

# MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, May, 14, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

## 1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: "This is the last meeting of the year as you can tell by the classes and those super elegant refreshments that were served.

"I have just one item that I want to talk to you about today. It's an item that I've talked about often before, namely the Sexual Harassment Policy of the University. You will recall the Senate passed the resolution and sent it to the Provost three or four meetings ago. The Provost then asked the various constituencies on the campus, in particular the Employee Assembly, the Student Assembly, and the Deans, I suppose, and probably a lot of other people what their comments were on the Senate proposals. He then retired to his think room and thought about what he heard. I can tell you some of what he heard because I was engaged in a lot of meetings with the Employee Assembly, and the Employee Assembly had a number of concerns. But one item that was of some importance to them was the fact that they felt that the document was in some sense overreaching and in some sense represented a faculty desire to shield itself from conviction of sexual harassment against members of other constituencies on the campus. I believe that that's not true, but nonetheless, also putting myself in their shoes, I can understand why some of them may read the document to say that.

"I am pleased to report to you today that the Provost has sent out a mailing to the whole campus constituency, which I suppose will be in your box in two or three days, where he announces what he intends to do about that. I think he expected to be here today, but I will report what is in that mailing because I have seen a copy of it. He made one substantial change in the Faculty Senate's document which was how the faculty co-investigator is structured. The employees complained that there was no need for a faculty co-investigator in cases where a professor harassed his secretary. That seemed to have logic to me also, that the reason for the faculty co-investigator was the belief that a lot of academic arrangements were very subtle and it took a faculty member to understand them, but there are lots of relationships that faculty have with other individuals on campus that don't involve those matters of classroom teaching or academic freedom. The procedures were changed so that the faculty co-investigator would only be called in in cases where there was an academic relationship or an academic freedom issue to be addressed. In addition, the responsibility for making a decision of whether there is to be a charge, not whether the person is guilty, but whether there is to be a charge of sexual harassment, is given directly to the Office of Equal Opportunity. Both of these were complaints that were made by the Employee Assembly with, I believe, some justification.

"The letter also says that the Provost has accepted the general flow of the case that was written up by the Faculty Senate, the policy recommendation that was adopted by the Faculty Senate, and many of the other major editorial changes that they made.

"I believe that this is a happy conclusion to this affair. I happen to think that the item that the Faculty Senate passed was an improvement on the existing Sexual Harassment Policy, and I also believe that the changes the Provost has made in the document to be passed is an improvement to that document. So, I am really pleased that it has ended in this positive way, and I think this is a contribution that the Senate has made to getting fairer and better procedures on the campus in this area. That concludes my remarks."

Professor William Lesser, Agricultural and Managerial Economics: "Next year, could you kindly try to send out the agenda a little bit earlier? That's particularly an issue because under the procedures we operate on if we want to add any motions or suggest any substantive amendments to motions, we're required to get six signatures and get it to your office, I believe, a week ahead of the meeting. Since the agenda often arrives eight days ahead of time, we really don't have much of an opportunity to do that and often just end up voting things up or down."

Dean Stein: "For a new item on the agenda, you're required to get six signatures. I'm not quite sure how it would help because our agendas are always full."

Professor Lesser: "I was particularly interested in substantive amendments to motions on the agenda."

Dean Stein: "Substantive amendments to motions require only the signature of the person proposing it and only has to be there a day in advance."

Speaker Pollak called on President Hunter R. Rawlings III for remarks and discussion.

## **2. REMARKS AND DISCUSSION - PRESIDENT RAWLINGS**

President Hunter R. Rawlings, III: "Thank you very much. Let me say that it's a pleasure to join you again and have an opportunity to spend a bit of time and make a few remarks and I hope to engender some questions, comments, discussion, and I look forward to that."

"I'd especially like to begin by thanking you for serving in this first full year of the Faculty Senate. I know that this is time consuming and burdensome, but I want you to know that we in the administration do appreciate the time you spend, and it is clearly the case that on a number of occasions you make important contributions to policy matters that we are investigating at Cornell, and we take seriously what it is you have to say. We think that this kind of interchange is helpful in informing the process of creating policies and procedures at Cornell on important substantive issues. All of this adds, I think, to our enterprise, and helps us realize joint governance which I take to be the most significant aspect of a good university. So, we do treat the goings on of the Faculty Senate with the utmost seriousness, and we have good interchanges such as the one you have just heard about which I think resulted in improvements in the policy and I think it makes the whole enterprise worthwhile.

