

MINUTES OF A MEETING OF THE FACULTY SENATE

October 12, 2005

Speaker Barbara Knuth: “Let us begin. I am the newly elected Speaker, Barbara Knuth from the Department of Natural Resources. I was absent at the first meeting so I thank Jeremy Rabkin for standing in.

“I don’t believe that we have a quorum yet. Because there is no quorum we are going to proceed with the agenda for discussion purposes only. If we do arrive at a quorum we will then proceed with action items as well. Let me begin with routine announcements from the Speaker. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off all of your cell phones. When you speak it would be helpful if you stand and identify yourself and your department or your unit. To my knowledge we have no Good and Welfare speakers so we do have ten additional minutes in the agenda, should we have a quorum and need that.

“Our first item of business is actually to revise the agenda, which I am going to assume we can do even though we have no quorum. Is that not appropriate to do?”

Dean of Faculty Charles Walcott: “I have no idea but let’s do it anyway.”

Speaker Knuth: “I am going to ask for unanimous consent to do this because this is an item that was directed to come back to this body from this body. Faculty Trustee Kathleen Rasmussen would like to report on the Board of Trustees’ response to the resolution that was passed at this body’s September 14th meeting regarding President Lehman’s resignation. The direction of this body was to report back at the next meeting. Assuming that we are going to have a quorum we will, if there are no objections, revise the agenda to place her after the report from Rosemary Avery. Seeing no objections, we will go with that change.

“Our first item of business for discussion is Provost Biddy Martin to make remarks and answer questions. Provost Martin you have 15 minutes total.”

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: “Thank you Barbara. Good afternoon. I thought I would do something a little different today. Instead of talking to you only about what we are doing on campus I thought you might find it interesting what Provosts discuss when we get together, or maybe not. But I thought it would be interesting to see your reaction anyway.

“What I have done is to bring you the agenda from the AAU Provosts meeting, which just took place in Florida during hurricane season, which shows good planning I think on the part of the chief academic officers of the AAU.

“What you have here is really the agenda of the first day, which is actually the most interesting day where you go around the 60-odd Provosts - it’s usually 48 or 50 of whom attend – and talk a little about what the urgent issues on each campus turn out to be. There’s usually remarkable similarity.

“This year’s topics, major themes, included research and economic development. That discussion was lead by Peter Spear, the Provost for Academic Affairs of the University of Wisconsin-Madison. It included three very interesting presentations. The other major topics on the next day were: the recruitment and retention of diverse faculty and student bodies; faculty workload - the best-kept secret; (it turned out that there were, as far as I could tell, no secrets entailed in the presentations); and a panel that I organized on academic freedom. These were the major program items for the AAU Provosts meeting in Florida this year.

“The discussion on academic freedom was very interesting I thought, with presentations from Barbara Snyder from Ohio State University, about the fate of the David Horowitz rights legislation in Ohio - how it seemed to making its way, or not, through the Legislature there. We had a report from Vivek Goel, University of Toronto, about the several very controversial issues at the University of Toronto regarding academic freedom. I presented a comparison of the views on academic freedom of President Lee Bollinger of Columbia University and Jonathan Cole, who is the former Provost at Columbia University, both of whom have published very, very interesting essays on academic freedom and threats to it. I find the comparisons especially fascinating. That was my contribution in addition to the guidance of the panel. Then I thought I would show you the business focus orientation of the so-called nine Provosts who met on Friday in Chicago. This is with a group of Provosts that includes the Ivy League schools, Stanford, MIT and Chicago. Here are our agenda items.

“I’m not sure all the topics are particularly interesting to you, but they actually all have their significance, quite a lot of significance. Some of them, including topical controlled compliance issues, are directly related to rules by the federal government and issues of academic freedom. So, though they may seem somewhat humdrum in their presentation here, they are actually quite significant issues.

“Child care: which is on the agenda everywhere, interestingly. And research administration, which is itself also closely related with some of the compliance issues we are all dealing with and, as I said, they all are related to questions of federal government - what shall we call it - to some degree interference and overregulation in our responses to it, from the point of view of academic freedom.

“Those are the issues of the Provosts at the national level. I thought that might interest you.

“As for the current discussions here on campus with the Deans, we are in on-going conversations about campaign priorities among other things. With the Academic Council, we are in a set of discussions about undergraduate teaching, and also about the

degree to which faculty at Cornell across many different disciplines could contribute to the national discussions about religion and science. We aim to try and articulate some ways in which we could contribute to those discussions.

“Those are the items on my agenda. As always, I am happy to answer questions about any of the things on your mind either on campus or off.”

Professor William Arms, Computer Science: “Biddy, you mentioned some legislation in Ohio. I may be the only person who is unaware of it. Could you give us a one sentence summary?”

Provost Martin: “Yes. Are you aware of the Academic Bill of Rights sponsored by David Horowitz? That Academic Bill of Rights or similar sorts of legislation are currently before a number of state governments, legislatures. Ohio was one state in which it was expected that it would actually pass in the form in which it had been drafted. It didn’t. There is a Bill that will pass, that defines some limits on academic freedom at least in the views of some of the Provosts, in the state of Ohio, that they find quite worrisome. The process is not yet at an end. It’s not yet apparent how it will come out. As you probably know, there was such legislation before the Legislature in Colorado and it failed. But there are a number of other states considering the Academic Bill of Rights and whether there are certain forms of it they may wish to pass, that then would regulate the conduct, at least at the public universities in the states.”

Professor Richard Durst: Food Science and Technology, Geneva: “Academic freedom very much goes along with tenure. Is there any sense of the schools going in the direction of limiting tenure in terms of new hires?”

Provost Martin: “Among AAU Universities, no, not a tendency or a trend to which anyone would lay claim, I don’t think. I mean, are there any universities where there are rising numbers of non-tenured track faculty relative to the number of tenure track? Probably, yes. We are not among them. It’s not the aim of any university to change that ratio as far as I know, at least not for the purpose of constraining academic freedom. It is the aim in some schools and colleges within these universities to increase the number of non-tenure track faculty where the undergraduate educational costs are outstripping what the colleges can afford to cover using tenure track faculty. I think Cornell is - it’s my impression anyway from talking with the other Provosts - that we are doing quite well, that we are holding as firm as any to our commitment to having tenure-track faculty teach our undergraduates, in fact teach our core, and sometimes, in many cases, introductory undergraduate courses. I think that’s all for the good and that’s a goal to which we ought to hold.”

Professor David Delchamps, Electrical and Computer Engineering: “In the e-mail describing the meeting with the Faculty Trustees, they refer to a problem with accessory instruction at Cornell that led to a sort of an aberration of the ‘any person, any study’ Cornell motto. I’m not quite clear what the problem is. I’m curious as to what it was because I know that a lot of our students in Engineering regularly take A&S courses to

satisfy say their communication requirement.”

Provost Martin: “I’m not sure either, since that was a summary of issues that had been raised by groups of people or individuals at a meeting I didn’t attend. I’m not terribly sure. The problem with accessory instruction over time has been a problem of state funding. That is, that the state and SUNY no longer fund accessory instruction to the degree that we need them to fund those students in the contract colleges who are getting a great deal of their education in non-contract colleges, especially in Arts and Sciences. There are constraints on students as you all know, on the numbers of courses they can take outside their own colleges, depending on major and college, and there are always questions and debates among the Deans about how to figure accessory instruction costs. It’s decided by way of a very complicated set of formulae. It’s something that we aim to reconsider very soon, the formula by which we assess accessory instruction cost to the different units. As far as I know, it isn’t standing in the way of students’ ability to take courses across colleges, despite the drop in funding from the state and its inadequacies.”

