

MINUTES OF A MEETING OF THE FACULTY SENATE

September 13, 2006

Speaker Pro-Tem, Jeremy Rabkin: "We have a quorum. I would like to remind the old people and tell the new people, I am Jeremy Rabkin, Speaker Pro Tem. I would also like to remind you not to take photographs or tape record any of these proceedings, turn off your cell phones, and when you are called on to speak, to give your name and department. We have two people signed up to speak at the end of the meeting during the good and welfare section and before that we have resolutions that have to be voted on. So those of you who are here, please stay to the end. As always we will endeavor to end by 6:00.

"First item on the agenda is Provost Biddy Martin who will offer some remarks and tell us how the President is doing."

1. REMARKS BY THE PROVOST

Biddy Martin, Provost: "Thank you Jeremy. I have twelve items to report on and then take any questions you all might have. They are brief; don't worry. First of all, I want to thank all of you who participated in the book project for participating again. I think by most of the accounts we have gotten so far it went really well this year. Both the panel in Barton Hall and the small group discussions and maybe some of you saw Bob Frank op ed in the New York Times using the book project as a focus. Thank you very much. We really appreciate it.

"The second thing is I wanted to report only briefly on the Faculty Work Life Survey, with the special focus on the experiences of women. I've reported a couple of times in this group that the faculty committee charged with interpreting the results of that has been hard work. They are still at work, but in this semester they will report out what they have discovered and found by way of the survey. I think I have told you already that even the self reports of faculty did not show that we have any salary inequity problems that seemed significant to people; or space inequity problems, but what we found to quite a significant degree is a difference between women's and men's relative satisfaction with their position. Most of the problems seem to be, what we are calling at the moment forms of the micro inequities that occur in people's every day content or contexts. We are going to bring that forward just as soon as the faculty committee is finished compiling the results. I will be glad to answer questions about that when we get to it.

"We are about to put up on the web the strategic framework for our diversity initiatives. You probably remember, at least some of you, that after last spring's stabbing incident we offered to make more public a diversity plan with some specific

goals. We have worked on that all summer. It's not so much a plan as a framework, but we do give the kinds of goals that we would like to see met over the next several years. That will go up on the web within the next three weeks, but will also be more widely available.

"We will integrate the National Science Foundation Advance grant, which we received but which we haven't yet officially announced. That was a grant on which three faculty members and I serve as PIs. It's a grant that will help us retain and hire more women in the social sciences and sciences at Cornell. We are very pleased to have gotten the grant. Until it's publicized more in the paper, I won't say a lot more about it, only that we will integrate the goals that we set in the context of that that grant into our larger diversity initiatives. All of that will be available on the web. Just click on the home page 'diversity inclusiveness' and you will get information about all of these things. In the meantime I have been working with the deans, and they, with department heads, on how we can meet the goals that we have actually set for ourselves on the diversity project. That will be the focus of a lot of my time with the deans this year and also with department heads.

"You probably read in the paper this morning that the master planners are back on campus and they are meeting with student groups. They will be meeting with faculty groups and a range of other constituents in the community. I spent a day in Toronto a couple of weeks ago listening the master planners talk about their preliminary findings. It was very interesting. I also heard them give a report to the Trustees Building and Properties people last week. It was a very good report, I thought. It was succinct, to the point, unsurprising but heartening to see that they could put such a complex amount of information together in a way that will give us some choices to think about. So, that's occurring.

"We have two dean searches under way this year, one in the Vet Medicine and one the Business School. Many of you know about those and there's not much to report to date except that the search committees have started to meet.

"We have had a major study underway for about six months on graduate student funding. Many of you know about that but I want to let all of you know that we are looking into graduate student issues sort of in a broad way. We are looking at funding issues including questions about stipends, while also tuition and tuition policy. We are also looking at the field system. We have, in the course of getting some external reviews of departments and programs, been advised that from the outside but increasingly also in some disciplines on the inside, the field system doesn't seem to be working as well as it should. It seems to me it's time to think a little bit about the field system, especially in certain disciplines perhaps more than others and see whether there's change that need to be made. That's underway with Sunny Power's leadership, obviously.

“We are also preparing as many of you know for the National Research Council Rankings. Thinking first simply about how their taxonomies align with our units and how to submit our data. We won’t be submitting actual data for quite awhile but we do have to submit our alignment of our units in the field with their taxonomies very soon. We have been working hard on that as I know some of you have.

“Now on the budget side, I will this year give a report if you all would like me to do so to this group in December before we take the budget to the Trustees. In the mean time I can tell you that we did very well in 2005/6. In our endowment we have 16.4% growth return on the long-term investments and that would permit us to increase the endowment payout for this year by 5%, which is our usual increase if we are not in trouble and clearly we are not. The endowment is now over \$4.2 billion, which as you know is not very large compared to some of our peers and extremely large compared to the rest of the best of the world of higher education.

“Carolyn Ainslie is looking forward to working with Ron Ehrenberg and Kevin Hallock on the Financial Policies Committee. They have already met and decided what their agenda will be.

“Many of you probably read that a new head of the Investment Office at Cornell was hired this summer. James Walsh, who was with the largest pension fund in England and is moving from England to Ithaca. He will start very soon.

“We had the best year we have had in a very long time, perhaps ever, with SUNY and the State last year. Some of you already know this but I would like to reiterate it. We have Cornell’s funding now listed separately from the other SUNY campuses’ budgets. Our funding from the State still comes through SUNY but we have our own item and we hope that will help us not have to be quite so vulnerable to their budget allocation methodologies and processes. You also know that there’s a new chancellor or at least interim chancellor at SUNY. He has been a delight to work with compared to the former chancellor and his friends.

“We had an increase of 8% in the operating budget of the contract colleges as a result of these changes and a lot of lobbying. In addition as many of you probably have read the Governor has been here twice recently, once to announce funding for the Energy Recovery Linac and once several days earlier to announce funding from the Governor’s Office for the diagnostic lab at the Vet School.

“We are working very hard on CCTEC (Cornell Center for Technology, Enterprise and Commercialization). We have been trying to hire a director for that unit for quite a long time. We believe we might be nearing an appointment but it’s not done yet. When it is, we will let you know about the new director.

"I think that the Office of Sponsored Programs has made some significant improvements, and I have heard far fewer complaints from faculty and Deans about backlogs in that office. But, I am always open to hearing you tell me that it's not true.

"The campaign kick-off, the public part of the capital campaign, will be kicked off in October during Trustee/Council Weekend. As I think most of you know, that it's conceived as a joint campaign with the Medical College, which means that the goal you will hear in October for the two campuses will be very high. We are going to get a sizeable portion of it. Don't worry about that or do worry about that and just know that the rest of us are worrying about it all the time. It's been a big part of my job over the past year or two to work closely with the Weill Medical College with its provost and deans. That's been very rewarding and interesting. I think the promise of collaborative work with the hospital at the Medical College is wonderful, but there are always problems, about which I don't think I need to say anything more.

"And then the most exciting thing, of course, in my view that happens, is faculty hiring. I know I have said this to you all in various settings but we are going to replace roughly one-third of our faculty over the next ten years. So I want to be working with deans and department heads to find out what we are all doing to make strategic hires so when that third is replaced we really have as strong a faculty, or stronger, than we have ever had.

"And that is my report. Please feel free to ask anything, maybe not anything."

Professor Richard Talman, Physics: "Cornell can no longer be the first to eliminate early admission, but we could be the quickest to join in. I hope that we will do that. I would like to volunteer to read some of the admission folders that will entail."

Provost Martin: "That is so sweet. You probably read my quotes in the paper, I agree with you. Well, maybe I hedged a little because I was asked to, but I think we should do away with it. I am in agreement with you. Will the Deans and the various units on Cornell and the Admissions Offices conclude that we can afford to do that, I don't know. But I think what I have asked them to do is speed up the discussions that are already underway about doing away with early decision and see whether it makes sense for Cornell or not. I appreciate the comments. And we'll have some folders for you."

Professor Abby Cohn, Linguistics: "Many of us already have impressions from our activities last Thursday, but you haven't mentioned anything about our new President in your remarks. Maybe you can share with us some first impressions."