"Most significantly, I think you are developing a sense of the whole, and that is the most important aspect of your work to me. That is, you represent the faculty as a whole, you cut across the colleges, schools, departments, programs, centers, institutes, and that helps give us a university-wide perspective from the faculty and it's most important that we have that, especially at this time. Cornell's strength is an inherited advantage, I would argue, over our peers, is our scope. We are rich in resources compared to other universities if you look at the whole, especially in the breadth of disciplines covered by the faculty. We are an unusual university in that respect, and I would argue that that is one of our greatest strengths. You would be hard pressed to find another research university with our range of intellectual inquiry, our diversity of interests, our sheer numbers of productive faculty members, and when I compare us with the other institutions in the Ivy League, we have substantially more breadth, more scope than our brothers and sisters do, and we can derive substantially from that advantage. From music to veterinary medicine, from linguistics to plant science, from human development to nanofabrication, we encompass fundamental and applied research, public and private missions, and state, national and global aspirations. I think we are highly unusual in that regard, and it is one of the reasons Cornell has stood out among research universities in this country for a long period of time. A challenge is to create maximum coherence from this diversity of interests to develop a sense of the whole, shared values, and a common purpose. This has been always at Cornell an especially difficult goal to achieve, where the traditional autonomy of colleges has focused most attention and energy on college specific missions, as is natural in a context like this one, especially where the statutory and endowed units are so clearly defined and differentiated. We suffer more than most universities from a culture that Phil Lewis, the Dean of Arts and Sciences, has termed 'neo-capitalist', that is, research universities generally in the second half of the twentieth century have been expansionists, internally competitive and incremental in the intellectual as well as the economic dimension. Because of those factors, we, especially at Cornell with our great diversity of colleges, have represented this model to a greater degree than most of our peers have. As a result of this model or paradigm, we are attempting now to foster greater academic collaboration across the disciplines, across the colleges.

We are using some mechanisms such as the Provost's academic initiatives fund to stimulate new initiatives, find areas where faculty members from a number of different departments can agree on a particular new pursuit and try to find some funding to give the enterprise a good start. I think we've already begun to see some results from these initiatives, and we would like to see more, and we would like, in fact, to stimulate more interest on the part of faculty members across disciplines to take advantage of opportunities like this.

"We are also developing more university-wide standards, such as those incorporated in the Provost's review of tenure cases and those used in evaluating departments through the academic program review process. You all have certainly been assisting us in both of those last two matters, and we hope you will continue to do so. It takes time to develop these new procedures, and it can be frustrating when you spend all your time on procedural matters, but it is important to get it right, especially when we are looking at as sweeping a review process as the one we contemplate for academic program review. It is important to insure that the faculty has some real sense of confidence in the process, and the only way to do that, I would submit, is to have the faculty involved in developing and designing the procedures and insuring that the faculty feels that those procedures can be implemented primarily through faculty members themselves, with some administrative support and guidance as well. As I see it, that's not a bottom up process or a top down process. It really is a combined process where we have active engagement by both the faculty and the administration, and we are able to create a set of procedures that give us some confidence that we can apply in similar standards across the entire University, and we can make decisions based upon those studies that are done for us and by us in the academic review process.

A number of you serve on committees that contribute to those processes. I appreciate the work you put into that, and I hope that it will continue in the next couple of years until these processes are fully in place and we can begin to derive the benefits from them.

"We are also stimulating greater coordination in other areas as well, such as the University Library and the Admissions Office. I want to mention these to you because they will soon be presented to the Board of Trustees, and I think it's important for the faculty to have some sense of what we are about. We have for many years, as all of you are aware, run a highly decentralized admissions process here at Cornell with overlapping responsibilities and on many occasions, insufficient communication among the colleges. We are in the process now of tightening that organization, consolidating some of its functions, and creating much stronger coordination, we think, across the different units. Above all, we want to focus the enterprise on recruitment, not just admissions. We're in a highly competitive environment now in higher education. It is essential that we recruit with a great deal of care and a great deal of ardency because that's exactly what our competition is doing, and we are restructuring the Admissions Office in order to enable us to do a better job. Similarly, the library at Cornell currently contains 19 separate units and those 19 units in some cases were linked with each other, but in many cases were not. We have some library systems in fact that are quite literally incompatible with each other. Under Sarah Thomas, the new Director of our Library, we are now moving to bring our various libraries much closer together, both administratively and financially with the expectation that we can create a system that ultimately serves the entire Cornell campus better. These kinds of changes always engender a certain amount of anxiety, especially in units which feel that they have had for many years exactly what they want and that any change from that system is bound to be negative. We have already had a number of discussions with deans and others about these matters and we understand those concerns and feelings, but for the future, especially with a digitized library coming faster and faster, we need to have a system that is much more closely coordinated where in particular our new investments are made in such a way that we do not run into the incompatibility we've seen in systems in the past few years. Ultimately, these efforts should give us more opportunity for taking advantage of our strengths, that is our intellectual scope and diversity. In non-expansionary times like this one, size and heterogeneity can be disadvantages if they cause diffusion of strength and dissipation of resources. We should work hard to obviate such tendencies, I believe, and to make our different parts work to each others benefit much more closely and collaboratively than they might have in the past. It's not always easy to effect such changes, but I think that we're embarked on a number of cases on doing precisely that, and I hope that as a result, we'll be stronger.

"I believe you are an important part of this process. Having the Faculty Senate representative of the different colleges and departments is essential if we are to have a sense of the whole and if we are to continue to engender that sense across the campus where the whole is greater than the sum of its parts and where the different parts do interact effectively with one another.