Professor Steve Shiffrin, Law School: “With respect to the issue that you had in your academic freedom panel, my understanding of the Lee Bollinger position is that universities are trying to promote a particular kind of character and that in pursuit of that, every class must treat both sides of issues. I find that disturbing. I can’t even imagine all of us at this university going deeply into a particular position without considering alternative arguments to the position. I’m curious as to what the reaction of the Provosts in general was to the Bollinger position.”

Provost Martin: “That’s a good question. Did everybody hear Steve? Yes. I agree with you that we... Well, you didn’t ask me if I agree with you. But I’m telling you anyway. Yes. I think that Lee Bollinger’s construction at the Cardozo Lecture speech, what it would mean to have balance in every course, is unrealistic and problematic. I think if you read Jonathan Cole - and I recommend the essay that Jonathan Cole recently published in *Daedalus*; you can get it on line; it’s quite a good essay on academic freedom - Jonathan Cole is much less compromising about what it would mean to determine, as a faculty member, what you think is appropriate for an academic course and its content. The Provosts’ reaction, we actually had a quite interesting debate about these issues. There were Provosts who were quite concerned that we were not focusing adequately on the responsibility side of academic freedom. That is, there are a lot of people who encouraged me to add responsibility to the title, academic freedom and responsibility. I declined, not because I don’t think that’s important, but because I think in the current context what I wanted to emphasize is what I considered to be some threats actually to academic freedom, more than to forms of academic responsibility. But I agree with you that Bollinger’s sense of a certain kind of approach that ought to characterize every course, or a faculty member’s approach to every course, and his notion that every course should present a balanced view of material under discussion runs some serious risks. As a humanist, I would have to say I could think of a number of courses in which it simply wouldn’t make sense. With absolute intellectual integrity it would be hard to figure out exactly how one would satisfy that particular goal. In any case, I think these are issues worth discussion. I think they are worth a lot of discussion here and I know

Brett de Bary, who is the Director of the Society of the Humanities, plans to organize a conference for next fall, I think, on issues of academic freedom. I join her in thinking that this is an important time to do it, even though some of the legislation that had seemed quite worrisome isn't actually making it through the state legislatures and didn't actually make it into the Education Act at the federal level in the ways that people feared it might. Nonetheless, I think it's an important issue and a very apt time for us to be discussing it. There will be people, I am sure even in this room, who think that Bollinger's argument is a stronger one, than say Cole's or my own. But I think as I say these are issues worth a lot of our discussion. I would like to see us undertake some of those discussions openly here."

Speaker Knuth: "Thank you very much. I will announce that we do have a quorum, but just barely, so if there are any Senators who have not signed in officially I would ask that you do that and to all the Senators who are here, I plead with you not to leave until we have conducted our business.

"I will note that we did one item before everybody was here, and that's that I asked for unanimous consent to revise to agenda so that we have added Professor Kathleen Rasmussen as item number 6 to deliver the report that this body asked for, the response from the Board of Trustees to your September 14th resolution. Now I would like to call on Dean Charles Walcott for his remarks."

2. REMARKS BY DEAN CHARLES WALCOTT

Dean Charles Walcott: "Thank you Barbara. I'll be very brief. I have just three things I want to report on. First off, it's our intent to invite a member of the Presidential Search Committee to meet with us every month when we are in session to provide a report on how the search is going. That will be done this afternoon.

"Secondly, I wish to remind you about the reception on Friday afternoon at 4:00 for Jeff Lehman and Kathy Okun which will be over Duffield Hall. I hope very much that you will come and join us to say thank you to Jeff and Kathy for their efforts here at Cornell.

"Finally, I would like to announce that there will be a meeting of the University Faculty Committee with the leadership of the Board of Trustees when they are here next week. Those are two things which were suggested by this body earlier, which we have been able to accomplish. Thank you."

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2005 SENATE MEETING

Speaker Knuth: "Our next item of business is to approve the minutes from the last meeting, September 14th, which were available in advance to the Senators on the web site. I'm asking for approval of these minutes by unanimous consent. Are there any corrections to the minutes? Seeing none and seeing no objections, I declare the minutes approved.

“I would now like to call on Professor Cynthia Farina to deliver a report from the Nominations and Elections Committee.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the University Faculty. “Good afternoon. Here is a brief report, but particularly important, on committee assignments. And just to call your attention to the Nominations and Elections Committee itself, this is the first year that we are actually doing what you approved last year, which is the committee itself suggesting an additional member supplementing the members who are elected at large by the faculty, in order to provide forms of balance of variety of sorts that are inevitably lost any time we do an election at large. That is what this nomination for the Nominations and Elections Committee is.”

Report from Nominations & Elections Committee **October 12, 2005**

FACTA (Faculty Advisory Committee on Tenure Appointments)

Martha Haynes, A&S
Martha Stipanuk, CHE

Nominations and Elections Committee

N'Dri Assie-Lumumba, Africana Studies & Research

Speaker Knuth: “I’ll ask for unanimous consent of the approval of this report. Seeing no objections, I’ll declare the report approved.

“I would now like to call Professor Rosemary Avery who is going to deliver a report to us about the progress being made by the Presidential Search Committee.”

5. PRESIDENTIAL SEARCH UPDATE

Professor Rosemary Avery, Policy, Analysis, and Management, Member Presidential Search Committee. “Thank you very much. Good afternoon Senators. I am your representative on the Presidential Search Committee and I am privileged to serve you along with five other faculty members: Antonio Gotto, who is the Dean and Professor of Medicine at Weill Medical College; Laura Brown who is Professor and former Chair of the Department of English; Juris Hartmanis, Professor Emeritus of Engineering and Senior Associate Dean for Computer and Information Science; Dick Schuler, Professor, Civil and Environmental Engineering; Elizabeth Earle, Professor, Plant Breeding and Genetics; and of course, myself. We are six representatives. I thought it might be useful at this stage to give you an overview; if you don’t know what the set-up is with the Search Committee and what the make up of the Search Committee is and to give you a little bit of a view of who is represented. We’ve got a total of 24 members on the

Committee and three Trustee Emeriti advisors. Of the 24 members, ten are representatives from faculty, students, grad students and the administration, one administrative representative. About 41 percent, actually 41.6 percent, of the committee are representatives of students, graduate students, undergraduate students, and faculty and the administration. And of course Diana Daniels, one of our Trustees, heads up the Committee. We also have retained a search committee firm (Korn/Ferry), who is represented by Bill Funk. It is an international search committee firm specializing in senior level, particularly senior level academic, searches to help advise us in this search process.

