manager did not know that the speaker was a student and the events manager did not know the campus code and transferred her lack of knowledge to the police. So whether we need events managers or not, that was not our charge."

Speaker Beer: "Thank you. The gentlewoman in the turquoise top."

Christine Shoemaker, The Joseph P. Ripley Professor of Civil and Environmental Engineering: "I've always thought of myself as being extremely liberal in terms of free speech and so forth, but I am surprised by this first recommendation that seems to prevent the police from asking for ID cards. Maybe this is because we're such a rural campus, but if you think, for example -- these recommendations are not just to apply to this one incident. It is to apply to future gatherings in the future. So the question, what are the principles that say the police really shouldn't be asking for ID cards?

What if people are coming from off-campus who have nothing to do with Cornell to participate in and maybe stir up rallies that are on campus? For example, you could think about an anti-fracking demonstration on campus and you get a lot of people from off-campus who are in favor of fracking because it maybe will provide some economic incentive. So how do we deal with that issue? I can't believe that an urban campus would have that kind of regulation, because they would expect they might be getting a lot of people on campus from off-campus."

Speaker Beer: "Would a member of the committee care to comment on the question?"

Professor William Fry, Plant Pathology and Plant Microbe-Biology: "Our understanding is that in a public campus or public space, the police, institution or municipality would have to have some reason or cause to think of some suspicious behavior. And that seems to be a reasonable application here, where there was not that suspicion of unlawful behavior, to ask for somebody's ID."

UNIDENTIFIED SPEAKER: "If someone comes on campus, they're not doing anything unlawful? It's okay if they're here? I mean, they certainly could be stirring things up. That's not necessarily unlawful."

Professor Fry: "Our understanding was that unless somebody is suspected of doing something unlawful on a public campus -- this is a private one -- that the police cannot ask for ID, unless they are suspected of that."

Speaker Beer: "Gentleman in the front. Do you care to come to this podium, because it's closer?"

Professor Carl Franck, Physics: "I'm here just to serve at this moment as a voice for Yuval Grossman, who you remember feels passionately on the subject. So I'm going to read a statement Yuval had. He's at a conference now."

"I'm sorry I'm not in Ithaca today to personally make remarks about the report. I think this is a very important issue. And since the report has very significant inaccuracies, I would like to make the following remarks: The first remark is regarding the very first sentence in the report. It reads: CPAC arrived on the plaza to protest factions and recently involved in recent events in Gaza. This statement is not true. I, and I think all people from the CPAC side were there because of events in Israel, not events in Gaza. This is a very important issue. I do not understand why the committee decides to make this false statement."

"In particular, when I testified, I was very clear about this issue. The point is more severe as a question of mentioning Israel and/or Gaza is a political statement. The fact that the committee made a political statement is very wrong and should not have been done. I would like to understand why the committee decided to make this false statement."

“The second remark has to do with the following statement: Everyone else stated that there was not any threat of violence. Well, the problem was that at least one woman from the SJP side came with dogs. The woman told my son, who is a student at Cornell, that I wish you were dead, while holding her dogs. This is a very clear threat of violence. I told this to the committee, but they decided to ignore it. I wish to ask why this issue was ignored.

“The third point has to do with the destruction of the flag exhibition of CPAC. As part of the events, CPAC put flags in the arts quad, and they were destroyed. The committee decided to ignore this fact. I feel this is not okay. This was very much related to the event. I would like to ask why the committee chose to investigate some aspect of the event and not others.”

Speaker Beer: “Would a member of the committee care to comment on the statement?”

Professor Allmendinger: “First of all, I should say that the committee tried very hard to be completely neutral on the political issues. I don't think -- in fact, I honestly don't know what my committee members' political standing is on the issues of Israel and Gaza.

“Secondly, if you read the CPAC Facebook posting, event posting meeting, in fact, Gaza is mentioned twice in that Facebook posting. So the particular rally on that particular day, certainly the events in Gaza, whether they were Hamas shooting missiles at Israel or Israel invading Gaza, Gaza was the catalyst for the events of that day.

“I frankly had forgotten about the issue with the dogs, and so on, and the remark. I will say we heard many remarks, some quite inflammatory. Most of them did not make it into the report for reasons of space, to preserve confidentially where we could, and other issues, and so on. I will say that the majority of people that we spoke with, except for the campus police, perceived there to be no imminent threat of violence or danger, physical danger to people on campus and so on.

“I forget what the third point was. Oh, the flags. The flags, I think we just decided that that was outside of our charge. We were charged with investigating the university response to the rally on Ho Plaza specifically, rather than broader issues of defacing displays elsewhere on campus that were actually -- I forget the

timing of the flags, but they weren't, you know, even exactly on the same day. They were apparently defaced overnight and so on.

"So all I can say is we interpret our charge to be mostly to focus on the university response to the protest on Ho Plaza and not many of the larger political issues raised by this event."