"Permit me now a few more personal thoughts. We're often led today, and I know that I'm often led today, to think of the University very much as a corporate entity and in a lot of the press and in a lot of the public remarks you see made by administrators and others, that is the kind of vocabulary that is increasingly used to refer to the University. We are in fact much like a corporation--we're global in our reach--and we are characterized by many other aspects that are similar to corporations, to be sure. There is some truth in this model. We are a large enterprise with a huge budget. We have shareholders and directors and a personnel system of great complexity, and we operate, as I said earlier, in a highly competitive world. I would argue in just as competitive a world as most corporations, but I resist giving in to this paradigm all the time. We are in essence still an academic community where individual, intellectual transactions count the most, and it's important at least for me to remind myself of that because I spend a good deal of my time in the so-called corporate world, and it's a significant reminder to me to meet with faculty members individually in particular and to have a chance at conversation of the kind that one often does not in that corporate world.

"I've recently had the opportunity to spend a good deal of time with individual faculty members and those conversations have also reminded me of the non-corporate aspect of a great university, the chance to talk with faculty members about ideas and to be reminded also, as Don Randel frequently points out, of the fun that we can have at a university and which I'm afraid university presidents do not engage in often enough, speaking at least for myself.

"I recently had lunch with Mike Abrams, our superb Professor of English, who is still, I think, as active as any member of the faculty, and an hour and a half conversation with Mike is enough to remind one of why one got into this business in the first place.

"I'd also like to single out a few others with whom I've recently had lengthy conversations including Sandra Greene, Biddy Martin, Henry Shue, Dominick LaCapra, and Bob Richardson, just to choose a few from those that I've had a chance to talk with at some length in the past few months. I want to say in front of you, the Faculty Senate, that these opportunities reflect each

one relevantly fresh in the so-called corporate job, and I appreciate those opportunities and hope I can have more of them with you in the coming years.

"Thanks for the chance to say a few things about what we are doing here at Cornell and I'd be happy to answer any questions or take any comments you might have."

Valley J. Stewart, Associate Professor, Microbiology: "I heard you say that there will be sent to the Trustees a plan for increased cooperation between the library systems. Is that meeting to be next week? Could you give a few more specifics about the plan; in particular, what will happen to control the statutory library budgets under that plan?"

President Rawlings: "Yes. We are still working out details on matters such as that of the statutory college budgets in the library, and we have had several conversations between Sarah Thomas, on the one hand and the deans of the statutory colleges on the other. I would say that it's a work in progress, still, but I might ask Don to say a word about the overall structure of this as opposed to the individual parts."

Provost Don Randel: "There is no question that insofar as the statutory libraries are concerned, that funds can't be co-mingled. By statute, there is the requirement that all funds that go to statutory colleges be accounted for separately. At the same time, even within the envelope of the statutory colleges, I think there are possibilities for joint management of collections that can make those collections stronger, save money, and administrative costs within the library system."

"The key ingredient in all of this I think is simply that the University Librarian be engaged with all the libraries and the deans of the colleges that those libraries serve in discussing how they deploy their resources to make sure that we are not engaging in wasteful duplication, which has been the case sometimes in the past."

Professor Peter Schwartz, Textiles and Apparel: "I applaud the notion of doing the university-wide standard coordination. We've been too long a group of colleges connected by a leaky steam system. However, I do have a concern, and that is I'm concerned that the so-called 'applied disciplines' will be treated as subordinates to their so-called 'basic disciplines'. I find this particularly galling because many of the so-called 'applied disciplines' are more highly regarded locally, nationally and internationally than the so-called 'basic disciplines'."

President Rawlings: "Let me just say that from its beginning, Cornell has put great emphasis on both and I don't think that's going to change any time soon at all. What I do think is important is that we try to do more of this wherever it makes sense. We don't want a cookie cutter approach to this. On the other hand, it seems to me, the scope of Cornell is our greatest strength, but it can also be a weakness at times, and I'd like very much to avoid that and to foster as much interaction as possible. I don't think there is hierarchy myself among departments based on whether they are applied, fundamental or any other kind of cut, especially at Cornell where we have several different missions including a highly public mission in New York State which we have served very well and we reap some benefits from that even though we've been through some difficult years with the State of New York. The overall support for this University from the State is very high compared to most other institutions. We don't want to do anything to damage that. So, I think we have to approach such matters very carefully, but I think nonetheless we should push to look at the opportunities."

Associate Professor Jeffrey G. Scott, Entomology: "Recently, Transportation Services unveiled a proposal that will increase parking rates yet again. Given the stagnant nature of salaries for many of the employees and many of the faculty, this sort of act, I think, would be very demoralizing and sort of the employer reaching deeper and deeper into the employees' pockets. Do you plan to allow this rate increase to take place?"

President Rawlings: "I thought I could come to the Senate meeting and not discuss parking [laughter], but I'd be happy to try to answer that."

"First of all, I agree with you, it's annoying to have increases in such fees. I frankly don't know the answer to your question. I literally don't know what stage of the process that each such proposal has reached, but we try to keep those to a minimum. We are also attempting over the next four or five years to do something serious and substantive about faculty salaries and we're going to take extra money to do precisely that. Our goal is to become competitive in faculty salaries. That's one of the most important goals we have."