Provost Martin: "Actually, I was going to say that what I did over the summer was all these things and get to know David Skorton. What I said at the inauguration, I meant all of that. My impression is probably the same as many of you who have gotten to know him. He's extremely quick and is already quite knowledgeable about the place. I think he's enjoying it. He is extremely funny as I said in my remarks and that makes things a lot easier for me. What else can I tell you? He's speaking to the faculty next week, September 20. Charlie will talk about that event. If you have not had a chance to see him or get to know him, meet him, hear him, I hope you will be able to come to that. I will say the transition has gone to date extremely smoothly and continues to go smoothly. I think it's enormously brave of him to come in on July 17th or whenever, and agree to launch a public campaign for billions of dollars in October of the very same year. I think that he will do a great job. I really do. And I meant what I said I think he is somebody who has the strength to support the values that I enumerated including the most important, academic freedom in the face of what we are about to encounter, which is with our increasing dependence on private support, increasing pressure to do what other people want us to do. I think that might be in my view the single most important quality that we need to have the President have. And Deans who are going to be out on the road with the President and me and others trying to raise billions of dollars from people who understandably have their own ideas about what they would ideally like to see us do. And so that dance, to use David Skorton's language, is going to be complicated and it requires integrity of a sort that I think he has. How's that?"

Professor Eric Cheyfitz, English: "I have a question about the processes and not the actual result of the investment plan in the Sudan. I should probably ask this of the President, and probably will but I am wondering why there was no apparent widespread consultation with that since we have experts here in that area. The decision came down as decision by fiat. I was wondering if you have any thoughts on that, or you can shed some light on it."

Provost Martin: "I don't know whether I can do either, provide thoughts that make any sense, or shed light. Well, I can shed a little light. The issue came up last spring if you remember. It was primarily raised by students. In the late spring and summer it was an item of discussion among the Trustees. In fact the Chairman of the Board of Trustees, Peter Meinig, asked to have it on the agenda for our meeting of the Investment Committee and the Executive Committee because he wanted people to read the Yale University report and discuss it. At that time there was no action. There was a discussion, but no action. When David Skorton became President he requested of the group that they discuss it again and recommended that we follow Yale's lead of partial divestment. Why it wouldn't involve more faculty discussion, I can't really say except that it occurred in the way I just outlined it and that's why. But I know that David Skorton would agree for you to raise this with him. I think he thinks having a faculty group as a kind of ongoing group, maybe a faculty/student group to advise on some of the investment decisions of this kind. I wouldn't worry. I understand the point and

even the complaint to the degree it was one, I think it is legitimate. But I think in this case it was completely well meaning and just occurred the way I described.”

Professor Cheyfitz: Just one last thing. It seemed to me that there was not only an opportunity for consultation, which clearly has been an issue here, and since I am on the Governance Committee, everyone should know that we are looking at problems with consultation. But also there was opportunity missed, to educate the campus. I mean, I’m not well informed on the intricacies of that situation so that would have been an excellent opportunity too, just to learn, a learning experience.”

Provost Martin: “I think you are absolutely right. I think David would agree. That’s why I feel fine saying I think you are right.

Professor Rosemary Avery, Policy, Analysis and Management: “I want to ask a question related to the joint capital campaign between Weill, the New York City campus and our campus. The questions are: why was it decided to do it jointly? Secondly, how does that stack the Cornell campus up against New York City in terms of where the donors are, and what they want to give to? Is this placing the Cornell campus really at a disadvantage or an advantage?”

Provost Martin: “You mean the Cornell Ithaca campus?”

Professor Avery: “Yes.”

Provost Martin: “Yes, we have been trying to convince them that they are Cornell too.

“Those are really important questions. I will be very quick, I think. It’s joint at one level. At another level, I would characterize it as sort of side-by-side. Why? Because they have their own development office and we have ours. There will be what people keep referring to, I think inelegantly and infelicitously, as a joint bucket. There will be a campaign goal for projects that span the two campuses. The amount of the goal will be specified. Apart from that joint bucket we really have separate priorities and separate campaign goals.”

Professor Avery: “It’s not so much about allocating, Bidly, it’s how the money comes in. If there’s a big donor from New York City, I was just saying maybe they are going to be giving to a project that would benefit them more down in New York City than it would us.”

Provost Martin: “To be honest we have been worrying about this for awhile because what tends to happen is people rotate off our Board of Trustees and they become members of the Medical Colleges’ Board of Overseers. When you become a member of the Board of Overseers, there is a very strong expectation that you will become a

principle donor. We have to live with that. I think most of the people who are on the Board of Overseers, who are loyal to the Medical College for one reason or the other but have also always been loyal to Cornell, Ithaca, will either give gifts to both places or some will give to this joint bucket, which will help both. Otherwise the development offices are working in concert to assure that we don't fall over each other going after the same donor.

"Charlie Phlegar is the new Vice President for Development, and many of you will not have met him, I think he's quite effective. He has gone through, in a preliminary way, some of our major donors who will have not so much a conflict, but a choice to make between Ithaca and the Medical College. He's quite confident that Ithaca can reach the goal we are going to set for ourselves, that we have the prospects to reach our goal even if some of the people we would ideally like to have giving only to Ithaca. I say this as the Provost of Ithaca. Of course on behalf of the University as a whole, I'm delighted that they should give to everyone. We are persuaded, he's persuaded, the experts are persuaded that we will reach our goal despite the fact that we have some shared donors. It's not that many but they are some very, very important donors."

Professor Peter Stein, Physics: "Just a brief comment. I remember the last capital campaign was organized the same way. The medical school and the schools in Ithaca were part of the joint campaign and that they have essentially independent donor bases but they were conducted jointly and the theory was that the excitement of the campaign in one place would aid the other."

Provost Martin: "Yes. I think a lot of people believe that that's true. The difference this time is that the total goal we announce on October 21st or whatever it is will be the combination of the two. That's different. But they will be coordinated and one hopes one will help the other.

Thank you."

Speaker Rabkin: "Next speaker is the Dean of Faculty, Charles Walcott."

2. REMARKS BY THE DEAN

Charles Walcott, Dean of Faculty: "I will try to be very brief and make up some time, but I have a few things to say. First of all if you look for the minutes of the May meeting, you will wonder why you are not approving them. It is because there was no meeting officially in May because there wasn't a quorum. However, the minutes are there on the web site if you want to look at them. As a result of having no quorum, we worried about two items, which are going to come back to you today, the suspension policy, and the library resolution. The UFC and I decided to try an e-mail vote, which

we did. Fifty-five people voted, all except one person was in favor of the suspension policy, about half a dozen were not in favor of the library resolution out of fifty-five. So that's a straw vote, which might or might not inform your decision today, when we actually get around to legal voting since we have a quorum.

"A couple of other announcements. We have received, or Bidy has received, a suit from the Association of American Publishers about our use of electronic reserve materials, a violation of copyright rules so there has been quite a 'who ha' about that. You are urged not to put things on e-reserve without paying attention to the copyright because that can land us all into the soup. That's a place we would prefer not to be.

"Next point. President Skorton, on next Wednesday at 4:30, is going to talk with the faculty. I will convene a meeting of the university faculty, something that I have never been to at my time at Cornell. But I will convene it and I have also invited all the academic personnel to attend. We are holding this in the intimacy of Bailey Hall, which has 1300 seats. Since there are about 4,000 or 5,000 academic personnel including, of course the faculty, I urge you to arrive early for a seat because once we reach 1300, that will be the limit. Fortunately, things will be recorded so you will have an opportunity, if you can't get in the door. I urge you to be there. What President Skorton will do is make a few remarks covering a few general issues that he feels strongly about, and then he will open it for questions and comments from the floor.

"I did want to say a word about divestment in response to Eric's comment. After this announcement was made, President Skorton came down to my office, and apologized for not having involved the faculty in this decision. And asked, what shall I do now? I said the important thing is to get the message out and so he wrote a letter to the university community in which there was a paragraph describing what he had done. I can tell you that he felt badly about it. It was partly the press of time. It was partly a variety of circumstances. But, he did apologize to me, and I transmit his apology to you.

"Finally, or next to finally. We have a report of the FACTA committee. I am required to do this every year. I can report that last year there were 48 files reviewed, and the full committee reviewed four of these. There were 45 positive recommendations and three negative recommendations. It's customary to say something about how the Provost reacted to these things. What happens is that when there is a full committee, like those four files, the Provost joins the committee to hear the discussion and to participate in the discussion. As a result of this often what happens is that the Provost goes back to the Dean and says the FACTA committee had the following kinds of reservations. Can you gather some more information? On the basis of the additional information she will either decide to go ahead or not with the promotion. When she comes back at a subsequent meeting, she has discussed this with the FACTA committee and I think the feeling around the table is that this has been handled in a totally reasonable way. So, I

think it's an unreasonable thing to say, that the Provost disagreed with FACTA, it's simply a question of getting additional information and proceeding in a kind of reasonable way.

