

MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, September 9, 1998

J. Robert Cooke, Dean of Faculty: "I'm delighted to report that we do have a quorum and that we may begin on time. I have one very brief chore to take care of and then we really can get under way."

1. ELECTION OF THE SPEAKER

Dean Cooke: "The Speaker of the Senate is elected annually and the University Faculty Committee is interested in proposing some additional procedures so that we provide for some rotation. But the Committee suggested that we ask the previous Speaker to continue for this year. So let me open the floor for any other nominations that would be sent to us by way of the University Faculty Committee and ask if there are any other nominations from the floor for Speaker. Did I give you time enough to figure out what I've said? And if not, then I'll assume that there are no additional nominations. The chair would welcome a motion to close nominations and elect Professor Pollak back. Mary Beth Norton is noted for having moved it. All in favor raise your right hand, all opposed. We have a Speaker."

Speaker Pollak: "I liked it better last year when I was in Paris while you were voting -- I felt like a graduate student. We'll start off with some opening remarks from Dean Cooke."

2. REMARKS BY THE DEAN

Dean Cooke: "I'd like to take about ten minutes to share some context and indicate some of the thinking that has taken place over the summer with the University Faculty Committee, which met a number of times. However, some of the items that I would like to talk about are placed later in the agenda and various individuals will make those reports on my behalf.

"There are two major responsibilities of the University, of both teaching and research, and we have been recognized as a world treasure in an accreditation report a few years ago, and that means that we have not only achieved distinction, but it places a pretty heavy premium on the assurance that enough energy is devoted to the system to sustain that level of commitment and produce the outstanding quality in both teaching and research. So we are proposing two initiatives: one dealing with the undergraduate experience and one dealing with the research university. And I'd like to describe those very, very briefly.

"Last May 19, there was an Academic Leadership Series session over in Call Auditorium which dealt with the undergraduate experience and there were some opportunities for improving that experience and I will not repeat those discussions here, but simply state that if you are interested, the summary of those meetings is now available, and we'll eventually get them on the web site so that you can see them. I know that at least 40 members of this body attended that, I'll take it as a given that you already heard of some of the things that are coming our way by way of having looked at surveys of graduating seniors, and surveys of attitudes of parents about the quality of the experience at Cornell. So I'll skip over that and talk about how we might go forth and move from that. My reading of it is that the greatest opportunity for improvement is in faculty/student interaction. Not the technologies, not the pedagogies, but how we treat each other is the message that I take away from that experience and from the surveys. So, we're proposing some steps that might help facilitate that process. I'll start from the premise that I assume Cornell faculty wish to do an outstanding job and try to talk about some things that would make that work more easily for you.

"The first is to try to marshal the University resources that should be certainties and service as effectively as we can within the constraints of the budget. One thing that many of you already do is to supply photographs of students. You actually manually take those so that you can learn the names of your students and so that you can call them by name when you see them in class or in campus. I believe that it does make a difference in the effort to learn the names and I know some of you do an outstanding job with this. But I think that it would be much easier if we had the photos that are on the student ID's, if they were supplied with the class list so that you would have this additional piece of information to facilitate that pass. We're working on a pilot program and we have the photographs for the freshmen, so we will concentrate on courses that are predominantly catering to freshmen. I don't know the timetable; we will try to supply that. We also can supply the netID's with your class list so that you don't have to take the time to look them up so that you can have e-mail communication with your class. This is something that is already in the system and it

is just a matter of realizing that these need to be made available.

"We'll also do something in January -- proposing a session, a workshop -- in which we share best practices, try to assemble some of the most distinguished teachers in the University and have them describe for us things that they have found, over the years, that really make a difference in student satisfaction and how they manage their large courses.

"There are also some long-term things that I hope to work on. For example, Professor Emeritus Edgar Raffensperger, a long time friend of mine, suggested that when we design the buildings, we should have a small classroom adjacent to every large classroom so that as the discussion continues and spills over that you're not forced to leave the classroom so another large class can use the auditorium and have a place where face-to-face conversation can take place or where students can be waiting for their classes to begin. So those are the kinds of things, and there are many, many more, that we hope to explore.

"On the research environment, Professor Richardson has agreed to lead a colloquium on The Future of the Research University. You may remember that this body sponsored one at the time of President Frank Rhodes' retirement -- organized and sponsored a group on the future of the research university. There is much more to be done on that topic. The colloquium would honor former President Dale Corson. So it would be the Dale R. Corson Colloquium on the Future of the Research University and Vice Provost Richardson will take the lead in helping us organize that.