"In terms of the parking fees, I don't know. Does anybody here know about this plan? Danuta, do you know?"

Professor Danuta Shanzer, Classics: "I think they are planning to present increases over the next two years. I think they are

adding more zones."

Professor Scott: "They have changed the name of one zone, therefore giving it a new name and increasing the rate 12% at that particular zone. We heard that there are going to be efforts to increase salaries. You could start by not taking the money away from the people that you are giving it to." (*scattered applause*).

President Rawlings: "We'll certainly look into that, but as I said, I am not highly aware of that particular issue."

Associate Professor Risa Lieberwitz, ILR: "On the issue of consolidating administrative costs with the libraries, I wonder how high on the list of priorities is avoiding layoffs of employees?"

President Rawlings: "That is very high on the list, and even as we go through Project 2000, which is now picking up some momentum, our estimate is that we will be able to move through that process by using attrition as the primary and almost only means of dealing with the results for employees. We have been examining those models pretty carefully and it looks as though we will be able to achieve that goal. That doesn't mean that in every case we will be able to avoid layoffs, because the changes that occur won't occur precisely where attrition occurs, so there may be some disparity there, but the overall numbers look as though it will be quite similar."

Professor Lieberwitz: "Will there be an attempt to relocate people rather than simply laying them off?"

President Rawlings: "Absolutely, and Mary Opperman, the Associate Vice-President, has devoted herself to designing a system that will enable us to do precisely that. I think that the work with the Employee Assembly has been very helpful throughout the year."

Professor Lesser: "I have a question regarding the *Chronicle* article that followed last month's Senate rejection of a proposed procedure to review negative tenure decisions by the Provost. The article began by saying 'tenure decisions are the responsibility of the Provost acting on behalf of the President'. It then went on to say 'Provost Randel would then have to approve the procedure,' which in this case was voted down. I was a little bit uncertain as to how to take that statement. Was that a misstatement or does your administration take the position that you have the authority to review such faculty procedures and legislation?"

President Rawlings: "Well, my view on that is that it is the Provost's responsibility to head up such reviews and in the end he should be able to do that in the way he best sees fit. On the other hand, he consults with this body and he is interested in the opinions of this body and will certainly try to work through any kind of disagreements, but in the end I think it is the responsibility of the administration to do that in a way that it best sees fit."

Speaker Pollak: "OK, that is all the time we have. Thank you President Rawlings. We will now move on the next item on the agenda."

### **3. APPROVAL OF MINUTES FOR MARCH 12 AND APRIL 9, 1997 FACULTY SENATE MEETINGS**

Speaker Pollak: "The minutes for the March 12 and April 9 meetings have been available to you. Are there any changes or corrections to those minutes? Seeing none, the minutes are approved."

"Now I would like to call on Dean Stein to discuss the next resolution."

### **4. DISCUSSION ON A RESOLUTION FROM THE EDUCATIONAL POLICY COMMITTEE**

Dean Stein: "I just want to briefly give you a little context on this next resolution. In 1962, this faculty passed a resolution saying that all undergraduate students must spend their last two semesters in full-time residence at this University. The same requirement is made on students in Masters degree programs. Approximately six months ago, Walter Cohen and I were approached by Mary Opperman who is the head of Human Resources, and she said that this requirement was very difficult for employees in the Employee Degree Program to meet. If they were to have full-time residence, they would have to stop being employees and that would inhibit their getting masters degrees or undergraduate degrees. She asked Walter Cohen and I to look into this situation. I gave this to the Educational Policy Committee and Walter handed it to the General Committee of the Graduate School. The General Committee of the Graduate School waived this requirement for masters students who are participating in the Employee Degree Program. A similar proposal relating to undergraduate students will now be presented to you by Peter Schwartz, Chair of the Educational Policy Committee."

Professor Schwartz: "Dean Stein has given the rational for the proposal that you received, I have one correction the 'Therefore be it resolved. . .' section. Where it says 'As adopted on June 8', that should read June 8, 1932, not 1962. On November 14, 1962, it was subsequently amended. This resolution basically cleans up some of the language of the 1962 amendment and adds the last sentence that 'Cornell employees participating in the Employee degree program are exempted from these residency requirements.'"

Associate Professor Walter Mebane, Government: "I wonder about the possible ambiguity. Is there a clear definition of who is an employee and is there a clear definition of what is the Employee Degree Program? For example, are Work Study students employees? Are graduate student TAs employees?"

Professor Schwartz: "There is a clear definition of what the Employee Degree Program is. I am not able to answer the specifics on the graduate students, maybe Peter could explain it better."

Dean Stein: "Walter, this resolution is cleverly worded to finesse all of those questions. There is something established as the Employee Degree Program and it has its set of rules which decides who is eligible and who is ineligible and the way this resolution is written, whomever Human Resources decides is in the Employee Degree Program, then the requirement is waived for that person. I do not know the specific answer to your question as to whether Work Study Students could be in the Employee Degree Program, I doubt it.