“Charlie asked me to give you an overview of where the Search Committee is right now in their deliberations. I can say that I am a fairly new member of the Committee. I was elected approximately five weeks ago. I have attended one meeting but I have been personally very active on the Search Committee so far. I have attended one Search Committee meeting and will of course attend all future ones, if I am able. The Search Committee has come up with a very long and extensive list of potential candidates, which are looked at by all of us. At our meeting in New York City about two and a half weeks ago, we reviewed that list and identified a group of what we are calling ‘resource people.’ ‘Resource people’ doesn’t mean that they are not necessarily candidates, it means that these are people that we can either talk to because we are interested in finding out whether they would be interested in the position or that they might know people and be able to suggest people to add to the list.

“Right now the list is open. It is not being pared down in any way; no one has been excluded. I would encourage all of you who are Faculty Senators, and therefore representative of your department and representative of faculty on campus to add to the list. Contact Charlie, contact Diana Daniels, if you believe there are individuals who might not yet be on the list that you would like to have on that list. The list is still open and being considered.

“At the last meeting that we attended we divided up the Search Committee into groups, smaller groups, that were going to go out and make contact with potential candidates/resource people to find out whether we could add to our search pool. Currently I am on a team, and I think Elizabeth is on a team as well, of three other individuals and we are traveling extensively to meet with these individuals and accumulating information about the search.

“So that’s where we are right now and we will be reporting back at our next Search Committee meeting, next week on Thursday evening, about what we find out and if we are going to add individuals to our search list that we come up with. The only other piece of information that I have for all of you is that we, as your faculty representatives on the Search Committee, really do represent you so if you have anything that you would like to add or say to the Search Committee, we are the conduit through which information should be sent the Search Committee. Feel free to pick up the phone or e-mail those of us who represent you to suggest candidate names or suggest criteria that you want used in the search or at least considered in the search process.

“I don’t think I have left anything out unless you would like me to cover our research. Are there any questions?”

Speaker Knuth: “We do have time for questions.”

Professor Rebecca Schneider, Department of Natural Resources. “Given our status as a land-grant university in which we take pride, when you listed the faculty who were involved you didn’t explicitly mention any who had extension or outreach responsibilities. There may be some, but do you have anybody representing extension, so that aspect of the President’s job will be carefully solicited?”

Professor Avery: “I’m probably not the good person to talk about the selection on to the committee. I was appointed to the committee. I’m part of that land grant university. As chair of my department, I chair the Department of Policy, Analysis and Management, I have a 15 percent extension appointment that’s part of that but I’m not aware that there were any criteria specifically represented for extension. Someone else may be better to speak to this than me.”

Professor Schneider: “Okay, great. Thank you.”

Professor Abby Cohn, Linguistics: “I wanted to make a remark and then ask a question but even that is prefaced by a comment, which is it’s only the most generous interpretation under which we have six faculty representing us on the Presidential Search. Since I don’t personally believe that the Dean of the Medical School counts as a faculty in the sense, in the relevant sense, that most of us meant. So I just make that comment.

“Many of us took the trouble to send in comments about the Opportunity Statement. We were grateful for that opportunity, despite the fact that the window of opportunity was extremely narrow. To my knowledge most of us got no response or acknowledgement, for those comments, or even an e-mail saying thank you for sending these comments. I think that precisely because of the situation we are in, with a lack of sufficient two-way communication and concerns about trust, that the Presidential Search Committee would be bending over backwards to find ways to reassure us that we are being heard. The most common courtesy would have been just an acknowledgement for that input. Many of us have read the revised statement and we realize that there have been changes made to it, but many of us feel that those were rather superficial and we’re concerned about that.

“The question I have is whether you could comment just on how much input was provided and how that was incorporated into the revision?”

Professor Avery: “As I said, I am a relatively new appointee to the Search Committee. I did see your e-mail and I will bring that up at the next Search Committee. The breach of communication, I will definitely bring up to the Search Committee. Elizabeth might be a better person to talk about that part of the incorporation of the Opportunity Statement here. Elizabeth do you have anything to add to that?”

Professor Earle: “No.”

Professor Avery: “I will definitely bring that up at the next meeting.”

Professor Cohn: “How many people wrote in, and how was that reflected in the revision? Weren’t you involved in the revisions to the Opportunity Statement or perhaps Lisa could address that.”

Professor Earle: “The Search Committee was not directly involved in the final crafting of the Opportunity Statement. I received some comments from faculty and I passed them on to Diana Daniels, who I think referred them to the group actually writing the Opportunity Statement. Writing the Statement, per se, was not one of the Search Committee activities, although we were all encouraged to make comments about it.”

Professor Avery: “We did get a draft to review. I did see your e-mail and I don’t know what happened. I will follow up on it.”

Speaker Knuth: “We have time for one final question.”

Professor Michael Latham, Nutritional Sciences: “Well then who was the group that was drafting this and why were the faculty representatives not involved with it?”

Professor Avery: “I believe the process went as follows. I believe that members of the Search Committee met with various groups on campus in open forums and I believe Elizabeth you were involved in that. That was used as the basis for input into that Opportunity Statement. The final revision to the statement - I saw the draft of the Opportunity Statement - I provided some feedback but I was not part of the revisions committee that actually dealt with those revisions. I think this is something that is worth bringing up at the next Search Committee meeting.”

Speaker Knuth: “We do need to move on at this point. Thank you Professor Avery for your comments and remarks. I would encourage any Senators who have further comments for Professor Avery to send her an e-mail and she will pass them along.

“It’s now time for me to move on to our revised agenda item and that’s to ask Professor Kathleen, and Faculty Trustee, Rasmussen for a report on the response from the Board of Trustees to this body’s September 14th Resolution.”

6. RESPONSE TO THE SEPTEMBER 14TH RESOLUTION

Professor Kathleen Rasmussen, Nutritional Sciences, Faculty Trustee. “Good afternoon. I am here to report on the resolution urging the Administration and Board of Trustees to engage in a frank and open dialog with the faculty regarding the resignation of President Jeffrey Lehman, which was passed by this body at its meeting on September 14th.

“The operative part of the resolution says the Senate strongly urges the Board of Trustees to ‘find a way to engage in a frank and open dialog with faculty regarding (a) the nature of the “differences with the Board of Trustees regarding the strategy for realizing Cornell’s long term vision.” (b) How such differences could have arisen between the Board and the candidate of their choice in so short a period of time. It goes on to say the Senate requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting. I am here to do that today. Lisa Earle, your other Faculty Trustee, Dean Walcott and I decided that the best way to proceed was to write a letter to both former President Jeffrey Lehman and Peter Meinig, Chair of the Board of Trustees, in which we brought your motion to their attention and reviewed the options that we thought could address the concerns expressed by this resolution. These options were: First, revise the confidentiality agreement so as to permit both Lehman and the Board to be more forthcoming; Second, develop and issue a statement outside of the confidentiality agreement that responded to concerns of the University faculty; this option was suggested at our meeting on September 14th.; And third, have the Board respond alone as called for in the resolution. We offered to be helpful to both Lehman and the Board in any way that we could.

“Dean Walcott subsequently spoke with both former President Lehman and Chairman Meinig and they considered these various possibilities. Professor Earle and I both spoke with Chairman Meinig. In response to our letter and these conversations, we received the following responses.

“First from former President Lehman in an e-mail to Dean Walcott, which we have permission to release to you. It said in part, ‘I very much appreciate the letter that you and Lisa and Kathy sent to Pete and me. If Pete chooses to follow up with me on any of your suggestions or Pete’s lawyer chooses to follow up with my lawyer, please be assured that I will consider with the utmost seriousness any proposal that they might make.’