"I've shown you a similar figure, but the one I showed you before had the Medical College data on it, but this one ([Appendix A](#)) is just the Ithaca data. And I think there are some sobering pieces of information here, that I think we need to wrestle with and see what the consequences are going to be for us because we need to act now if this trend is going to continue. The top curve is tuition and fees, and this is in constant dollars, so inflation has been taken out of this, this is the growth after inflation. The second curve is sponsored research and the thing that is significant there is that since post-Cold War the amount of money available has flattened out, and that's not only true for Cornell, it's true for the top-tier research universities with only a few exceptions. And I know that they are people in the University worrying about that. But that is something that will induce stress on the faculty if we try to sustain the kinds of programs and scope that we have been accustomed to and the money out there is not as plentiful as it used to be. These two curves have some enormous implications for what we are going to become in five or ten years. The other two curves, government appropriations to the University and gifts, are on here. And you'll see that the gifts, despite a magnificent effort in fund raising are not going to keep up with the need for revenue. So that is a piece I would urge you to think about as we wrestle with these various programs and try new ones, in that larger context.

"I'm also proposing something on process and in particular I think we could enhance the quality of our legislation if we had a more organized research mechanism, so that we prioritize the topics we need help with on data presented to the administration. In December, we have a conference that will allow us to examine the issues that are of interest, that you identify and want to pay attention to. There would be another conference at the end of the year, the standard ALS, Academic Leadership Conference. But the one in December would be to serve our purposes and I will survey you to ask for topics that you want to discuss and help organize it according to your preference. Professor Thomas, who will be here later, leads the Academic Leadership Series.

"Somebody said to me that it is annoying to feel intimidated by those who know, have mastered parliamentary procedure - being in the meeting and feeling that you're not able to achieve what you want to achieve. Russ Martin and I have agreed to offer one week from today a session, if anyone wishes to come. And I think that literally, in one hour, we can give you all you need to know to be able to find your way around this meeting. The other thing I would say that if you're ever in doubt about parliamentary procedure, please put your hand up and say, 'I rise on parliamentary inquiry.' If you want to accomplish something and you don't know how to do it, the Speaker will tell you. So you need not be intimidated is the point.

"I have been mandated to give you a tenure report, which is one transparency ([Appendix B](#)). There was a major innovation last-year that deals with promotion to tenure, and the fact that ten files were considered last year -- all of which were positive and forwarded to the Provost. And the Provost concurred. We now have that process in place and are under enormous pressure to finish in another week. And there are 19 files. We've been through most of them, but we still have a heavy week ahead of us and there may be at most, two more that will come in before then, but the deadline, the real crunch is getting ready for the Trustees. But I can report that the committee is working very

earnestly and doing an excellent job of being careful about what they're doing."

"Faculty deaths, this has not been done in a long time, but it is part of the Cornell tradition to announce the deaths of colleagues."

Robert A. Hall, Jr., Professor Emeritus, Linguistics and Italian, December 2, 1997
Elizabeth B. Keller, Professor of Biochemistry, Emeritus, December 20, 1997
David D. Clark, Professor, College of Engineering, December 22, 1997
Malcolm S. Burton, Professor Emeritus, Materials Science and Engineering, December 22, 1997
Scott B. Elledge, Goldwin Smith Professor of English Literature, Emeritus, December 23, 1997
Paul M. O'Leary, Ernest I. White Professor of Economics, December 25, 1997
Willard B. Robinson, Professor Emeritus, Food Science, Geneva, December 28, 1997
Jean McKelvey, Professor Emerita, ILR, January 5, 1998
John F. Cornman, Professor Emeritus, Turf Grass Management, January 6, 1998
James S. Knapp, Professor Emeritus, Communication Arts, January 12, 1998
David B. Hand, Professor Emeritus, Biochemistry, Geneva, January 22, 1998
Nephi A. Christensen, Professor Emeritus, Civil Engineering, April 12, 1996
Robert H. Crawford, Professor of Communication Arts (retired), February 6, 1998
Alice H. Cook, Professor Emeritus, ILR, February 7, 1998
George J. Suci, Professor Emeritus, Human Development and Family Studies, February 11, 1998
Jason Millman, Professor, Education, February 22, 1998
Andrew S. Schultz, Jr., Spencer T. Olin Professor of Engineering, Emeritus, March 13, 1998
Eldon G. Kenworthy, Professor of Government (retired), March 14, 1998
Matthew Drosdoff, Professor Emeritus, Soil Science, April 24, 1998
Willard F. Crosier, Professor Emeritus, Seed Investigations, October 24, 1996
John C. Cain, Professor Emeritus, Pomology, June 16, 1998
Howard Andrus, Professor Emeritus, Education, July 21, 1998
Norman Kretzmann, Susan Linn Sage Professor of Philosophy, Emeritus, August 1, 1998
James A. Perkins, President Emeritus, August 19, 1998
Louis Leibovitz, Professor of Aquatic Animal Medicine, Emeritus, August 22, 1998