Unknown: A motion was made to disengage the two types of corrections in the motion.

There was no second to the motion.

Professor Terrence Fine, Electrical Engineering: "So, University Human Resources can determine residency requirements?"

Professor Schwartz: "The faculty determine residency requirements. If this amendment is passed, we agree to exempt anyone who the University certifies as a participant in the Employee Degree Program."

Professor Fine: "But, what is to prevent them from deciding that Work Study Students fit this criteria?"

Professor Richard Schuler, Civil and Environmental Engineering and Economics: "Then we can simply change this resolution. So, I think that ultimately, we remain the controlling party because we can withdraw this amendment."

Professor Locksley Edmondson, Africana Studies and Research Center: "I'm not sure what motivated the speaker, a few speakers ago, to separate the motion. But in the interest of correctness, perhaps the preamble should technically read that these previous items of 1932 and 1962 'be amended, as provided below, primarily to reflect. . .' Those are the only amendments because of the employee situation."

Speaker Pollak: "I am a little uncomfortable with the word 'primarily' so I am going to rule that a substantive change and not a change that we will allow at this meeting.

"There is a motion to appeal the chair's decision. We have a second. Is there any discussion?

"All those in favor of appealing the ruling of the chair, signify by raising your hand. All those opposed, please raise your hand. The opposition has it and the decision of the chair stands.

"We now have a motion to call the question. We have a second. All those in favor of calling the question, please raise your hand. All those opposed. The question has been called and we will now move on to a vote on the motion.

"All those in favor of the resolution signify by raising your hand. All those opposed."

The motion carried as follows:

**WHEREAS**, it is in the mutual best interests of Cornell University and its staff to provide for the continued development of its employees, and

**WHEREAS**, the Employee Degree Program is a valuable component of that effort,

**THEREFORE BE IT RESOLVED**, that the residence requirement for a Cornell undergraduate degree, as adopted by the

*University Faculty on June 8, 1932 and November 14, 1962, be amended, as provided below, to reflect the special circumstances of participants in the Employee Degree Program.*

### Residence Requirements for All Candidates

*A candidate for an undergraduate degree of Cornell University shall be required to spend the last two terms in residence at this University, except that, with the consent of the college faculty concerned, a candidate may carry on the work of either or both of these terms in absentia, provided that before receiving the degree he/she pass such examination or make such report as the faculty supervising his/her work may require, and that during the period of absence, he/she be registered as a student of this University and pay a fee of such an amount as the Board of Trustees may fix. This residence and registration requirement shall not apply to a candidate carrying on work away from Cornell University, and with the prior approval of the college faculty concerned, when such work is equivalent to eight semester hours credit or less. Cornell employees participating in the Employee Degree Program are exempted from these residency requirements.*

"We will now move on to the next item on the agenda and Peter will again put it into context for us."

## **5. DISCUSSION ON THE PRELIMINARY REPORT OF THE PROVOST'S COMMITTEE ON THE TRANSITION OF FACULTY TO EMERITUS STATUS**

Dean Stein: "Vice-President Ehrenberg formed a Provost's Committee to look at transitions to retirement. As in all administrative committees, the Senate appoints half of the faculty to the committee and in this case, we appointed all half dozen of the faculty. That committee has issued its report which was mailed to all members of the faculty. The administration has asked us to consider this report and to advise the committee. The way the University Faculty Committee decided to structure this advice was to have a general discussion at this meeting led by two faculty members appointed to this committee, and then at the meeting in September, we would try to formulate a response, either approving or disapproving of the report. But, at this meeting, we will have no vote."

Professor Emeritus Albert Silverman, Physics: "I am going to present some of my personal viewpoints on some of the issues that were discussed in the report, whether my viewpoints reflect the views of the other members of the committee, I don't know. The report deals with two important questions: 1) how to make life better for Emeritus Professors and in particular, how to make it easier for them to continue their personal and professional relationships with Cornell; and 2) How to increase the number of tenure track appointments. In fact, most of the report is devoted to that topic.

"I will be addressing sections five, six, and seven of the report, which are the sections that are most pertinent to the two questions I mentioned earlier. Section six deals with the way the University reacts to Emeritus Professors. I just want to say a few words about this section, because I think that most of it is fairly non-controversial. A lot of it reiterates positions that have already been taken. In some cases they are positions that have been strengthened in this report. In particular, the question of an office for an Emeritus Professor. The department chairs and the deans were encouraged to find office space for Emeritus Professors. The report changes the emphasis and makes it more of a requirement for deans and department chairs to find some sort of modest office space for all Emeritus Professors. Speaking from my own personal experience, if I didn't have my own office, I certainly would have no way of keeping in contact with my department and my college. There are also some new provisions that will make life better in general for Emeriti.

"In regards to the number of tenure track appointments, there are two ways in which the phased retirement program can increase the number of new appointments we have. One is that it will reduce the mean service time of faculty at Cornell. If we can deflect people into phased retirement, we can keep the numbers around where they were with mandatory retirement. The other way that this helps is that we get some money from it based on the difference in salary that you have to pay a retiring tenured professor and a new young, non-tenured hiree.