“From Chairman Meinig, We all (that’s the three of us) received the letter that was distributed as you walked in the door today. The important features of this letter are as follows. First, the Board has chosen to respond alone, although I know that serious consideration was given to our middle option of issuing a joint statement. Second. There are two compelling reasons for this choice, the confidentiality agreement that exists and what was in their opinion in the best interest of the University. Third. A statement of priorities and reassurance. Fourth. A specific proposal for periodic meetings between the UFC and the Board’s Executive Committee and you have just heard Dean Walcott describe to you the first of such meetings. And lastly, a lack of response to the second issue raised in the resolution, mainly how differences could have arisen in so a short a period of time.

“For those of you who wanted all of the details, this response will surely not be satisfactory. For those of you who wanted reassurance, it is important to hear what

Chairman Meinig had to say, which he told me was developed in consultation with other members of the Board as well as the President and the Provost. And to that end I bring your attention to these sentences from his letter, which say our disagreements with Jeff were not about academic priorities, those priorities continue to include Cornell's commitment to transnationalism and investments into interdisciplinary exploration of the life sciences, in information technologies, and sustainability. He went on to reiterate the Board had differences with Jeff about how to achieve our priorities, not about the priorities themselves.

"That is the end of my report. I am now willing to take questions but I do not know that I will have the answers."

Speaker Knuth: "Thank you. Any questions?"

Professor Martin Hatch, Music: "It seems to me this dovetails well with our last presentation. I feel like it wasn't a sufficient amount of substance in conversation interchanged with our last presenter and there must be common feeling amongst other members of the Senate. I don't know whether we could bring the two together and have a longer discussion of it now or perhaps set aside a much longer period of time in a subsequent Senate meeting.

"The problem is, who is the group here. For example, we talk about a group that wrote the Opportunity Statement and yet the group isn't defined. We don't know which Trustees were involved in crafting this statement. I know some were involved in looking at it, but not enough. There may be a group behind the scenes, a smaller group. There's a group that's going to meet with us but is that group really of any consequence in the discussion in whose going to be the next President. There's a group that our faculty representatives will meet with. Will that be the whole search committee and will that whole search committee really be responsible for making a decision? My point in dovetailing the two is that it seems to me like there is so much more room for opening up the discussion and dialogs. I learned more about the whole process of the President leaving from the Alumni Magazine than I've had in conversation here as a part of the official discussion amongst the faculty. I guess I'm frustrated by it. I don't know how else to put it, except by saying those things to you now and asking the Senate if they want to take any more aggressive action in figuring out what's going on."

Professor Rasmussen: "Let me just clarify this. The meeting with the University Faculty Committee that is coming up next week will be, I believe, with members of the Executive Committee of the Board, not with members of the Search Committee, per se. Now some of the members of the Executive Committee of the Board are also part of the Search Committee. But these are in fact two separate groups and it is communication between the University Faculty Senate and the Board that is to be enhanced by this meeting next week.

"I think it's also important for the members of the Senate to understand that the Executive Committee of the Board consists of individuals who are elected to that: a very

small number, even with the Chair and the Vice Chair. The President is ex-officio to the Executive Committee Board and the remainder of the members, which is another eight or ten of them, are simply the chairs of the Board committees. The vast majority of the people here are the representative body of the Board.”

“Professor Steve Shiffrin, Law School. “It occurs to me that there are questions to be raised that the Trustees could address without violating the confidentiality agreement. That is to say, it is clear that there are strategic issues about how to achieve our academic priorities and perhaps tactical issues about how to achieve our priorities, which may or may not have been the subject of disagreement with Jeff Lehman. They would not need to identify that, but there are issues to discuss, so it strikes me that the UFC should ask the Trustees what strategic issues do you believe exist with respect to the academic priorities. And ask further whether or not it would helpful to have faculty input on such strategic issues. My imagination fails me as to why it wouldn’t be appropriate to have faculty input on such strategic issues. It seems to me that’s at least an area that could open up discussion.”

Professor Dick Durst, Food Science and Technology: “Meinig’s statement was nothing more than what was stated originally in announcing the resignation. Jeff, it sounds like, is willing to try and go beyond the confidentiality agreement. Is that moot now? Has the Board of Trustees more or less said they don’t want to water down the confidentiality agreement to allow more discussion?”

Professor Rasmussen: “I would say in choosing to respond the way that they did, I read this letter as saying that they have chosen to go down this pathway. If the Senate as a body does not like that you can always pass a resolution encouraging them to do something else. Whether that would be effective or not I could not tell you.”

“Professor Stein: “I don’t quite know how to say this except to say that I am outraged at this response from the Trustees and I’m disappointed in the calm that exists in this room. Unless I am missing something, that letter that the Trustees sent to you is nothing more than a polite restatement of the various remarks that have been made. In fact, as the gentleman, Mr. Hatch was it, that said he learned more from the Alumni Magazine and he also might have learned more from the article in The Chronicle of Higher Education. He might have learned more from the Ithaca Journal and he might have learned more from the Cornell Sun. I know I did in all of those cases than anything I have heard in this room or anything I have gotten from the Administration or the Board of Trustees.

“I am outraged at this. The resolution that we passed was specific. It was carefully worded. It seems to have been simply turned aside. Despite the politeness of the letter and the length of it, I consider it outrageous to treat the faculty that way. I don’t think there is any point in passing another resolution. I must say that I was one of the drafters of this resolution and several people I spoke to said why are you bothering, you know what’s going to happen. Of course, they accurately predicted what was going to happen. I always have hope. I think that the shoe is now on your foot, or the ball is in your court, however it is said. We passed a resolution. They rejected the resolution. I think that in

your conversations with them you too should say that you are outraged at the fact that they rejected the resolution in its entirety and that they did not take seriously the desire of the faculty to understand more about this important decision. If you are not outraged then I suppose you shouldn't do it. But for what it's worth, I am."

Professor Rasmussen. "I can tell you Peter that the resolution was in fact taken very seriously. That doesn't necessarily mean that you are going to get the response that you want. I indicated in my report to you that the rationale for the response was what they (they being the individuals who crafted the response who were Chairman Meinig and members of the Board and even some members of our Administration) considered to be in the best interest of the University. Different people can look at that from different perspectives and not necessarily agree with one another, but I can tell you that the request of this body was taken seriously."

Speaker Knuth: "One final question."

Professor David Delchamps, Electrical and Computer Engineering. "I guess I'm more disappointed than I am outraged by this. Unfortunately I didn't notice the letter on the table when I came in. My question is related to sort of a merger between what Marty was talking about and what Peter was talking about. We are talking about groups and the group keeps morphing as different things. Sometimes it's one person and sometimes it's a small cadre of Trustees, sometimes it's the whole Board of Trustees, sometimes it's a small number of the Board of Trustees and members of the University Administration. Really, I'm very curious as to what groups are operating in the various contexts. I'm particularly curious as to what group drafted the letter. As you put it in your report, the Board has chosen to respond alone. Now to me what I'm hearing are the words the Board of Trustees voted to respond alone. Now, okay. You didn't vote as a Trustee. Someone else decided to respond alone. I'm just curious. Can you reveal exactly who crafted this response?"