Speaker Beer: "Thank you. Dean Burns."

Dean Burns: "I would like to offer a motion to suspend the rules. As I said at the outset, the purpose of this motion is to consider a motion which would say the senate has received this report from its committee and is moving that report over to the UFC for consideration of what to do with these issues. This motion is not debatable, but it must be passed by two-thirds majority."

UNIDENTIFIED SPEAKER: "The report has been presented -- the motion you might want to make, though it's not recommended, is for the report to be accepted. To vote on the report -- accepted means the committee subscribes to every fact in the report itself. I just want to make that point."

Dean Burns: "He left, and we checked with him on this point as well."

UNIDENTIFIED SPEAKER: "Well, he should have read Robert's Rules of Order."

Dean Burns: "I read Robert's Rules of Order three hours ago too."

Speaker Beer: "All right. It's my understanding that the dean is moving to suspend the rules for the purpose of offering a motion, a motion that will not have satisfied the one-week prior notice to the senate, and that is the purpose of his appearing before you a moment ago. Professor Howland, is that permissible in your opinion?"

Professor Howland: "Vote for motion, if it's -- we receive it."

Speaker Beer: "Okay, let me ask first, is there unanimous consent to suspend the rules for the dean to offer a motion?"

"Any objection?"

"Okay, the rules are suspended. While we are in this mode, can we vote to suspend the rules to extend the time beyond our usual 6:00 p.m. adjournment, since there are just a few minutes left? Is there unanimous consent to suspend the rules for extending the meeting time by ten minutes?"

"Objection? Okay. So seeing no objection, the rules are suspended and Dean Burns may offer his -- here is the motion prepared by and offered by the dean. Would you kindly speak to it?"

UNIDENTIFIED SPEAKER: "I will speak in much less than two minutes. Basically these people have done a yeoman's job, and I think that their report should be received, absent Howie's point. I did not see that in my reading of Robert's Rules. And then if the report is received, then it should be considered."

"They have five recommendations. We ought to do something with those recommendations. It seems like the best place to put those recommendations is to the UFC, for the UFC to do something with them. So that's the purpose of this motion."

Speaker Beer: "Okay, so the motion's on the floor. Is there debate on this motion? The gentleman on the wall, if he could receive a microphone."

Associate Professor Michael Thompson, Materials Science and Engineering: "If we proceed with this, will these recommendations come back to the senate before they are implemented?"

Speaker Beer: "Dean Burns?"

Dean Burns: "I would assume so. The UFC can act on behalf of the senate, and it is the last meeting -- in many cases, the statements of recommendations at the end talk about -- policy. That's something under the jurisdiction of the University senate, so UFC's reaction would be to move that over there. Something about whether we should have the -- on the back of our ID's, we don't have control over that."

Speaker Beer: "Okay, any other comments or debate on the motion?"

UNIDENTIFIED SPEAKER: "May I ask if it's possible the UFC would consult with the process of doing the deliberations about what they want to do, the codes and judicial committee, University Assembly, so they could be apprised of the --"

it makes some sense, because they spent two months to -- discussing this question."

Speaker Beer: "Use the microphone, please."

UNIDENTIFIED SPEAKER: "Having gone to some of those meetings, I'm quite aware of that, Martin. This report has been sent to the University Assembly and to the CJC, so we are in consultation with them, and I am a member of the University Assembly."

Speaker Beer: "The gentleman on the aisle, halfway back."

UNIDENTIFIED SPEAKER: "There's an open question in the report about whether -- if there's an application to have an amplified outdoor rally, that means there can't be a simultaneous amplified rally. It seems to me that is very worrisome interference with the lively and ongoing debate that's rightly celebrated by the committee in its report. I would hope that that would not be regarded as a point to be left open for the University Assembly.

"I think it's an invitation, if we take that route, of applications that are meant to stifle protests in response to very recent events, which are the basic stimulus for the most productive outdoor rallies. So I'd invite the UFC, and I hope the dean will agree to make this a point on which the faculty senate is invited to speak and to speak early in the fall, as these decisions are being made by the University Assembly."

Speaker Beer: "The speaker is unclear about your point. Are you suggesting that the matter be considered by the University Assembly rather than the university faculty?"

UNIDENTIFIED SPEAKER: "No, but I think the University Assembly will, of course, be interested in what we have to say, both our ad hoc committee and the faculty senate. So there may well be points, as the dean has suggested, in which the UFC will simply regard something as a UA decision, not to be brought to the senate for its views.

I think on this matter, we can only have views, but I think we should be invited to express them as the senate, given the importance of lively expression on vital interests of the day that the committee rightly saw as something that it would appropriately celebrate and support. I think there's a question here left open that

should be resolved by an expression of the senate's views, rather than simply being left to the university assembly.

Speaker Beer: "Any other speakers?"