Dean Cooke asked the body to stand for a moment of silence.

Speaker Pollak: "Okay we'll now move on to the third item on the agenda, some comments from President Rawlings."

3. COMMENTS FROM PRESIDENT RAWLINGS

President Hunter R. Rawlings, III: "Thank you Mr. Speaker. It's a pleasure to join all of you this afternoon. I'll make some brief comments and then I'll be happy to respond to questions you might have. Let me begin by saying that we have built positive momentum in several domains of our activity and I wanted to begin by listing those items that were most important for our consideration as we begin the new year. We have seen, first of all, greatly improved graduate student recruiting for this year especially in sciences and engineering. This is owing to several factors, but in particular, very hard work by a number of graduate representatives from departments and an infusion of resources from Dean Cohen, who with the help of Provost Randel this past spring, decided to make a major investment -- a major additional investment -- in recruiting of graduate students and I'm happy to tell you that the results are clearly evident and very positive. We don't have the numbers yet, we will have those later this month from Dean Cohen, but it's quite clear that in a number of departments, especially in the physical sciences and engineering, we've seen a real surge in graduate students this year. And we have been able to attract a higher caliber of graduate students, as well. I hope this will continue and that we will use the momentum of this year to continue building our graduate recruiting in the next few years. As you may be aware, those numbers in so many American research universities began to decline in the last few years, and we needed to reverse that decline and it appears that we have begun to do so. We have also seen some modest improvement in undergraduate recruiting and admissions. We have a slightly higher yield this year, and in addition, we have a higher, stronger student profile in most of the colleges that admit undergraduate students. This is also good news. We'd like to build on that. Here, as I'll say in a few moments, we have much more work to do.

"Secondly, there is evidence that just came in this summer that we're beginning to make headway in improving our

faculty and staff compensation. This has, of course, been an issue that is important to you as it is to all of us at Cornell. We feel the need to make up ground. We're on a five-year program to do that, in both staff and faculty salaries and compensation. Let me begin with the statutory colleges. There, as most of you are aware, we have a salary program that began back in November of 1997 and continues through to the middle of 1999 that should furnish about on average, an 11 percent increase for statutory faculty over that period of time. That is only beginning to make up for the lost years of before, but at least it is a start and through these repeated increases that total about 11 percent over the course of this year and a half, we're beginning to see some progress. We have a great deal more work to do and I have been in discussions with the Chancellor of the State University of New York about precisely this subject and have made it clear that Cornell feels that this is a very high priority item, not only for the SUNY system, but particularly for our statutory colleges, which must compete on a national and, indeed, international basis for faculty. On the endowed side, the numbers that we have received this summer from 34 peer institutions indicate that we have begun to make progress in our salary increases of the last couple of years. We've gone, overall, from 20th in a list of 34 peers to 17th over the last two years and with this year's increase, which is not included in those figures, we expect to move up even further. If you break those numbers up by faculty rank, you'll see that we're making progress. In full professor salaries, we rank 20th. In associate professors we rank 14th, and in assistant professors we rank 8th. So we're very competitive at the assistant professor level, fairly competitive at the associate professor level, much less competitive at the full professor level, and that's where we have to make the bulk of our progress in the next few years. But, it is encouraging to see that the increases of the last two years have begun to move us up. And as I said, I expect that this year's increase will move us up further because on average we have been giving higher increases than most of our peers over the past three years. So we expect to make more progress in this regard and this is a high priority item for us.