Professor Rasmussen: "I think I can, but first let me explain that the Board meets four times a year and in between those times the Executive Committee of the Board is charged in the Board's charter to act on the Board's behalf. Given that this came up between meetings, you would not expect that to have come to the Board as a whole. The Executive Committee also has a smaller group of individuals who are acting on a more day-to-day basis. It is my understanding that this letter was crafted by Chairman Meinig, with input from the President and the Provost and some other unnamed to me members of the Board. Provost Martin if you would like to correct me or amplify better."

Provost Martin: "Yes, I would like to correct you. I would like to say something else if I could have the next couple of minutes. I was consulted about the academic priorities. I did in fact check that part of the letter to see whether I thought these were the actual academic priorities to which we were committed. I thought that was a wise thing to do and I did it. That was my role.

"There's something I want to say. I really haven't said much about this. I'm just going

to say the following thing. First of all about the groups of Trustees, I think it's important to have at least some clarification, and then one can still be outraged or still feel confused. It seems like no one is offering a certain kind of clarification that might be useful. The Executive Committee of the Board is composed of something like 15 to 18 people. I should know the exact number, I don't. It's my understanding that when the Executive Committee worked with Jeff on his resignation, that it was a bit bigger than usual because it included the older members of the Executive Committee and the people who in June were about to rotate on to the Executive Committee. So it was a total of about nineteen people. It's not possible, I think, in the eyes of many Trustees to do a lot of work in a group of 64 people. I think we have all experienced that. We experience it here on campus. It's very difficult to do certain kinds of difficult, complicated decision-makings - now I'm not talking about Jeff's resignation; I'm just talking about the work of the Board in general - it's very difficult to do a lot of good work with 64 people in the room, so much of the important work of the Board of Trustees is done by committees. There are a number of committees of the Board and it seems to me it would be helpful to you all to know what the committees actually are, which Trustees serve on those committees, which of your faculty and student-elected Trustees serve on which committees, what the charges to those committees actually are. It seems like that would be extremely helpful, because I think for perfectly understandable reasons, you are operating on the assumption that the 64-person Board, which includes representatives of the Governor of New York, representatives of the Speaker of House of the Legislature of New York and other political appointees, as well as a number of other people that this group of 64 is the group actually does the important work of the Board in all cases. That's just not true.

"I also want to make one other comment. As to the groups of people doing various things, it's frequently Executive Committee. I can tell you what I know about the Opportunity Statement from the last Presidential search. Which is, that these are usually drafted by the search firms or by institutional planning and research offices at universities. I know about the last one, that it was drafted by the Office of Institutional Research and then edited by various people. Something of that sort occurred here. It's never composed by members of a search committee as a group. I don't think there's any sort of hidden plot here to have some small group of not well-meaning people, drafting something without input from others. It's a statement that has a certain usefulness, but not world shattering usefulness. Do candidates read these opportunity statements carefully? Some do, some don't. They are just not earth shattering documents. I think that it's important that they ask for input, but that's somewhat unusual. When I am asked about peers or have been approached by other searches, it's somewhat unusual to have faculty asked if they wish to have input on an opportunity statement because it's simply not the kind of document over which people pore and spend a lot of time. Perhaps they should. I don't know. I'm just telling you what generally happens.

"Finally I would like to say just one other thing. It can certainly be the case that when people decide to keep confidentiality, they are doing it for bad reasons. It happens frequently, I'm sure. It can also be the case that when people in administrative positions, or positions of authority, decide to keep confidential information about personnel

decisions, that they are genuinely doing it in what they consider to be the best interests of the institution. Not to protect themselves personally, that too can happen, but I would ask you at least to consider the possibility that people of good will, such as Trustees, who are being paid nothing but who, by the way pay, a lot of their own money to support this University, may have been acting with good will when they concluded that confidentiality about a personnel decision was in the best interest of Cornell. Not in their best interest as individual human beings, but in the best interest, as Jeff and the Trustees announced in the summer, of Jeff and Cornell. Now maybe that's not what everybody would have considered best. I'm just asking you to consider the possibility.

"Everyone in this room who has been an academic administrator, whether a chair, a dean, a provost or a president, has made personnel decisions that you decided should stay confidential for the good of the individual and the good of the institution. Every single one of you has done that. Perhaps because this is a president, it seems especially difficult for us to accept.

"I want to at least have said - because I don't think anyone else will or will want to or feels they can or should, and perhaps I shouldn't - that this is a really complicated set of events that occurred and a really sad set of events that occurred. There are lot of rumors that have gone around about what occurred and why, that are vicious and untrue. If you think you learned more from the Alumni Magazine that's true, than you could learn from what you are hearing here today, I'd have to wonder. I think they made a decision they thought was best for Cornell. Whether any one of us, including I, agrees with that or not, I think they should at least for a few minutes be granted the possibility that they were acting with good will on behalf of the institution. That's what I want to say. Thank you."

Speaker Knuth: "In keeping with the order of the day, let's move on. Just for your information the time that was devoted to this discussion was time that we took from the Good and Welfare discussion for which there were no speakers.

"I would like to now call on Dean Walcott to introduce the topic of the University Faculty Committee/Faculty Senate discussion."

7. UFC/FACULY SENATE DISCUSSION

Dean Walcott: "Would the University Faculty Committee please come up and sit in the front row here. While you are doing that let me just say a couple of words in general about faculty governance. There are two elected faculty committees that we deal with: the Committee on Nominations and Elections and the University Faculty Committee. The function of the University Faculty Committee is to set the agenda for the meetings of the Faculty Senate as well as to act in some sense as an Executive Committee between Senate meetings. The faculty at this University is about 1550. There are about 100 people, give or take, in the Senate and there are on the order of 10 as the University Faculty Committee. This is a group that meets every other week. It meets with the

Provost, meets with the President. It sets the agenda. It gives me counsel and advice on things that I should do or things that I should not do. It has been involved in the discussion of a number of items. At our last Senate meeting, Abby Cohn suggested that one of the things that would be useful is to have an opportunity for you to actually look at the University Faculty Committee live and in color and to have a discussion with them. As chair, I declare the floor open if anybody has comments or questions that they would like to address to us collectively or individually.”

Professor Abby Cohn, Linguistics: “I think that this is wonderful and really appreciate you acting on it Charlie. I think there is a particular pressing piece of business though that I hope we will address in the conversation today, which is that one of the very positive things that have come out the discussions that we had since August is the decision that the UFC will meet on a regular basic with the leadership of the Board of Trustees. I think that this could be a very useful way of strengthening two-way communication, which has been somewhat weak. I hope you will devote at least part of our time today as faculty in sharing with you our concerns so that you can reflect those concerns in your discussions with the leadership of the Board. I very much hope that the UFC will be willing to come back and face us again and report back on those conversations, and again have a two-way conversation with us.

“I guess the biggest concern for me that has stemmed, or shall really started last April, is seeing multiple situations where it seems that there is a serious lack of two-way communication. I don’t think we have overcome that yet. That’s what I was trying to address in my remarks to Rosemary. Despite the fact that we filled this room on August 30 and expressed our concerns, despite the fact that we did get two additional faculty members on the Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you will carry that to the Board. Part of it is a question of common courtesy, but part of it is a question of how we establish a genuine conversation in this way.”