Professor Cheyfitz: "I want to second what Dick Miller was saying. There's an ambiguity about use of amplification in the report, and the senate should have a chance to clear that ambiguity up before it goes to the university assembly. I believe that's what Dick was angling at.

"Okay. So that's, I think the point. We should clear that particular ambiguity up. How do we want to do the sound business. I mean, for me, there are two ways to clear it up: That you could have no sound at these demonstrations whatsoever, or the sound could be restricted to just handheld sound; in other words, not stationary sound systems, but we should make that decision how we want to work that out, and then send it to the University Assembly, so they are not left to make that decision about that ambiguity. That's, I think, the point."

Speaker Beer: "The speaker views the resolution as recommending that the committee consider all matters in the report further."

Professor Cheyfitz: "Right, but then it will come back to the senate. Hopefully, once the UFC has decided about the recommendations, I think the sense of the senate is those recommendations, if the UFC says -- because the UFC will have to talk about the sound business. It should come back to the senate for consideration before it goes to the University Assembly.

"So here's the process: It goes to the UFC. They make their determinations. It comes back to the senate, so we can discuss those determinations, and then it goes to the University Assembly, so that they have the senate's sense of the recommendations that the committee -- the ad hoc committee made. I also want to commend the committee for the report, by the way."

Speaker Beer: "Dean Burns, perhaps you can clarify the questions that are being raised."

Dean Burns: "It would certainly be my attention to bring this to the UFC and rely on the UFC's advice. That said, I do not think that the UA will rely on our advice. No. I'm talking about the University Assembly's. At the University -- let me finish, please.

“At the University Assembly's meeting, their last meeting of the term, I went to them and pleaded with them, please wait for this report to come out. That vote - - the discussion that was very, very heated, and the vote to table this was held, again, very heated discussion. And the final vote was 6-6, to wait for the entire report.

“So for me to stand up there and say well, let's wait until we report out in September, and that surely will convince the UA, I think you're dreaming, but I don't know. I'm happy to do it. You see what I'm saying? It eventually was tabled by the vote of the chairwoman of the University Assembly.

“Yes, but it's going -- I bet it will be considered by the UA before it comes here.”

Speaker Beer: “Let's move on. The gentleman in the rear, please.”

Associate Professor Ronald Booker, Neurobiology and Behavior: “I'm on the UA and I think the concern for the UA, if you listen to different constituencies on campus, for instance, Ho Plaza is shared space. It's carefully managed space. And for many of the activities on Ho Plaza, there's a permitting process.

“And what they're concerned about partly -- this is one of the issues -- is if you have a prior permit and someone interferes with your ability to hold an event when you have a prior permit, those individuals are infringing on your free speech activities that may have cost you money, time, scheduling. That can happen in Ho Plaza.

“So I think that's one of the issues that the UA has to consider. So what we are talking about here is really a very small sort of piece of a very complex puzzle. We're talking about two groups that interacted on one particular day, but the management of some space on campus is actually an intricate process, and we have to keep that in mind as we discuss this issue.

“So I think that's the challenge for the UA is how do you actually make sure that someone that's trying to build trusses at Ho Plaza, if a group of 2,000 shows up, blocks their stand, their ability to get their project done, is that okay. That's really what the issue, is, I think for the UA.

“And I know that this is a serious issue, but we have to think about this. There's probably 200 days a year that Ho Plaza has scheduled events, most of which are



permitted. And what we are trying to see is how do you have un-permitted events in the context of these other ongoing permitted events. And I don't think it's also clear -- we have to understand there's -- if I want to protest something because I'm passionate about it, I could care less if there's a permit or not."

Speaker Beer: "Thank you very much. I would remind the senator that we vote by clicking. There is a resolution on the floor. Clickers are up here, if you failed to get one, and we should be voting in two or three minutes. So please make sure you have a clicker. Professor Franck. You can use this microphone."

Professor Franck: "I very much appreciate the efforts of the committee. I particularly like the tone of the report; careful, balanced, insightful and wise. The only thing that I'm left lingering about in looking over the issues is the role of the plain-clothed policeman.

"I do feel that it would be a very positive thing at this time to support the resolution. I think this is a good way of moving it ahead, and I really like the idea that good ideas get farmed out in the right way. So I think this is a good way of moving ahead with the good efforts of the committee."

Speaker Beer: "Okay. That being said, I think it's time to vote on the resolution. And let me remind you, first thing you do is turn on your clicker. And if you're in favor of the resolution as stated on the screen, then you click A. If you are opposed, you click B. If you refrain or abstain from voting, click C. So please click, and we'll give you about 25 seconds to get your clicks in.

"Here you see the vote. 89% of the clickers have voted in favor of the resolution, 2% opposed, 9% have abstained. Therefore, the resolution clearly carries. And we have now reached the end of our agenda, so I declare the May meeting of the Faculty Senate and the last meeting of the University Faculty Senate for 2013 closed."

(MEETING ADJOURNED.)