"Since the fall of 1998, 78 faculty members have served on FACTA, 362 dossiers have been reviewed, 16 were not supported by FACTA. Each dossier was reviewed by at least four FACTA members, which is a total of 1,448 reviews. FACTA is a hard working committee.

"My final point is the University Lectures Committee. The Lectures Committee has sent out or plans to do so in a day or two, our request for proposals. I wish that all university administrators would put their hands over their ears and not hear what I am about to say, which is the University Lectures Committee has an embarrassment of riches. We have worked very hard to distribute on the order of \$15,000/year but our income from investments is on the order of \$60,000/year and that leaves us with a very substantial pot of money. If you have people who could be Messenger Lecturers, or University Lectures, please, please suggest to your department that they come forward because we have the resources to be helpful. I say to the Provost to cover your ears because I don't want her taking the money away. That is my report."

Professor Cohn: "I just had an elections questions. I was just wondering who our faculty-elected trustee is because I hadn't heard the results from last spring."

3. APPROVAL OF THE MINUTES OF APRIL 12, 2006 SENATE MEETING

Speaker Rabkin: "We have a report on it. First, what we have to do before that is approve the minutes from the April meeting, which we couldn't do at the May meeting because we didn't have a quorum. We now have a quorum so we can approve the minutes from the April meeting, which I am sure you are all very familiar with.

"I want to ask for unanimous consensus to say that they are approved.

"Excellent. The minutes are approved."

Speaker Rabkin: "Next we will have a report from the Nominations and Elections committee"

4. NOMINATIONS AND ELECTIONS REPORT

Dean Charles Walcott: Nominating and Elections Report. "This again is a holdover from the May meeting when we didn't have a quorum. We have to go through it all

over again. You received a copy of all these transparencies in your packets.

*Report from Nominations & Elections Committee
September 13, 2006*

Academic Freedom and Professional Status of the Faculty Committee

*Lillian Lee, Engr.
Michael Lynch, A&S
John Whitman, A&S*

Academic Programs and Policies Committee

*Patsy Brannon, CHE
Paula Cohen, Vet.*

Affirmative Action and Minority Education Committees

*Mary Pat Brady, A&S
Zellman Warhaft, Engr.*

Educational Policy Committee

*David Gries, Engr.
Georg Hoffstaetter, A&S
Susan Suarez, Vet.*

Faculty Advisory Board on Information Technologies

*Tom Bruce, Law
Paul Ginsparg, A&S
Patrick Sullivan, CALS*

Faculty Advisory Committee on Athletics and Physical Education

*Michael Kelley, Engr.
Frank Rossi, CALS
Margaret Washington, A&S*

Financial Policies Committee

*Richard Burkhauser, CHE
Kevin Hallock, ILR
Steve Pope, Engr.
Pam Tolbert, ILR*

Institutional Biosafety Committee

David Soderlund, CALS

Local Advisory Council

John Abovd, ILR

Susan Christopherson, AAP
Daniel Lichter, CHE
Alice Pell, CALS

North Campus and Collegetown Council

Robert Turgeon, A&S

Professor-at-Large Selection Committee

Timothy Murray, A&S
Susan Suarez, Vet.
Yervant Terzian, A&S

Sexual Harassment Co-Investigators

Kathryn March, A&S
William Provine, A&S

University Committee on Human Subjects

Jennifer Gerner, CHE

University Conflicts Committee

Vernon Briggs, ILR
Marianne Krasny, CALS

University Faculty Library Board

Paul Ginsparg, A&S
Rebecca Harris-Warrick, A&S
John Hermanson, Vet.
Mary Beth Norton, A&S
Nerissa Russell, A&S

University Hearing Board

Brian Chabot, CALS
Paulette Clancy, Engr.
Laurie Drinkwater, CALS
Clare Fewtrell, Vet.
George Hay, Law
Anthony Ingraffea, Engr.
Jonathan Ochshorn, AAP

University Lectures Committee

Muna Ndulo, Law
Amy Villarejo, A&S

University-ROTC Relationships Committee

*Andrea Parrot, CHE
Jeffrey Varner, Engr.*

“Abby, in answer to your question - the new faculty-elected trustee is Ron Ehrenberg from ILR. We have to now vote to approve this list of nominees.”

Speaker Rabkin: “Those in favor of approving that slate say aye. Those opposed say nay. Unanimous approval.”

Peter Davies, Professor, Plant Biology: “When the last slate of candidates came around I was abroad and tried to go on the web and maybe vote, but there was absolutely no information about who these individuals were. Most of us do not know every other member of the faculty. Could I request that in future some information of the candidates be available to those voting?”

Dean Walcott: “It seems a total reasonable request. I will pass it along to the appropriate authorities.”

Speaker Rabkin: “I’m calling on Ron Ehrenberg, the chair of the Financial Policies Committee who has a resolution regarding faculty salary improvement.”

5. RESOLUTION FROM FINANCIAL POLICIES COMMITTEE

Ron Ehrenberg, Professor, ILR: “This is our resolution (Appendix 1) which was submitted by last year’s financial policies committee of which I was not a member and I am now going to read a letter of support and more information from Les Trotter, the chair of the committee last year, who is away and cannot be here today.

‘Comments for presentation of FPC motion at Faculty Senate Meeting 9/13/06

In December 1990, Dick Schuler, then Chair of the Financial Policies Committee (or the “FPC”), presented a resolution to the Faculty Senate noting a sharp decline of Cornell faculty salaries relative to those at peer institutions and calling upon the University to rectify this situation. No such steps were taken, however, and the situation persisted.

Working with the FPC in the mid-1990's, Peter Stein, as Dean of the Faculty, led an intense effort to make University administrators aware of this problem. In March 1998, FPC Chair Paul Sherman presented the Faculty Senate with a resolution noting the continual decline of faculty salaries and calling upon the University administration to work with the FPC to design and implement a plan that would bring Cornell salaries back into line. President Hunter Rawlings acted on this recommendation, and we are now nearing completion of the salary improvement program which he enacted. Over the past five years, the goals of this program have played a central role in the annual budget planning cycle carried out by Provost Bidy Martin and Vice President Carolyn Ainslie. Carolyn has also worked each year with the FPC to monitor the

program's progress.

Over this period, Bidy has provided the faculty ample evidence of the success of this endeavor. I offer two additional observations that serve to underscore its cumulative effect: Cornell faculty salaries have increased on average 30% over this five-year period. This should be compared first to the Bureau of Labor Statistics Consumer Price Index, which has risen only 16% over this same period, and second, to the 18% average increase for the 20 peer institutions used in this program. To repeat, consistently over the past five years, our salaries have increased at a rate nearly double that of inflation and exceeds that of our peers by over 65%. These figures are for the Cornell "composite" salary averaged over rank across the entire University; similarly impressive statements hold for each rank. Simply put, the cumulative effect of this program has been striking.

I have been fortunate to have had the opportunity to work with these individuals through the FPC, in the initial effort to put the program in place and then later to monitor its progress. I sincerely regret that I cannot be present today to convey my personal respect and appreciation for their efforts. They surely deserve our unqualified commendation for planning, enacting, and executing an initiative which has strengthened Cornell significantly.'

"Those were Les's words and I guess on behalf of the committee I would like to move the resolution."

Speaker Rabkin: "Any questions or comments?"

Professor Terrence Fine, Electrical and Computer Engineering: "Is there going to be a report from the committee that is a little more detailed than this is? Maybe breaking things down by rank or other information?"

Professor Ehrenberg: "The committee has not met yet this year so I can only speculate on what they will do. But I will tell you that each year one of the first things that we do is to go over with Vice President Ainslie what the results of the past year's program has been. If the Faculty Senate wanted us to come back with some information, by rank, we certainly could do that."

Speaker Rabkin: The resolution. Those in favor say aye, those not, say nay. Senate voted a unanimous resolution."

Speaker Rabkin: "William Arms, the Chair of the University Library Board, will present a resolution."