Speaker Knuth: “Would the UFC like to respond or would you like to hear more from the Senators? “

Professor Brad Anton: “I agree. This stuff drives me crazy.”

Professor Rebecca Schneider, Natural Resources: “Continuing in that light I hope some of these serious issues that the Board makes its decisions on, which are not including the faculty, that’s our concern, would actually then be brought to your attention and get your input, thereby representing us. For example, Professor Shiffrin brought up earlier a strategy by which we would be able to see what the strategies are for achieving the University’s priorities that are under debate and be involved in that discussion, so that we actually feel that we are moving in the direction used in the processes that we think are appropriate. Almost independent of the Lehman situation, are they making decisions that we do feel comfortable with? At a time in the country when there is an important issue of “do what I say because we are who we are” at the federal government level, certain directions are being followed under the guidance of ‘trust me, just do it.’ We want to be

involved. We have good input to provide. We have strong feelings about how the University should be run, as to what strategies are being used to achieve priorities. We do have good ideas for input into that. Hopefully, for that topic alone you will represent us and get involved in that dialogue.”

Professor Dick Miller, Philosophy: “I think one question that has arisen in connection with your working with the leadership of the Board of Trustees is, who the leadership are and how the leadership works in the Board of Trustees. I hope you will take the Provost up on her offer to give us basic insight into easily accessible information in an easily accessible form in the structure of governance, which will suggest the structure of the Board, who is on the Executive Committee, who are the chairs of the committees. If there’s a group within the Executive Committee that does important work in between their meetings, who are they? Who are their corporate affiliations? I don’t think this is in any way is a personal attack on the good will of the people of whom you are working with. I think it involves transparency about authority, about power.”

Professor Risa Lieberwitz, ILR. “I was on the UFC for a couple of terms and so I thought I’d just make a couple of comments about what I found to be so interesting and useful about being on the UFC. Then also a question, because it’s so weird to have you sitting up there and not saying anything. I actually do have a question.

“The thing that I thought was incredibly useful about the UFC was that, in the best moments, we could grab issues that we heard before they were defined, which I think is the theme that is going on here, that we are actually getting early enough input. To some extent, I think it felt almost like serendipity when that happened. You know like when you are in a meeting and your ears perk up and you had a revelation, boy I’m interested in this issue, and then you could kind of engage in it. One of the things I think that we struggled with was, how do we make that more systematic, rather than just sort of simply serendipitous when an issue happened to come up.

“I was going to remind all of us of some institutional history, which was a resolution that the Faculty Senate adopted in May 10th, 2000 at our meeting. It’s the Resolution of Principles of Cooperation and Consultation between the President and the Faculty Senate. These principles were worked out with the President, the Provost, and UFC, and were voted on by the Senate to adopt. I thought this was a really great process, and it came after a series of frustrations, different issues, but the same sort of frustration of not being involved early enough. We came together - the UFC, the President, the Provost – and worked out these principles designed to get early input and consultation as a systematic approach. One question I have is whether the UFC feels like you are getting early notice of issues, or whether sometimes you don’t know if you are getting notice of early issues or not. This is not an issue of good will, bad will. It’s just simply a question of are we in fact having these principles put into effect. The next resolution that we will talk about I think it will be important at looking at institutional history.”

Dean Walcott: “Do you want me to answer that? My sense is that it is working very well. We’ve had excellent meetings with the Provost. I have regular meetings with the

Provost and the President. I think I have a sense of issues that are under discussion and being thought about. There are a fair number of them and they are being brought to the appropriate faculty committees. I think by and large that system has been working very well. That's my general assessment. I could be prejudiced. I would appreciate other people's point of view."

Professor Elizabeth Earle: "The really big visible responsibility of the Board of Trustees is to select and evaluate the President. We have all been very aware of that recently. In general, though, I think most of the big decisions on the Campus are made at the administrative level by the Provost and the President. In most cases the Trustees are guided and are generally in agreement with the suggestions put forth by the Administration. While I think it is a good idea for the UFC to meet periodically with the Board leadership to give them the sense of the faculty concerns, I think the key thing the UFC does is to meet periodically with the President and Provost about issues that are ongoing and of immediate concern. I don't think that we should feel that by having more direct meetings with the leadership of the Trustees we are going to have a better influence than if we try to speak with the President and Provost as long as is possible. I would also like to encourage the Senators and the faculty in general, to bring issues to the UFC. We are not just thinking of these by ourselves. It's very helpful to get faculty input well before something reaches a crisis condition."

Speaker Knuth: "We are going to address David's comment and then move on to our next agenda item."

Professor David Pelletier, Nutritional Sciences, UFC member: "I wanted to address Risa's point because I think it's a very important one. I've only been on the UFC since about June, so I don't have a lot of experience to draw upon. But I do get the uneasy feeling when I'm in the meetings that certainly, as Charlie said, all of the issues that come to us are important and we sink our teeth into them. We typically have differences of opinion amongst us. That's certainly true, but the uneasiness that I have is about the larger set out there. There must be other issues. The University has many, many issues facing it and we can only deal with a subset. I'm not sure how the sorting and filtering happens. I was thinking last night that it feels a bit like dilemma the government regulatory agencies finds themselves in, an information problem. They rely on the regulated industry for some of the information they need and then turn around and regulate them. I'm not sure how that's working. Revisiting that statement of principles would be very useful. I've never seen it. I think it would be a good thing for us to look at again."

Speaker Knuth: "Okay. Thank you very much to the University Faculty Committee for joining us. I would like now to call on David Pelletier from the University Faculty Committee, obviously, to present the resolution on Review of Faculty Governance."

7. RESOLUTION FROM UNIVERSITY FACULTY COMMITTEE TO REVIEW FACULTY GOVERNANCE

Professor David Pelletier: “Just a reminder of the genesis of this resolution that we will put before you today. At the last meeting a resolution was brought forth to create a commission to examine faculty governance. This was prompted largely by the Redbud Woods controversy. It was framed very much the same in terms of the whereases. Discussion from the floor on that resolution suggested that there may be interest certainly in examining faculty governance, and indeed University governance more broadly, but possibly for reasons other than, or at least in addition to, Redbud Woods. Many of us have our own reasons for thinking now is a good time to look at faculty governance, to look at faculty and university governance. It was recommended that the UFC take on the task of revising the resolution and bringing a new resolution to this body for consideration. We have done that. I can say that it only took about two minutes for all of us to agree that this was indeed a good idea to have a look at faculty governance, but in a way that perhaps would appeal to a broader base.”

Dean Walcott: “The resolution was made available prior to the meeting and by e-mail as well.”

Professor Pelletier: “I won’t bore you with reading it to you. Have a look and then we are open for discussion (Appendix 1).”

Speaker Knuth: “Now that the resolution has been presented to you, I would first like to ask for any clarifying questions about content or background, if folks have clarifying questions.”

Professor Abby Cohn: “I’m still fuzzy on the proposed mechanisms for the selection of the committee members.”

Professor Pelletier: “That was discussed last week at the UFC meeting. We discussed the possibility of having an election at-large versus going through the Nominations and Elections Committee of the Faculty Senate. That was an issue of discussion but we found out after the fact, after that meeting, that in fact the by-laws of the Faculty Senate require that if we re going to create a committee, it has to go through the Nominations and Elections process of the Faculty Senate.”