"I am going to show you a very simple calculation about the number of new appointments that we expect to get. There are three ways that we can get new appointments. We can get it from the number of people who retire, the number of faculty who leave for reasons other than retirement, and if we're lucky, we will have a considerable phased retirement savings that we can use. We have calculated the retirement factor simply by dividing the number of faculty by the mean years of service. The faculty leaving is a little harder. I have taken that to be the number of appointments divided by four, essentially I have considered those people to be the people who leave because they didn't get tenure. I assumed that seventy-five percent of appointees become tenured. Of course, there are all kinds of other reasons that people leave. Unfortunately I couldn't even venture a guess as to

what those numbers are, so our calculations ignore all those people who come and go for various reasons and assume that in the end they balance out. But, that does not change the effect from the phased retirement program on the number of new appointments. The money saved from each personal phased retirement I have taken to be \$80,000 times .4, .4 is sort of the percentage saved and \$50,000 is the initial salary. So, \$50,000 is how much it costs us to buy someone. I have made estimates based on these calculations in two extreme cases. What if there are no phased retirements? In that case, I assume that the mean service time will increase from thirty-seven years to forty-two years. All of our new appointments will be assistant professor appointments. In the other extreme case is that all the faculty eligible are on phased retirement for five years. If we get to that state, the mean service time will remain about the same, at thirty-seven years. So the number of new appointments you get are fifty-six instead of fifty because the service time is down from forty-two to thirty-seven and a very effective phased retirement program could add quite a few professors a year. If we decide to take the money we have from the phased retirement plan and put it into faculty raises, we could give the faculty a one time raise of 6%."

Speaker Pollak: "Bill, do you want to speak now and then we'll handle discussion when you are finished."

Professor William Fry, Plant Pathology: "I think that the committee was unanimous on two issues: the appointment of new faculty is crucial to the University and that absence or elimination of a mandatory retirement age would negatively affect the ability of the University to attract and hire new faculty members. The goals of the committee were to eliminate the economic constraints that prevented faculty from retiring. The other was to lessen the prestige, the status, the activity, etc., that prevented people from retiring. There are four categories of recommendations that Al did not discuss that were designed to encourage people into retirement: (1) faculty should do proper economic planning so that the economic constraints to retirement would not be as significant; (2) there should be regular analysis of workload so that younger faculty members are not doing extraordinary amounts of work and that older faculty members have cushier jobs than younger faculty members do; (3) we should remove the disincentives of loss of space, i.e. provide faculty members with offices; and (4) to provide the phased retirement option to everyone."

Speaker Pollak: "We have a couple of minutes to discuss the issue, so the floor is now open to everyone."

Professor Kathleen Rasmussen, Nutritional Sciences: "I was concerned when I read your report that it didn't address the issues that were faced by women as directly as it could have. In a situation where we have a defined compensation program and not a defined benefits program and you have a segment of the faculty who is likely to live longer, you do have a differential there in terms of the benefits payout."

Professor Robert Lucey, E.V. Baker Professor of Agriculture and Associate Dean and Secretary of the University Faculty: "Bill, how do you manage this whole thing in an era of downsizing? The statutory units are going through this whole period of downsizing and they take the opportunity when someone retires, of eliminating the position and it distorts the efforts at appointing new faculty to positions that faculty members have retired from."

Professor Fry: "I think that if more people were to move into phased retirement, we could get out of the downsizing trend a little sooner, and allow ourselves more flexibility."

Dean Stein: "Looking at the clock, I'd like to make a motion to refer this to the Committee on Academic Programs and have them report back in the fall term with a motion on which we can act. The reason I say this is that I feel that it is too big and amorphous for us to take action on it and we need someone to generate a motion for us to act upon."

Speaker Pollak: "This is a motion to put it to committee. The motion has been seconded. Is there any discussion on that?"

Ronald Ehrenberg, Vice-President for Academic Programs, Planning, and Budgeting: "I would like to give you a sense of how the process is going to unfold from the perspective of the University as a whole. On the condition that we get a view from the Faculty Senate, there will be an opportunity for us to get the views of the Trustees, Academic Affairs, and Campus Life Committees sometime next week. They will be given a copy of the minutes from the Academic Leadership Series meeting, which I am currently drafting, and I will also give a copy of that to Peter to pass on to the Faculty Senate committee. We have also asked the Emeritus Faculty to give us their views and we will be discussing this with the academic deans sometime later this semester or at the beginning of next semester. If we get the views back from all these different organizations, the committee will convene and we will write a final report that will go to the Provost sometime in mid-November. There are a lot of things that were discussed at the Academic Leadership Series, but I want to say that there are three things that came through to me clearly: first, was the issue of lab space for Emeritus Professors was not adequately addressed in our report; second, many faculty were against proposals that capped faculty retirement at any level, and virtually every faculty member with the



exception of one or two are against the idea of temporary salary raises that could be instituted and taken away at some later date in an interesting compensation system; and third, is that there seems to be fairly widespread support from the members of the faculty that were present at the meeting for having periodic reviews of tenured faculty members. A lot of people seemed to like the system that was instituted in the Johnson School where these reviews occur prior to the individual going on sabbatical, and if there are deficiencies in the person's record, then the sabbatical plan is structured in such a way that the sabbatical could improve the deficiencies in the record."