6. RESOLUTION FROM UNIVERSITY FACULTY LIBRARY BOARD

Professor William Arms, Computer Science: “This is a resolution (Appendix 2) that was presented to faculty meeting in May that didn’t happen because there was not quorum. The then chair, Bob Cooke, introduced it. I’m in danger of repeating the discussion that was there, as though I could repeat anything in Bob Cooke’s style.

“Let me just make a few quick observations and then get to discussion. The relationship between academic publishers and universities should be a supportive and friendly one, but at times it becomes antagonistic. There are perfectly good reasons for this of which, surprise, surprise, the most fundamental one is money, with fear of change the second one. Commercial publishers, in particular public companies, are under enormous pressures to have higher profits every year so that the stock market can be satisfied since they are basically dealing with a fixed market, that’s us. They are forever under pressure to get more money out of a fixed community.

“Some publishers do this in a very friendly manner, some are less friendly. The basic technique used by the more aggressive publishers is to control the academic literature, particularly through the use of copyright. This comes to the attention when we write something that we feel it’s ours. We feel we can decide who reads it; whether we use it for teaching; whether our friends use it for teaching; whether we put it on the website; whether we incorporate it in our textbooks and things like that. If it is controlled by others, we don’t have that flexibility.

“If you missed the discussion about the threats from the Association of American Publishers just to summarize it all, we get in a situation where the trade association for which I have no great friendship, let’s put it like that, is threatening us over things which certainly many faculty members consider to be reasonable behavior. Legally they are absolutely right. So long as we sign away the copyright of the work we do, other people control what happens to that literature.

“Now the Library Board is bothered by this for two reasons. One is because this comes back in the form of monopoly pricing at very, very high prices for journals to the library and money that could be put into other academic activities is actually going into these ever-increasing profits. But I think personally that this resolution is about the other side. The question of lack of control of our academic endeavors seems to be the more serious. So, what’s the library board’s strategy? First of all, it’s to urge the faculty to control our own work, grant to publishers the rights that they need to be successful, but do not give up the rights to carry out reasonable academic activities. The word urge is important. In some fields it’s essentially impossible to publish in any of the leading journals without letting the publishers dictate the terms. In my own field there are enough of what I call reasonable publishers that nobody has to publish with the others. Of course every faculty member makes his or her own decision and we would never urge otherwise. As I said, some publishers have very balanced and good agreements.

I'll cite the American Physical Society or Nature as good examples. I personally would advise everyone to know the good publishers and publish with them.

"The second thing is to negotiate with publishers. It's not a take it or leave it. I was chair of the publications' board of the IEEE. They actually have two licenses, a copyright transfer or license to publish. They won't offer you the good one unless you ask for it. I had a lovely exchange with the ACM, which I shared with Sarah Thomas, the University Librarian. They started out by saying this is the way you can do it, there's no choice. But I pointed out, I was a former Board Member and I knew what the rules were and then they said, we do have this other form. Actually they were junior people who had not been told what the policies were.

"The other thing is, if you do sign away the copyright to your work, do your utmost to retain the rights that matter. And the rights that matter are noted on the second page of this resolution. One way to do that is the form that is being prepared by SPARC and which is referred to on the resolution. I won't go through that form in detail but it's been prepared as a perfectly reasonable thing and we recommend to people to actually try to observe those rights.

"I have gone very quickly through a few points."

Professor David Delchamps, Electrical and Computing Engineering: "I have just a quick question. Suppose this passes, is there some way it gets disseminated widely and repeatedly, or does it just get filed away somewhere? I'm just curious."

Professor Arms: "There are people in the library who would be delighted to help disseminate it."

Professor Wolfram Koeller, Plant Pathology, Geneva: "A question... Do we have any experience with this at all, of how publishers respond to this, or is it just too early to have any feel for responses?"

Professor Arms: "I personally do not. For many years I had my own process. When they sent me a form I didn't like, I simply sent back my own form.

Professor Koeller: "And what were they?"

Professor Arms: "My form was much like this, but a hybrid. Normally I got back from publishers one or two responses. One, is we have an alternate which you might prefer or No you have to use this form. If no to my form, I would then withdraw my paper."

Professor Peter Davies: "What's your opinion or the library board's opinion of the way that some journals are now going to open access to make more profit?"

Professor Arms: "That's a long and complex question. My opinion is that I want people to read my stuff. I'm in a field where a lot of the people who want to read my stuff do not have access to major research libraries. And therefore if my stuff is not up where it can be read, it's not going to get read. And so a leading publication in our field, for example, *D-Lib Magazine*, has been open access from the very start. That's one of the reasons that it's very widely read despite the fact that it call itself a magazine."

Speaker Rabkin: "Okay. Those in favor of accepting this resolution, say aye. Those not, say nay." The resolution passes.

Speaker Rabkin: "What we have now is a resolution from the Vice Provost of Research, Bob Richardson."

7. RESOLUTION FROM LOCAL ADVISORY COMMITTEE

Robert Richardson, Vice Provost: "This is another piece of business left over from the meeting that was not an official meeting last May, because we didn't have a quorum. The purpose of this motion (Appendix 3) is to make into written policy the actual practice of the University.

"Briefly, the background of it is since the end of World War II, it has been the University policy not to permit classified research in our sponsored research. By the way, Leslie Yorke of my office has written a lengthy and detailed history of this particular issue. During the time of the Viet Nam War and going forward there was a lot of skepticism about whether or not Cornell faculty were doing secretly sponsored research that was classified. There was none. It was reiterated several times that this was not the case. It was decided by the Cornell Research Council and my predecessors that the way we could make this obvious is to make the list of all sponsored research and research sponsors, a public document. And we have done that. You can see who sponsors all of the research at the University.

"Last year we had a case of someone who received a very nice, actually generous grant, by a government agency to do some quite wonderful research in a particular field of work that was not in any way classified, but the agency did not want to have its name identified on any public documents. It was to be listed just as US Government. I felt that was not specific enough. I'll tell you what the agency was. It was the CIA. It was in no way a classified research. It was in an engineering area. Anyhow, it broke my heart but I had to reject that grant. It got all the way to the point where they had the check ready to deliver. We couldn't talk them into letting us list them. At that point I went to your committee, you saw a listing of the people, the LAC, authorizing me, and said we have to have a written policy. This has been the practice but it should be in

writing. And that's what this resolution is all about. It dates to 1948. This is a tradition. I think you all have this. After the whereases, we have a therefore, be it resolved. This resolution was prepared by the LAC.

"THEREFORE, BE IT RESOLVED that a listing of all Sponsored Program awards be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award."

"The project title does not have to be specific. There are corporate sponsors of research that would object if you said in the title too specifically in detail what the research was going to be, like procedures for making this thing work on that thing, and so forth because they would rather have that not identified. We are allowed to have very broad title names. All research sponsors are listed.

"By the way in our own local newspaper, *The Ithaca Journal*, every couple of years, in two or three years in a row, you will see somebody writing about all of the classified research that is done up on the hill, up there at Cornell. Our greatest protection against that is to say there is no classified research and you can see who the sponsors are of all our research."

Assistant Professor Andre Kessler, Ecology and Evolutionary Biology: "My question is really what is the real difference between the resolution before and now?"

Vice Provost Richardson: "It's the same resolution. We didn't have a quorum."

Professor Kessler: "Oh, I see. Okay."

Speaker Rabkin: "This one we get to vote on."

Abby Cohn, Professor, Linguistics: "I was just wondering about the 'be it further resolved' and in particular the language says that additional information may be published as deemed necessary by the Vice Provost for Research. I just wanted some clarification about what that meant, what kind of information would a PI necessarily have the right to agree or disagree about the additional information."

Vice Provost Richardson: "The concern there, in discussion with the LAC, is more specifically the format and what's in these columns. They thought it was too restrictive to have it fit into the excel boxes."

Professor Cohn: "So it's just literally a kind of mechanical sense that it doesn't fit one of those columns. It's not some other level of information?"

Vice Provost Richardson: "The spirit of the thing is we want to communicate to the public who is sponsoring our research. If it appears that we are obscuring it somehow or other, we can modify it so that we unobscure it."

Professor Cohn: "So the deemed necessary is relative to the first clause in terms of meeting that objective. So it's deemed necessary to meet these objectives."

Vice Provost Richardson: "Absolutely. Right and I would certainly accept it as a friendly amendment if you want to reword that a little bit."

Professor Cohn: "No."

Professor Davies: "I would like to go back to your specific example, which was the CIA versus just another agency of the US Government."