Professor Cohn: “Is the Nominations and Elections Committee going to appoint the whole set of membership or are they putting together a slate upon which there will then be an election and will be voting be done by the members of the Senate or the faculty at large?”

Professor Pelletier: “I see your point. The idea is that nominations would be solicited from the faculty at large. Is that right?”

Professor Walcott: “We certainly would accept nominations from anybody.”

Speaker Knuth: “Let’s ask Professor Cynthia Farina to address that question for clarification.”

Professor Cynthia Farina: “I would be the perfect one to do that because as Associate Dean of the Faculty, I chair Nominations and Elections. Let me begin with the normal process by which Nominations and Elections selects the people whom I bring to you every month and you appoint. We do not appoint committees, you appoint committees. We bring to you nominations for committees. The normal process by which we do that is a combination of soliciting suggestions from the faculty at-large, which typically is done once a year when you get the canvass. Now of course for an extraordinary committee like this, that wouldn’t have appeared on the canvass. Typically we would not solicit from the faculty at-large. On the other hand, I can tell you that we would be happy to have instruction from you on how you would like us to do this. If you choose adopt this resolution, keep in mind that the last part of this resolution says that you want this committee to report back in May. Anything that involves soliciting the faculty at large is a lengthy process, and then for the Nominations and Elections Committee to get together and sort out the nominations and all that, and then come back to you (which can be done only at one of your regular meetings, which you hold once a month), means that this will make the process of selecting the committee go on much longer. Probably to go and get nominations from the entire faculty and to get back to you by the November meeting will be tricky. Is that correct, at least tricky? Right, Diane? Yes. On the other hand, as I said we are your committee. While that would not be our normal process, we would be happy to be instructed because certainly if the faculty chooses to put as much energy into this as this would entail, there is no point in doing this without a good committee.

“It is our general practice to attempt to put a committee before you that is balanced on a number dimensions, which would include unit and disciplinary balance, and balance along a variety of demographic lines that I’m sure you can imagine. Again, unless you instruct us otherwise, that is what we would do when we bring to you a slate of seven. That would be the normal process. If you want us to proceed differently, you would need to instruct us to do that.”

Speaker Knuth: “Are these clarifying questions?”

Professor Stuart Stein: “Clarifying observation. I’m not sure that Abby’s question was answered. But just to attempt to do it quickly, the normal process is to have Nominations and Elections Committee bring you a slate that has as many nominations as there are vacancies to be filled. That’s the normal way of doing it except for the UFC and the Nominations and Elections committee itself. That’s observation number 1.

“Observation number 2 is to Cynthia. I’m not sure that it really would slow the process down in this wonderful age of instant communications. Diane can’t you send an e-mail?”

Speaker Knuth: “Let me just comment that that’s a procedural issue that we could

address outside of this body.”

“Are there any other clarifying questions about this and then we can move into debate?”

Professor Nelly Farnum, Biomedical Sciences, Senator-at-large. “Could you tell us how you came up with a seven member committee?”

Professor Pelletier: “I don’t know where that number came from. Was it in the original resolution?”

Professor Steve Shiffrin, Law School: “In number one, review the actions of the faculty governance over the past 10 years to assess their act. Is that supposed to be impact?”

Speaker Knuth: “It is impact on the e-mail version you received, so we’ll treat that as the correct wording.”

Professor Richard Durst, Food Science and Technology: “Might it not be a good idea to give this committee a name?”

Speaker Knuth: “Are there any other clarifying questions? One more.”

Professor David Delchamps, Electrical and Computer Engineering: “When Nominations and Elections brings a slate to the Senate meeting, it has to be voted on. I was on Nominations and Elections for a few years and I have never seen a slate be rejected or whatever. What are the Senate’s options when it is presented with this sort of slate? Can it say no, go back and give us a new slate? Or, take this person off and put this person on. I’m not even sure.”

Professor Cynthia Farina: “Well, it seems to be that procedurally your options are; to vote it up, or vote it down, or send it back to committee. The other way that you could deal with this is if you choose to have us bring more than seven names. Then you simply come up with some method by which you pick from among them. I don’t know how - I guess a Hare system, or we could do it the way we do officers of the Senate, like your speaker. We send out ballots. That’s the other way we could do it. We could give you a larger slate and then we could send out ballots electronically and ask you to vote.”

Speaker Knuth: “I would like to now open up the floor to debate to make sure we have enough time to debate the substance of the motion.”

Professor Howard Howland, Senator-at-large: “I hate to be a spoil-sport but I would like to speak against this motion. I think we are trying to fix something that isn’t broken. The failure of the communications has not been in the faculty governance. It’s been the Administration and the Board of Trustees. The group that brought this motion to us, I was astounded to realize, had never come to the Faculty Senate to protest. They never said a thing to us. So where do they get off trying to revise the whole faculty governance when they don’t even pay enough respect to us to bring it to our attention. That

astounded me. I really think the problem with the University lies elsewhere. I think the system we have now has worked very well. I think the faculty has expressed itself again and again very clearly to the Administration and to the Board of Trustees. It's not this organ that's broken, it's something else. I say this is just going to be a waste of time and a diversion, which won't help the situation at all. I would urge you to vote against it."

Professor Carol Rosen, Linguistics: "As a linguist I detect that there may be a problem with the interpretation of the phrase 'faculty governance.' Faculty governance to my mind does not mean governance of the faculty. It means the participation of the faculty in governance of the entire University at large. Therefore, as I see it, what this resolution is asking for is a commission to investigate, that is to assemble information, about what mechanisms have been successful at other institutions to ensure the more effective participation by the faculty in the governance of the University at large, including other components, namely Trustees and central administration. It's not about how the faculty should be governed."

Professor Bill Arms, Electrical and Computer Science: "There's a theme which runs through this which is communication, and there's a theme that underlies that which is not explicitly mentioned and might be. That is having enough knowledge to communicate. I was very pleased that Biddy went out of her way to say quite how much the Trustees contribute. With my experience with working with the Trustees, they commit a tremendous amount of their time. Many of them are very generous donors. They really contribute to the fund raising, things which they know about.

"The other thing that strikes me, almost without exception, the Trustees know remarkably little about academic life. Most of their view of academic life comes from four years as an undergraduate. There are exceptions, but not many. Conversely, having been a University administrator more years than I would like to mention, but certainly having sat upon University budget committees for well over 17 years, I know that faculty members on these committees are often not very useful because it takes several years and a lot of homework before people can become knowledgeable enough to really contribute, and to be invited into the key meetings. I was looking at the UFC sitting there and thinking about the comments about the Trustees having 17 or 19 people who make real decisions, and they too are the people who actually know enough to make real decisions in the same way we need a group of people, presumably the UFC, who know enough about the strategic issues that they can really contribute. Attempts to widen the involvement actually means, diluting the amount that anybody can contribute. I personally believe this is a good resolution because I think these topics should be addressed so long as it's seen in this broad way of how can we really tackle some of the systematic problems, and not just the superficial ones."