Speaker Pollak: "There is a motion on the floor, and I would like to keep the comments confined to those that are specific to the motion."

Professor John Abowd, ILR: "I'm going to make the same argument that I made at three UFC meetings, because I think it needs to be on the floor. When we instituted this form of faculty governance, we did it with the active participation of the members of this body and our delegated representatives on these joint administration-faculty committees, with the intention that this would greatly reduce the faculty committee time burden that people who participate in faculty governance commit themselves to, which basically means that our representatives on such committees should bring back to us their recommendations and then we should, as a deliberative body act on them. There was some reluctance by the members of this particular committee to offer us either the motion that we approve this, or a set of amendments that they would recommend we should approve. That is what I think should have happened. I don't think we should refer this to another committee. As a general rule, I think it is our job to make this system where we reduce the amount of committee work that faculty members do, work. It was a very important part of the way that we structured faculty governance. If we take everything that comes before us and send it out to a special faculty committee, then we do not accomplish one of the things we were trying to accomplish. I would like you to think about this before you vote to send this out to committee. I think it would be easy for someone to propose to the UFC that the report be approved by the Faculty Senate."

Speaker Pollak: "If there aren't any objections, I'd like to call the question."

Professor Fine: " Yes, on a technicality, I really don't think that it would belong to Academic Programs, I really think that it should belong with Academic Freedom and Professional Status of the Faculty. That's not arguing against Professor Abowd's point, that is a separate point. Maybe the Dean would like to speak to his reason for choosing Academic Programs."

Dean Stein: "I'd be happy to, and I think you are quite right, it probably does belong with the Academic Freedom Committee than with Academic Programs, but my experience is that the workload is very variable on committees and people are not on them because they possess any particular expertise. My notion was that a random group of seven faculty members on one committee could consider it just as well as any other committee. There are certain committees that are sort of special like the Financial Policies Committee and the Academic Freedom Committee that have certain assigned duties. The Academic Freedom Committee has been very engaged over the past year in the Sexual Harassment issue and I think that the Committee on Academic Programs has only met once or twice during the year, I don't think that they have been worked very hard, so it was on that basis alone that I made my proposal. But, you could amend it to make it go to the other committee, I suppose."

Speaker Pollak: "I would now like to call the question. All those in favor of sending this to committee, please raise your hand. Thank you. All those opposed to sending this to committee, please raise your hand. Thank you. It is very close. Unless there is any objection, I am going to do this by a hand count. All those in favor, please raise you hand. All of those opposed. The motion is defeated. There were twenty-one for and an excess of twenty-five against. Since there is no vote on this, we will end the discussion here and move onto the next item on the agenda which Peter will introduce.

## **6. RESOLUTION TO FORM A COMMITTEE TO DEVELOP "OPTION 3"**

Dean Stein: "At the first meeting this year, we had a face-off between Option 3 and Option 6b, on the matter of how we interact with tenure decisions. In a very close vote, even closer than the last vote, we chose Option 6b over Option 3. Option 6b was duly developed and defeated decisively by this body at the last meeting. Two members of this body along with four co-sponsors sent in a resolution asking the body for authority to appoint a committee to develop Option 3. I believe this is in order, I believe Robert's Rules make this an item that can be considered. The argument is that Option 3 received almost as much support as Option 6b, so why not allow that group the opportunity to develop their motion."

Professor Gordon Teskey, English: "The rationale for our proposing to form an Option 3 committee was that it lost a very close vote, and since it was defeated by Option 6b, which was fully developed into a procedure which was decisively defeated by this body last month, we decided that we should take a closer look at Option 3. As the President said earlier today, it is the Provost

who has the final word on the tenure procedure--it is our position only to advise him. It was however, the Provost, who initiated this search for a different way to advise him, and since Option 6b was defeated, I think that we should flesh out Option 3. I would like to emphasize that this is not a vote for or against Option 3 at this time, but rather, just an authorization to proceed with the development of Option 3 into a full proposal that might be voted down just as resoundingly as Option 6b was."

***BE IT RESOLVED***, that a committee of the Senate be formed to develop "Option 3" (a standing advisory committee to the Provost) into a full procedure and

***BE IT FURTHER RESOLVED***, that the committee report to the Faculty Senate this fall.

Associate Professor Kerry Cook, Soil, Crop, and Atmospheric Sciences: "I was on the original Option 3 drafting committee and in our committee, we confined ourselves to the philosophy of Option 3. It seems to me that you might be opposed to the development of Option 3. One is that you might not agree that faculty should review all of the tenure decisions. Another reason is that you are worried about faculty time, the amount that it is going to take to review all of the tenure decisions. On our drafting committee we realized that there is a very wide range of faculty time commitments that could be designed into the system. So, having a charge to develop Option 3 would allow us to have a closer look at that. Probably developing a new Option 3 drafting committee would be thinking about faculty time because of the discussions that have gone on here. They can design a system that puts a very light touch on the faculty review system and then has a more fully developed system that will kick in for borderline decisions."