Vice Provost Richardson: "Right."

Professor Davies: "It seems to me that there are certain things where it is advisable not to bring attention to it. After all the CIA does do some good work. And let's take examples where a research project could be attacked by animal rights' activists, and the genetic engineering people, university buildings elsewhere have been burned down, and it would therefore seem to me that just the statements such as the US Government should be satisfactory without having to insist a particular agency, and bring attention to something about people opposing this research, might then use as a reason to attack university research and facilities."

Vice Provost Richardson: "I understand your point and it was also discussed by the LAC and I disagree with it strongly. I think this could be interpreted as duplicity. If I said to a reporter from the *Ithaca Journal* you could see who all the sponsors are of our research and there's this one that's just listed as US Government that really is trying to obscure who the sponsor is. Your point is one of opinion that I disagree on."

Professor Jerrold Davis, Plant Biology: "I noticed that the title of the resolution really has two parts, openness in research, and public disclosure of sponsorship of research. Yet it seems to me what the proposal is really about is the second part, that there will be a list, it will give names of agencies, amounts of money, names of PIs. But really beyond that, is there anything in this resolution that addresses the question as to how much else can, should, will be obtainable by any party concerning what it's really about. I can write a title to a grant proposal such that four people in the world, after they've had it translated, will know what I'm really doing. And so, is there a problem there?"

Vice Provost Richardson: "That was discussed at length by the LAC and they said it didn't. It's too much micro management to get to thing where you have to have it explained so the layman will understand exactly what your research is about. One of the principle issues that we were getting at with this is, we don't do classified research and we prove it by listing who the sources are for all our research."

Professor Davis: "Well, I'm not speaking so much about the lay person understanding it but rather how much openness there really is implied by this policy, beyond the title of the project."

Vice Provost Richardson: "It's only that."

Professor Davis: "Okay. Thank you."

Speaker Rabkin: "Okay. Just stay on schedule. Is it a very quick question?"

Michael Timmons, Professor, Biological and Environmental Engineering: "It's quick. Back to the CIA example, if that had gone through and an Ithaca reporter then asked to see a copy of the proposal, would you have given it to him?"

Vice Provost Richardson: "That's not necessary. We do not have a policy in our legislation that we give the proposal. For that one, I doubt very much whether the sponsor would have cared. We have a lot of sponsors of corporate research that we care about, that won't want this information available to the competition. You know, just to know what they are working on."

Speaker Rabkin: "Okay. Let's bring this to a vote. Those in favor of approving this resolution for what it covers, signify by saying aye. Those opposed, say nay."

Resolution Approved

"Okay, we're back on track. That's good. We have a resolution from the Educational Policy Committee. David Delchamps will present."

8. RESOLUTION FROM EDUCATIONAL POLICY COMMITTEE

Professor David Delchamps, Electrical & Computer Engineering, and Chair of the Educational Policy Committee: "The substance of the resolution (Appendix 4) is pretty clear. Let me give you the rationale. Very briefly, on-line add/drop enables students to drop and add courses essentially at will without anyone looking at that decision or signing off on it. The Educational Policy Committee felt it was important to restrict the exercise of that right in cases where you are dealing with the student who has been accused of violating the academic integrity code in that course at least while that's being adjudicated until and unless they are acquitted. That's the rationale."

“Those of you who were at the April Faculty Senate meeting may feel a little bit of *déjà vu* here because last year’s EPC brought a similar resolution to the April Faculty Senate meeting. It contained an error in terminology, and Lynn Abel helped us refashion the wording in the resolution. We had meant to cover academic integrity but instead we referred to academic misconduct. That was an error. The committee intended academic integrity. The wording of the resolution that actually passed the Senate that day, as amended on the floor, and I know there are no excuses, but it was the last thing that happened at the meeting and everyone wanted to get going and I think that’s probably what happened. The wording of that resolution actually passed was fatally flawed and almost comically so. I won’t go into the details unless you ask me about it. But we felt, the new EPC this year saw this necessity to repair what had been done by coming up the correct statement of what we intended and what I think the Senate intended to pass in April. And we also took the opportunity to introduce a couple of, two, exactly two, substantive changes in response to discussion at the April meeting.

“Let me point out what those changes are. I don’t want to pull the wool over your eyes and say this is just the same thing we talked about last year. But I think these changes make it a stronger resolution that’s more in keeping with what folks wanted. Change number one is that we have this phrase *without the consent of the instructor*. That was missing from the resolution we had last April. The EPC felt that was important and it also makes this resolution constant with current legislation in the Arts College. We wanted to give the instructor a little more leeway to allow students to drop a course under certain circumstances. That’s in response to discussion here.

“The second substantive change was *unless the student has subsequently been cleared of the charges*. I think it was Fred Gouldin actually at the April meeting who raised the following scenario. Suppose a student is accused of violating the Academic Integrity Code is taken to primary hearing by the instructor, is found guilty by the instructor, appeals to the relevant hearing board in his or her college and while this is all be adjudicated throughout the semester, the student is operating under a great deal of stress. And then finally the hearing board says you are off the hook, ‘We rescind the conviction, you are acquitted.’ Meanwhile that student has been tanking in all the courses because of this. We wanted to make sure that under those circumstances the student could drop the course. And even though we intended that in the original resolution, it wasn’t stated explicated. So it is stated explicated in this one.

“And, I’ll stop there and take any questions.”

Professor Peter Davies: “Is the intention that the student could drop at any time or only during the drop period? That isn’t explicit.”

Professor Delchamps: "I think the drop period overarches and supercedes everything. You have your drop without a W period, then you have your drop with a W period and after that it's you can't drop."

Professor Davies: "So that would still apply?"

Professor Delchamps: "Yeah, I believe so."

Professor Davies: "In this plan would it mean having difficulty for that whole semester?"

Professor Delchamps: "You would have to make the decision before, I think."

Professor Davies: "Then you would tell the student he can't drop it."

Professor Delchamps: "I suppose they could petition that brick wall if it happens in Thanksgiving week, or whatever. I've seen it succeed in cases of illness and family deaths. It seems to me that this kind of extenuating circumstance would be of similar gravity."

Professor Richard Talman, Physics: "Just a technicality - if I understood it you said this was intended to supercede something or other but it doesn't say what it supercedes."

Professor Delchamps: "Okay. Charlie and I talked this over and I said I want to make sure I do the right thing here, parliamentarily. Do we have to vote down or reconsider something that we passed in a previous meeting? Do we have to go through some procedure of that kind? Or should the EPC just bring a fresh motion to the floor and say this goes here in the Code of Academic Integrity? And I think we agreed that this would be the best way to go."

Professor Talman: "Then both things will be there and a reader..."

Professor Delchamps: "Actually the other thing has not made it there. I checked to make sure. Charlie do you want to say something to that?"

Dean Walcott: "Yes. I would like to say something about that. Essentially if you approve this, this will take precedence over whatever is there now."

Professor Delchamps: "And what is there now is what was there before the April meeting. I checked to make sure. I don't know why it didn't make it into the text yet. Perhaps it was because the minutes of the April meeting awaited approval. So now that never happened. I guess is the bottom line."

Rosemary Avery, Professor, Policy Analysis and Management: "I wonder how this resolution relates to a student that is merely taking 12 credits a semester and is given permission throughout this process to drop the course and drops below 12 credits, how that relates to full time status. And maybe also in situations where they are athletes and ineligible play on teams."

Professor Delchamps: "As far as the full time status thing goes, I have seen people appeal low credit hours and be granted the ability to remain in good standing, at least in the Engineering College. I imagine that would be true at other colleges at Cornell. I can't answer the question about athletic eligibility. Maybe somebody from FACAPE is here.

Speaker Rabkin: "Well you would have to petition. You would need a special exemption, a special dispensation."

Professor Delchamps: "Yeah."

Professor Avery: "Can I make a statement? I think this is fairly punitive against the student if they are found not guilty in the end. We really are severely penalizing the students in this situation. Not only in terms of their academic education but also if you have to endure the semester, being in the course you have to keep up in."

Professor Delchamps: "One hopes that those situations are rare. I haven't heard of one myself but I'm sure there's been one or two in my twenty five years on the faculty at Cornell."

Professor Avery: "You mean it's rare.

Professor Delchamps: "No. I think it's rare that something gets past the primary hearing and the student is later acquitted. That's my anecdotal understanding. I don't have any statistics about that."