Professor Risa Lieberwitz, ILR: "I think this is a very good resolution and I think it's good for a number of reasons. One is that I think what happens over time is that we lose a certain amount institutional memory. I think that the idea of looking back over a certain number of years, say five or ten or different numbers, at what the themes are the themes we've seen, is good. I think that those of us who were involved in the

discussion around the biological sciences and around computer science, around e-Cornell, that we saw some very similar themes about the question of what is adequate consultation and whether the administration took seriously enough what the Faculty Senate had to say. I think that the institutional memory would be good. We can also look at the resolution I referred to before, that was adopted in May 2000, on Principles of Consultation and Cooperation between the Senate and the President. I also think to look at the comparisons with other institutions is very important, to see what's going on other places. This might be not only places that have a Senate but also other kinds of faculty structure, even perhaps unionized universities particularly in the public sector, to see if there is any difference, and how faculty governance works.

“Finally I think that the issue of strengthening faculty governance is the key point here. I think we have had very interesting processes here, some that I would consider very productive. However, I do think that there's a general feeling that we do need to strengthen the role of faculty so this kind of commission, I think, could really come with both the memory, as well as the directions for the future and the comparison.”

Professor Steve Shiffrin: “This is another clarification point. It strikes me as both relevant to the value of the resolution and to whether people would serve - Report back to the Faculty Senate no later than May - it strikes me that there's a lot of work that would have to be done with this and I appreciate the point that it might be so much work that the game might be not worth the candle. If it is to be done by May, it strikes me as nearly impossible to do a quality job. If the report back to the Faculty Senate simply means let us tell you where we are as of the point of May, then it seems to me that that's much stronger but it would also be more difficult to recruit people to serve on the committee if they knew that it was a longer term on the committee, perhaps.”

Speaker Knuth: “Can I ask for a response to that point?”

Professor Pelletier: “The latter option is what we had in mind, to report back in a status report on the progress. We did not contemplate the possibility that we would disassemble the committee then. People may think that buying into it is an indefinite process.”

Professor Peter Stein: “I would like to respond to Howie Howland, my friend and colleague Howie Holland. I think it's a fine resolution. I would like to say something that hasn't been said, on why I think this is a really good resolution, to do at this particular time. We have the new Presidential opportunity and this is the ideal time to raise this issue with the new President who comes in without the baggage of the past controversies with the President. I think it's just the right time. I know the Senate, in fact was made at the same time that Hunter Rawlings came in, and that was a very valuable moment to do that. The early discussions with Hunter Rawlings were very, very productive in trying to work out these things.

“I think your statement that the problem is not with the Senate but with the Administration, well maybe, maybe not, I don't know. I think that there are problems. I think that it's conceivable that this group could come back and report, this is just the

finest faculty government that you could have, that would be useful to say. But it may in fact find new ways to interact with the Administration that will improve it. It doesn't necessarily mean that they are going to throw it out."

Unidentified: "I just want to make a very brief statement of endorsement for the proposed resolution. I think that we have heard from many colleagues that the issues at stake really have to do with process and system. That's what we are concerned about. I think when people begin to look at them as issues of personal integrity we all get very tense about them. We really need to move on and see them as questions of processes. I think if we compare what's happening here with other universities, it's extremely timely and really is a way for us to move forward."

Professor Kathryn March, Anthropology: "It seems to me that one of the questions here is why this couldn't be something the University Faculty Committee could do itself. I personally think that it is appropriate. I wonder, however, I sort of like Carol's idea as thinking of it as a commission. The suggestion was that the name of this be considered as a commission rather than just another committee, which could possibly be construed as reduplicative of something we already have. In that light, Number 1 up there, review the actions of faculty governance, it seems to me I'm much more comfortable with language that says review the role of faculty in the University governance. All of this is meant to be in support basically of the undertaking."

Professor Elizabeth Sanders, Government: "I address this comment for people who were concerned with the Redbud Woods outcome and process that we didn't come to the Senate. The Senate had had its last meeting for the year. What happens in the summer? Does the University Faculty Committee meet in the summer? There seems to be no way to harness the University Faculty besides having meetings and only address those of us who are here. People have different issues that they are concerned about. A large number of people were brought together in an attempt to stop the University from doing something they just thought profoundly silly and bad. To raze a woods, which was gifted to Cornell, which had great possibilities for being made the center of environmental education and to do that just seemed quite unreasonable and it seemed to be made without any input from faculty in the sciences, in horticulture, in biology, and in remediation. There are a lot of you who have enormous expertise. I learned a tremendous amount about this subject in the summertime. I don't think that the people who made that decision, the few of them in Day Hall, had that kind of knowledge to make that decision. We never understood why they couldn't consider any of the alternatives, why they would consider half of them, why they didn't respond for seven months to a very distinguished group of scientists headed by Tom Eisner and Carl Leopold. We were just completely ignored and completely powerless. Others of you who may not care about the razing of the woods for a parking lot, but you may find there are other things you care about and decisions are made on grounds that seem not scientific, not reasonable, not even practicable. That was motivation for a lot of us to bring this. I think that as presently constituted, the administration of this University pays absolutely no attention to the faculty in making decisions that are quite within the realm of our expertise. That's wrong."

Speaker Knuth: “Comment from up there.”

Professor Sheila Hermani, Electrical Engineering. “This speaks to everything I think we have been talking about today. So I will start off by saying I’m an engineer. It’s my eleventh year at Cornell and today is the first day I learned that the Faculty Senate has only been around for 10 years. This is a question for everybody as whole - what is the University model here supposed to be? That is, are we a benevolent dictatorship? Are we a monarchy? We are certainly not an elected representative system. The President, whoever it may be, is not elected by and does not have a constituency in the faculty and really has no motivation whatsoever to do anything what the faculty may want to be done if he or she so chooses. What I don’t know is, is there anything in place that sets things up, or does the President speak to the faculty in the University Faculty Committee out of the goodness of his or her heart, and we’re all here out of the goodness of our hearts. This is all relying on everybody being nice to everybody else? Is it the Trustees who run everything? Is the President only a puppet and we just sit here and they talk to us and make us feel nice and fuzzy? I don’t know what’s supposed to happen here. Maybe somebody could enlighten me. Is there legislation? Is there policy? Is there anything written? Is there any code of conduct between the faculty and the Administration? I simply don’t know. I suspect there are other people who don’t know.”

Speaker Knuth: “As Speaker I need to step in here and indicate that by the orders of the day we are compelled to act on legislation by our adjournment time of 6:00 PM unless there is a motion to extend.”

Professor Rosen: “So moved.”

Speaker Knuth: “There is a motion to extend. Is there a second to that motion?”

“Hearing no second, we are going to move on to a vote on this motion. The resolution you have in front of you (Appendix 1). What I would like to do is ask all those in favor to indicate their support by saying aye. All those opposed, please say nay.

“The ayes have it. The motion carries.

“According to the clock (6:00 p.m.) we stand adjourned. Thank you very much.”

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

APPENDIX 1

Resolution to Review Faculty Governance

Whereas 2005 is the tenth anniversary of the founding of the Faculty Senate, and

Whereas several events during the last year have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University,

Therefore be it resolved that the Faculty Senate, using a slate of candidates proposed by its Nominations and Elections Committee, appoint a seven-member committee to:

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;
2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;
3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and
4. Report back to the Faculty Senate no later than its May 2006 meeting.

University Faculty Committee
4 October 2005