Professor Fine: "This strikes me as a second bite at the apple. It was discussed. There was a long period of discussion on this, it did not go both ways, Option 3 was defeated, granted it was a close defeat, but nonetheless it was defeated. We tend to go forward and not turn around and churn up old ground. I spoke with the Dean and I do believe him that this is technically legal and is technically allowed. So, here we are again considering something that we have already defeated. I just don't think that it is very good hygiene even though it is legal. I didn't like it before, I still don't like it, but here I am having to deal with it again."

Associate Professor Jeff Scott, Entomology: "I think you're right, I think Yogi Berra would have loved to be a Senator, because I think this is 'deja vu all over again.' There was opposition to 6b because it was too much work. No matter how you restructure it, this is still meant to be a very large package. Is the system that broken that we want to go through all that effort? I don't think that we need to revisit this issue again."

Provost Randel: "Perhaps I should clarify my own position on this since it was alluded to earlier. I think that the infamous gang of four is a responsible group of people, very hard-working. I would be very happy to labor on with that same gang. Of the two proposals, I personally prefer Option 3, and if it is the will of this body, I would be happy to work with it. Is it broken, I do not, at the moment, believe that it is."

Professor Lesser: "Provost Randel, I wish you could clarify what you mean by working with a committee. What gives me pause in this case is that a committee reviews the case in some depth and then the Provost, acting on behalf of the President, decides against it anyway. Would you accept the judgment of such a University committee in lieu of your decision?"

Provost Randel: "Certainly not in lieu of my decision. The authority is invested in the President and delegated to the Provost. The Provost will always have the option of disagreeing with the committee on its recommendation. I think it would be astonishing, if after having created such a body and having elected respectable people to it that the Provost would very often if ever reject one of their recommendations, but in principle, it will always be possible."

Speaker Pollak: "The question has been called and the motion was seconded. All those in favor of calling the question, please raise your hand. Thank you. All those opposed. Thank you. The motion carries, we will now move onto a vote. Please remember that this is a vote only to create a committee to draft Option 3. It is not a vote in favor of or against Option 3. All in favor of the resolution signify by raising your hand. All of those opposed. We will have to move to a roll call vote."

The motion carried 34-25.

Speaker Pollak: "The motion carried, so we will form the committee to draft Option 3. . . "

Professor Fine: "Mr. Speaker, I move to reconsider and enter upon the minutes."

Unknown: "What does it mean?"

Professor Mebane: "I think it is a third bite at the apple." (laughter)

Dean Stein: "Is there a second to the motion?"

Crowd: "What does it mean?"

Parliamentarian: "It is a motion to reconsider your vote and enter that consideration into the minutes."

Dean Stein: "Is it proper to call orders of the day considering the hour?"

Parliamentarian: "It requires a second and a vote, which means that it would come up at the next meeting."

Speaker Pollak: "The motion has been made and seconded, so all those in favor of reconsidering and entering into the minutes, please raise your hand."

Professor Fine: "Point of Order! I do not believe that this motion needs a vote. I believe that a second is sufficient. If it were to need a vote, that would defeat the purpose of the motion."

Dean Stein: "I believe that this is a terrible way to end the year, we have lost our quorum, and we are ending in shambles."

Speaker Pollak: "As Peter has pointed out, we have lost our quorum, so we will resolve this and resume in September."\*\*

Adjourned 6:07 p.m.

Respectfully submitted,

Robert F. Lucey, Associate Dean and Secretary of the University Faculty

\*\* Considering the circumstances under which the meeting ended, Speaker Pollak was asked to review and rule upon Professor Fine's motion to "reconsider and enter upon the minutes." The purpose behind the said motion is to protect the majority viewpoint from being subverted at times when people who hold the minority position temporarily outnumber the majority.

The following stipulations from Robert's Rules of Order, govern the use of the said motion:

1. "In an organization that does not have regular business sessions as often as quarterly, it cannot be moved at the last business meeting of the session."
2. "It cannot be applied to votes on motions whose object would be defeated by a delay."

Speaker Pollak overruled the motion on two grounds:

- - a) This was the last meeting of the business session and there would be a four month break between that meeting and the next meeting. (violating #1 above)

- b) The resolution required "that the committee report to the Faculty Senate this fall." In delaying discussion of the resolution to the first meeting of the fall, it would make it impossible for the committee to report to the Senate in the fall, thus defeating the object of the resolution.

Speaker Pollak also noted that since it was only a decision to formulate a committee and not an expression of approval for "Option 3" which the Senate could still defeat once the Option was drafted.

He also noted that the Senate could review and overrule his decision regarding Professor Fine's motion at the first meeting of the Senate in the fall. If the Senate did so, the 'Option 3 Drafting Committee' would simply cease to exist.