Professor Cohn: "It seems to me that the language here is quite clear that none of this supercedes all of the policies that are in place and that are handled by the relative ARCs of each college and the academic deans. There's nothing here that suggests that this in any way overrides any other regulations that holds relative to the timing of add/drop petitioned, under what conditions those petitions may be granted and what the consequences of those petitions are.

"I'll make one other remark having served as the Chair of the Academic Integrity Board of Arts and Sciences for a couple of years. I totally applaud this resolution. I have spent undue hours resolving conflicts surrounding precisely this point. And it's a very serious one. I think that the concern for the very rare case where a student might have

been found guilty at a primary hearing and later been found not guilty and the possible consequences to their well being is incredibly negligible compared to the ways we are handicapped as faculty of carrying out our responsibilities without something like this in place.”

Dean Walcott: “I would just like to tell the body that we have a meeting once a year of the Academic Integrity Officers from all the colleges. This was a suggestion that came from them to try and have a uniform policy at least plugging this loophole throughout the University. So this is something that comes via that route.”

Nick Calderone, Professor, Entomology: “I’m just kind of curious that this says without the consent of the instructors. Have you given any thoughts about whether this creates a situation where students are treated differently, where one instructor may feel, sure you can drop the course and one may say, no.”

Professor Delchamps: “Sure. The short answer is yes. I think it does. I think that that’s part of what happens when you have a faculty that likes to have some leeway, some latitude, some room to pass judgments individually. And I think that that’s the price you pay. We’re not machines. I don’t think we all treat the students exactly the same.”

Professor Timmons: “If a student in a course violates academic policy and really it has occurred and there’s no dispute, then the student eventually drops the course for whatever reason. Does that mean that there is nothing on their record that they violated academic policy?”

Professor Delchamps: “Here’s the detail on that. What happens is a faculty member has the right to impose any penalty up to a grade penalty, including failing the course. Anything beyond that, the faculty has to take it to the next level. Go to a hearing board. If a student drops a course the faculty can have the primary hearing in the student’s absence, declare a student guilty, and report that result to the record keeper of the student’s college. The result stays there. If the faculty member wants some annotation to appear on the student’s transcript, the faculty member has to take it to the next level. What we are doing is the faculty has to do more work to make something punitive happen to the student who has dropped the course.”

Professor Timmons: “But it’s somewhat punitive for the fact that the student did commit the academic violation and will appear on their record in some place.”

Professor Delchamps: “It won’t unless the faculty member pursues it to the hearing board level. That’s the irony of the code.”

Professor Cohn: “Could I offer a clarification of that? The way the code is written if it’s only a grade penalty it’s not reflected on the transcript and it’s not permanently

reflected. But, where it is reflected is that the record keeper of each hearing board in each college keeps a confidential file. If there is a second transgression, in Arts and Sciences, it automatically triggers it, it should by the code trigger a hearing board hearing. And that's when more severe penalties are imposed if the first instructor didn't request a stiffer penalty. So that's kind of independent of whether the student stays in the course or doesn't stay in the course."

Professor Timmons: "That means it is there it is still there. That means if the student drops the course, it's still there?"

Professor Cohn: "Indeed. It doesn't evaporate in any way. If there was a violation, it's still there. It's not related to the question of whether the student is or isn't in the course because that is not reflected on the transcript unless these other procedures are followed."

Speaker Rabkin: "We really need to bring this to a vote to keep on our schedule. Those in favor of approving this resolution, say aye. Those opposing, say nay."

Resolution passes.

Speaker Rabkin: "We have one more resolution from Vicki Meyers-Wallen, Chair of the Committee on Academic Freedom and Professional Status of the Faculty."

9. RESOLUTION FROM COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY

Associate Professor Vicki Meyers-Wallen, Biomedical Sciences and Chair, AFPS: "So this is the last topic on the agenda, but please don't leave because we need to vote. This resolution (Appendix 5) was brought to your attention last May and you'll notice that the document that you have in your packet is dated May 24th. There are minor changes in the document since the last May meeting. I want you to know that this year's AFPS committee has reviewed the document that you have in your packet and they found that the minor word changes do not change the meaning or the intent of the policy that was brought to the meeting in May. I have asked last year's committee chair, Professor Stein, to come up please and repeat what he did last May and to introduce this document and to answer your questions and to bring it to a vote."

Professor Peter Stein, Physics: "I thought this was going to be a lifetime occupation for me bringing this document to you because I believe this is the third or fourth time I've done that. But, very quickly, the history is about as approximately as follows.

“Approximately five years ago, my successor as Dean of the Faculty and Charlie’s predecessor, Bob Cooke, discovered a case where a professor in one of our colleges was suspended, I don’t even know if it was a his or her, I think it is a his, I’ll call him a his, but it may be a her...from his job as a professor for some fixed period of time and was very upset to discover that there were no procedures governing this. There were no rules on what the causes there could be for suspending a tenured professor and there was no review of this decision. So he convened a committee to look not at that particular case, but at the procedure by which a faculty member could be suspended. Well that went through successive years of discussion and finally a policy came out. The policy that came out was based on the belief that a suspension was a very serious thing. And that in fact it was almost as serious as firing a faculty member. Indeed it was firing someone but albeit for a limited time instead of a time without tenure so to speak.

“And so what they decided to do was they said well in the first place there should be a limit on long you could suspend somebody for and secondly that there should be due-process before a dean was able to suspend a faculty member. And it outlined a due process procedure, which was very similar to the procedure for revoking tenure of a faculty member. Then the deans objected to that and there was a long discussion between the committee and the deans, which in the words of diplomats the world round was frank and fruitful and brought the two sides closer together but alas did not bring the two sides all the way together. Then what happened was the committee’s final position was brought to the Senate and it was adopted unanimously. Nothing happened for approximately another year. At that time a policy was shown to us called the Provost’s Policy, which was far closer to the deans’ position, as a matter of fact it looked to me sort of like the deans’ position, and quite far from the position of the Senate document.

“Then we had another round of frank and open discussions, and surprisingly enough, few generally diplomatically frank and open discussions don’t lead anywhere, but this one led to success -- this one led to a meeting of the minds. The meeting of the minds, without going into any great detail, in my judgment was substantially the same as the document that this body had passed. That document had some problems with the wording, had some unintentional things, but the intent of the document that’s before you now is essentially the intent of the document that was brought to this body some two years ago, or one year ago, something like that. So, that’s the end of my presentation. I would be happy to answer questions.”

Professor Dick Schuler, Economics and Civil and Environmental Engineering: “This seems to me to be a very well and carefully crafted document that covers virtually any eventuality.

Professor Stein: “I bow my head in humility.”

Professor Schuler: "The one slight opening there that I just wanted to be sure I understood the intent, is the emergency suspension procedures, which I gather don't have any term limit. Is the intention there while at least the faculty member is being paid their full salary while they are in that position that provides some incentive for the administration or whomever to bring that to resolution. Is that the intent of it?"

Professor Stein: "Well, I think that the reason a faculty member is paid his or her full salary is that they have not been convicted of anything. It's a charge, okay. But on the other hand it has to be a very serious charge. We labored long and hard about trying to find words that would describe a very serious charge. And the words that are there are somebody's health and safety. You know these things have to be there. There were a number of limitations that were put on there. One is that it can't last any longer than the emergency that generates it lasts. That's number one. And the suspension itself has to be crafted and tailored to only eliminate those parts that lead to that.

"Let me give you an example, okay. Sometimes if a person is accused of cooking the books in his or her research grants then you can't suspend from that person from going to the library. You can suspend the person from going to their office to take out records on which the charge is based. Nor, I suppose could you deny them the opportunity to teach their classes. It had to be narrowly tailored to what is required by the charge itself.

"But on the other hand there could be emergencies. There could be somebody that went ga ga and was going around with a big stick trying to beat up the students or something. We have to do something about that without any due process. That's what led to these provisions."

Professor Schuler: "My other reason for asking the question is that I understand the intention of where you would want to apply that and you truly need for physical or whatever protection, get the person out. But I was trying to imagine, since it appeared to be somewhat open ended without any formal process to close, it is a mechanism by which someone could be suspended for five years because there's some dire threat. It seems to me the only incentive to bring it to resolution is the fact that we continue to pay him the full salary."

Professor Stein: "Let me just tell you where it started. Where it started was the emergency would be something that harmed the reputation of Cornell. And it was without limit. I mean harm to health and safety and so forth, and/or the reputation to Cornell. The faculty committee felt it was far too broad as a way of defining an emergency. Cornell's reputation can survive."

Professor Cheyfitz: "Maybe it's just me, but I'm confused by the language of number three under minor sanctions. After it says the faculty member who believes that a sanction proposed under procedures for "minor sanctions" is, in fact, a dismissal or suspension" That seems vague to me. I mean if it's a minor sanction, then it can't be a dismissal or suspension according to the definitions you've got here. I don't know if believing something is a dismissal or suspension. It should be clear on the face of that it's a minor sanction and there's no dismissal or suspension."

Professor Stein: "I guess what people had in mind when they wrote those words, they are not my favorite words. But what people had in mind, I think, was if you couldn't go to some room or something like that because there was some good reason why you couldn't, maybe somebody's doing some research in there and they think you are snooping, you can't go there. Is that a dismissal? I mean a suspension? Because one of the things that a suspension can be is to deny you access to certain locations on the campus. So somebody might argue that that is being justification for putting in effect a suspension without calling it that. There was a lot of discussion about what is a suspension. Okay. And could somebody do something that was equivalent to a suspension?"

"On the other side of the case there are things put that says that a reduction of your salary would not be a suspension. I don't think we in general reduce salary. I don't know of any cases where people have but we agreed that that was not a suspension. That certainly was within the deans' legitimate tool kit. Whatever else that was, it was not a suspension. That could in fact be aggrieved. But it could not be considered a suspension."

Speaker Rabkin: "We have people to go on for Good and Welfare so we need to move on. Let's come down to the most urgent questions."

Associate Professor Mike Lynn, Hotel School: "I'm reading suspension, or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension, which is directly contrary to your previous statement. Now it does say it does not apply to a non-disciplinary reduction of salary such as a non-temporary reduction ... that may be implemented at the time of an annual salary review. Because then if it is done in combination with a salary review, then it can be grieved. But it does treat salary reduction as a suspension as long as it's not at the time of an annual review."

Professor Stein: "No. What does that say again, I'm sorry."

Professor Lynn: "This document says that any reduction in a faculty member's salary that is done outside of an annual performance review, is in fact a suspension. It falls under the guidelines. And that's contrary to what you had said."

Speaker Rabkin: "The question is those who want to approve this resolution signify by saying aye. Those opposed, say no."

Motion passes.

10. Good and Welfare

Professor Howard Howland, Neurobiology and Behavior: "What I am about to say reflects my own beliefs and are not necessarily those of my department, Neurobiology and Behavior, which I represent. My remarks are based on my experience last year as a Senator-at-large. At Cornell in the biological sciences, the part of the University that I know best, I can assure you that Cornell has a terrible national reputation in its hiring and retention of women faculty. It is a growing stain on our reputation that must be reversed.

"In the past year three of my female professional colleagues have received what I regard as extremely shabby treatment from the colleagues in their department and/or from their department chair persons and their college Deans. In two cases this has caused women to leave the University and in the third may well do so. I do not propose to detail these treatments here, though I am willing to discuss them individually with any interested person.

"I am acquainted with only about twenty female Cornell professors and you will realize that three such instances are a large percentage of this sample. Assuming an unbiased sample, statistics show that with a 95% probability the total number of female professors so treated each year lies somewhere between more than nine and less than 100 of an estimated 260 female professors at Cornell. But even if there are only three instances of such treatment in the University over the past year, this is three too many.

"Ladies and gentlemen we must do something to prevent unfair treatment to female faculty members. My long experience at Cornell convinces me that the rectification of this problem cannot be left to departments or colleges. There must be a serious initiative at the highest level of the University to oversee the welfare of every female professor untenured and tenured at Cornell. The overseers must have the power when necessary of overruling departmental and college decisions. This oversight must continue until conditions in the University have improved to the point that virtually everyone agrees it is no longer needed. How to proceed? In the beginning I urge the University Faculty Committee to take whatever measures it deems appropriate including the holding of hearings to verify or falsify my perception of the abysmal reputation of the University particularly in the biological sciences in regards to the welfare of female faculty at Cornell. If they find, as I am certain they will, that the

situation needs correction, then they with the Senate and the University administration should implement a program of vigorous remediation. Thank you for your attention.”

Speaker Rabkin: “Our next Good and Welfare speaker is Professor Abby Cohn.”

Professor Abby Cohn: “As I struggle to reconcile my professional and family existences over the past two weeks, I asked myself some questions. I would like to share those questions with you. First is, why do we teach on Labor Day when it is a legal federal holiday and the University is closed? The second question is why is Cornell’s academic calendar completely out of sync with the surrounding public school district? I cite as an example the fact that we started on Thursday, August 24th and most of the local districts started on Wednesday, September 6th. And, indeed, many of our peer institutions also started after Labor Day. I cite here Columbia, Brown, U Penn and Yale; the remainder of the Ivy League not being relevant to the sample. I also ask why we have 13 1/2 weeks of classes in the fall and 14 in the spring. Do we need to study harder in the spring? And, why indeed we actually have between three and 17 days more instruction than the peers cited? I did go through meticulously each of their academic calendars for this year. My final question is, why is the academic calendar the way it is beyond the fact that it’s historical precedent, at least since fall break was introduced back in the 80s and that it’s complicated to change? I know it’s been discussed in the past and I know it’s been found hard to deal with but I would like to suggest that especially in light of the climate issues that we are discussing here, that it might be a timely moment to reconsider. Thank you.”

Speaker Rabkin: “It’s going on six o’clock, I’m ready to entertain a motion to adjourn. “

“So moved.”

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

A. Brad Anton

Associate Dean and Secretary of the University Faculty

Appendix 1

Resolution of Acknowledgement and Appreciation

Whereas the University has pursued over the past five years an intensive program of faculty salary improvement, whose goal was to place mean Cornell faculty salary at least at the mean salary of faculty in their peer institutions;

Whereas this program has dramatically succeeded in achieving this overall goal;

Therefore be it resolved that the University Faculty Senate acknowledges the evident success of this program;

Therefore be it further resolved that the University Faculty Senate extends its sincere appreciation to those individuals whose efforts initiated and sustained this program, recognizing, in particular, the important contributions of:

*Peter Stein, (former) Dean of the Faculty,
Hunter Rawlings, University President,
Carolyn (Biddy) Martin, University Provost,
Carolyn Ainslie, Vice President for Planning and Budget.*

*Financial Policies Committee
May 2, 2006*

*Faculty Senate Approval
September 13, 2006*

Appendix 2**Resolution by the Library Board for consideration by the Faculty Senate. Approved by the Library Board on 24Apr06.**

WHEREAS the Cornell Faculty Senate on 11 May 2005 passed a resolution on scholarly publishing, according to which “The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print and electronic publication, or to retain at a minimum the right of postprint archiving”; and

WHEREAS the Scholarly Publishing and Academic Resources Coalition (SPARC)¹, has made available a standard form that authors may attach to publishing agreements in order to secure a non-exclusive right to make their work available for non-commercial uses; and

WHEREAS the widespread use of such an addendum would educate publishers about the importance scholars attach to the ready availability of their scholarly work for educational purposes²,

THEREFORE BE IT RESOLVED THAT

The Senate urges faculty members to attach the SPARC Author’s Addendum to publishing contracts that they sign unless they arrange to retain copyright itself and transfer only the right of first print and electronic publication.

Discussion

The resolution passed by the Faculty Senate on 11 May 2005 acknowledges the importance of faculty management of copyrights. Faculty create work, often give it to publishers, and then must license it back to use it. The Cornell University Library spends millions of dollars a year to rent access to scholarly material produced largely by

¹ Author's Addendum Intro
<http://www.arl.org/sparc/author/addendum.html>

The above introduction provides a link to the **SPARC Author's Addendum** document
http://www.arl.org/sparc/author/docs/AuthorsAddendum2_1.pdf

² The NIH Public Access Policy pertaining access to NIH research is at:
<http://www.arl.org/sparc/oa/nih.html>

faculty here and elsewhere; departments and individual faculty members license permission to use scholarly material on course web sites; and students pay to use the material through course pack permission fees.

The SPARC Author's Amendment is an easy and effective way of negotiating desired rights. It allows faculty authors to retain the following rights, which otherwise might not be available under the standard contract provided by the publisher:

- The right to make your article available in a non-commercial open digital archive on the Web (such as ArXiv, DSpace at Cornell, or NIH's PubMed Central, as NIH has requested);
- The right to make copies of your article for use in the classes that you teach;
- The right to authorize others to use the article in teaching and research, both here at Cornell and elsewhere;
- The right to modify and use the article in later articles, books, and other publications, without having to ask permission of the publisher;
- The right to receive from the publisher a PDF version of the article, as published.

In the event that a publisher refuses to accept the SPARC Author's Addendum, faculty are encouraged to ascertain which of the above rights the publisher will not allow the faculty member to retain. Faculty should weigh how important those rights are to the faculty member, to Cornell, and to scholarship in general.

The Scholarly Communications program of the Cornell University Library in conjunction with the University Counsel's and other offices on campus stands ready to offer workshops to interested faculty and departments on publication options as well as analysis of individual publishing agreements.

Appendix 3

***Resolution to Affirm Policy of Openness in Research and
Public Disclosure of Sponsorship of Research***

WHEREAS Cornell University has a tradition of free and open research dating from 1948, which was codified as policy in the Guidelines on Sensitive and Proprietary Research (Cornell Research Council, May 20, 1985),

WHEREAS there has been a settled tradition since 1954 of publishing a "detailed list of research projects giving sponsor, title, project, director, amount and time period" (Vice President for Research, Annual Report 1954),

WHEREAS the University Faculty Committee on Research Policies reviewed the benefits of publicly disclosing sponsors of research grants and contracts and recommended (December 14, 1972) that such information be published in the Cornell Chronicle (first published September 1, 1973),

WHEREAS a monthly list of new grants and contracts for Ithaca and Geneva campuses was published in the Sponsored Programs newsletter beginning October 28, 1982, and was disseminated via the Sponsored Programs website beginning July 1998,

THEREFORE, BE IT RESOLVED that a listing of all Sponsored Program awards be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award.

BE IT FURTHER RESOLVED that the format of the publication may be amended from time to time, and that additional information about Sponsored Program awards may be published as deemed necessary by the Vice Provost for Research.

*Local Advisory Committee
May 2, 2006*

*Faculty Senate Approval
September 13, 2006*

Background/Discussion

LOCAL ADVISORY COUNCIL

Revised Draft Statement
Openness in Research
April 11, 2006

It is the policy of Cornell University that a listing of all Sponsored Program awards will be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award. Other information may be published as deemed necessary by the Vice Provost for Research.

The format of publication may be amended from time to time. Currently, the sponsored programs New Awards list is published monthly and can be found at the web site of the Office of the Vice Provost for Research. Choose the Publications tab on the left side of the home page <http://www.research.cornell.edu/vpr/> and scroll to the bottom of the page for "Research Newly Funded."

Appendix 4

***RESOLUTION ON
VIOLATING THE CODE OF ACADEMIC INTEGRITY
AND DROPPING COURSES***

WHEREAS a student charged with violating the Code of Academic Integrity can currently drop the course in which the alleged infraction occurred and suffer no consequences,

THEREFORE BE IT RESOLVED that the following be added to the Cornell University Code of Academic Integrity as Section II. B. 4g. "A student charged with violating the Code of Academic Integrity in a course may not drop that course without the consent of the instructor unless the student has subsequently been cleared of the charges."

*Educational Policy Committee
September 5, 2006*

*Faculty Senate Approval
September 13, 2006*

Cornell University AFPS Committee

Draft Policy on Job-Related Faculty Misconduct

DRAFT: 05-24-06

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors and college or school faculty members (excluding the Joan and Sanford I. Weill Medical College).

Who Should Read this Policy:

I. Definitions:

A. College or school faculty member: as defined by Art. XIII of the Bylaws of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

Note: The provisions of this policy do not apply to faculty members holding appointments with a duration of six months or less, or to those holding courtesy appointments.

B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member's case where the member is charged with misconduct and the member's continuance threatens imminent serious harm to the member or others or to property.

C. Minor sanction: any sanction other than a "severe sanction."

D. Severe sanction: dismissal or suspension.

E. Suspension: A temporary abrogation of the faculty member's rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension for the purposes of this policy, whether or not it is named as such. This policy does not apply to the Joan and Sanford I Weill Medical College, nor does it apply to a non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review (which may be grieved pursuant to the academic grievance policy).

II. Purpose and Scope of this Policy:

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

III. Procedures:

A. Severe Sanctions

1. Duration of suspensions: No suspension, other than an emergency suspension, shall be imposed for a period of less than two weeks or more than 12 months.

2. Reporting requirements for dismissals or suspensions: All dismissals or suspensions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.

3. Suspension procedures for university professors, professors, associate professors, and assistant professors¹:

(a) The term "faculty member" in subsection III A. 3. shall refer exclusively to university professors, professors, associate professors, or assistant professors.

(b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, or if the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member shall be provided with a detailed written description of the charge or charges that form the basis for the recommendation of a suspension. The recommendation of a suspension shall be reported to the Provost, along with the results of any investigation taken. The Provost shall consider the charges and evidence against the faculty member, and may make such independent investigation as may seem appropriate, in order to determine whether there is a reasonable basis to believe that a suspension may be appropriate. If the Provost concludes that no such reasonable basis exists, the recommendation of a suspension shall be terminated. If the Provost concludes that a reasonable basis exists for believing that a suspension may be appropriate, the faculty member may invoke the hearing procedure specified in section III.A.3.(c) below. The faculty member will be informed in writing of the Provost's decision and of the faculty member's right to invoke the hearing procedure. If the faculty member wishes to invoke the hearing procedure, he or she must so inform the Dean of the Faculty in writing within two weeks of receipt of the Provost's decision. In the event that the faculty members fails to so inform the Dean of the Faculty within two weeks, the suspension will commence immediately. If the Provost concludes that some but not all of the charges against the faculty member may form a reasonable basis for believing that

¹ The procedure used for dismissals is the procedure adopted for that purpose by the Board of Trustees.

a suspension is appropriate, the Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against the faculty member.

(c) The charges against the faculty member shall be heard by a hearing panel appointed as follows: The faculty member and the Provost shall each choose four members of the University Appeals Panel. The faculty member's nominees shall choose two of the Provost's nominees, and the Provost's nominees shall choose two of the faculty member's nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the hearing panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.

(d) At the hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. The faculty member's advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel. The chair shall ordinarily not make such a request unless there is a reasonable basis for believing that the faculty member is not effectively able to address the panel or question witnesses, or unless the chair concludes that such participation by the faculty member's advisor or counsel will materially assist the proceedings. The hearing panel may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in hand or selected portions thereof, if in the opinion of the hearing panel, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the panel will afford the faculty member the opportunity to justify that belief. In either event, the hearing board shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

(e) If the faculty member requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel (including copies of all documents received) and the panel's findings and recommendations. The faculty member will also receive an audio recording of all testimony taken, unless the faculty member waives that right. In the event that the faculty member waives the right to receive an audio recording, the panel may make such a recording to assist its deliberations.

(f) The panel shall report its findings to the President in writing within eight weeks of being formed. The President shall then render a decision on the matter. The decision will not be subject to further appeal or reconsideration.

(g) The office of the Dean of the Faculty will provide staff support for the panel.

4. Procedures for suspension and dismissal of college or school faculty members other than professors, associate professors, and assistant professors:

(a) When complaint from any source is made against such member which might lead to the imposition of a dismissal or suspension, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing its own procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.

(b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.

(c) No dismissal or suspension shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

(d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a dismissal or suspension, as described above, applies also to cases where the recommendation for a dismissal or suspension is a result of action taken under any other college or university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"). In such instances, the AFPS may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in hand or selected portions thereof, if in the opinion of the AFPS, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the AFPS will afford the faculty member the opportunity to justify that belief. In either event, the AFPS shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

B. Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

1. If a minor sanction is imposed under a specific university policy (such as "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

3. A faculty member who believes that a sanction proposed under the procedures for "minor sanctions" is, in fact, a "dismissal or suspension" may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. Emergency Suspension

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.

2. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member's rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member's full salary shall continue during the period of the emergency suspension.

3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.

D. The Role of College Suspension Procedures

Nothing in this policy shall limit the right of any school/college to establish its own procedure to regulate the process by which administrators in that school or college decide to initiate suspensions, as long as those school/college procedures do not abridge in any way the applicable procedural rights conferred by any section of this policy to faculty members facing suspension.