"Thirdly, we have several new, strong appointments in the academic administration of the University. I'd like to say how pleased I am that Mary Sansalone is joining the Provost's office as the Vice Provost starting next year. She's spending this year at the Kennedy School at Harvard and she will begin next year in the position of Vice Provost. In addition, we're happy to have Bert Garza who has joined us from the field of Nutrition also as a Vice Provost, and as I think most of you know, Bob Richardson has agreed to be Vice Provost of Research, which gives us a very strong base indeed for our scientific endeavors, and Bob, in turn, has now selected two additional, very distinguished faculty members for associates to work with him in the research office: John Silcox and Kraig Adler. So, we're very pleased with these additions. As you just saw with the figures indicated, we'd like to increase the volume of sponsored research at Cornell. And it is certainly high on the agenda list for Bob Richardson, John Silcox, and Kraig Adler to help us do that. That is an important area for Cornell to become even more competitive in.

"Fourthly, we have had dramatic improvements this past year in our private fund-raising. You saw the curve in the chart that Bob just showed you. It does not include the figures for this past year, the new gifts and commitments. I'm happy to tell you that those numbers are at an historic high. In fact, we saw a dramatic jump last year. New gifts and commitments to Cornell last year were over 400 million dollars. We have never been over 300 million dollars before, so we saw, on a percentage basis, a huge increase last year. We think it had something to do with the Stock Market 230 miles away, which as you know has now turned in the other direction, so we're going to have to work harder. But it's clear that our alumni and friends continue to be extraordinarily generous. My guess is that we will rank in the top three in the country in our fund raising for this past year. So that builds us considerable momentum. I'm happy to tell you that the result of the capital campaign that ended in 1995 has been broadening our base of support, and that has paid off immensely in many respects. And in addition to many dollars raised, we're seeing an increase in the percentage of our alumni who contribute to Cornell, which is important for many reasons and it certainly builds more confidence on campus and off to see that kind of increase in the percentage of alumni who do give to their alma mater.

"Fifth, I would just mention the successful rebirth of the Theory Center and a very fine symposium that was held a week ago to celebrate the rebirth of the Theory Center at Cornell. I'm very pleased with the new developments that will make this facility of prime benefit to Cornell faculty members and I was delighted to see in the papers given in the symposium that we have faculty members from a wide variety of departments taking advantage of that important facility.

"So these are all areas where I think we can see clear progress. We'd like to use the momentum of this past year to build further this year. So let me just list a few priority items for this year that we're going to be giving our attention to in the administration and where I hope the faculty will be supportive. I was pleased to hear in Dean Cooke's

remarks that some of these overlap very nicely. First of all, it is our intent to begin working very hard this year on transforming the undergraduate experience at Cornell, taking advantage of the context of a great research university. I don't think we've taken full advantage of our research enterprise and, in particular, the breadth of that enterprise in offering undergraduate education, and as a result, we're going to be focusing a good deal of our attention on that in the next couple of years. And we begin, of course, with the transformation of the North campus, which by the year 2001, will house all of our freshmen. Underway, then, is a plan to create a new residence hall on North campus. Vice President Susan Murphy tells me that schematic design for that residence hall is just about complete and she'd be happy to have you take a look at that design. It will be on display next month for the campus community. This is a very important addition. I'm happy to tell you that we're managing to move these plans along without financial commitments from other sectors. So Vice President Murphy has made good on our commitment to ensure that these improvements are made through the office and budget under her jurisdiction and this should provide us with a much better residential campus for freshmen than we have had in the past. We, in addition, are looking programmatically at the freshmen year to try to improve the freshmen year. You just heard about some of the improvements that we need to make in undergraduate education. One of those is to certainly improving advising and we're going to spend a good deal of time on freshmen advising, which has been a weakness in some of our colleges at Cornell. So we need to make several steps there, and we're going to look at programming on the North campus to make it not only appealing to freshmen, but academically and intellectually challenging as well. So that's one area. I might add that we're beginning to look at some redesign of the West campus and a committee met all summer and meets into the fall to discuss what we might do on West campus to make that more appealing to our sophomores and juniors, and you will hear about academic programming there in the future.

"Secondly, we want to make further progress in faculty and staff compensation -- that remains a leading priority for us. We're encouraged by the progress that we've made but want to devote at least three more years to this progress before we feel we can be in the proper competitive position. I think we can be given the evidence we've seen so far, and we will continue to work on this.

"Thirdly, we want to reshape our admissions and marketing effort at Cornell to try to increase the number and quality of our applicants to Cornell. Here we feel we need better coordination among the colleges, better integration of our recruiting efforts, and we would like to make substantial progress in this regard this year.

"Finally, we want to create a stronger, better relationship with the State University of New York, and the State of New York, especially for our statutory units. And we have had several high level meetings that have been productive in doing precisely this: to ensure that the statutory colleges receive the support they deserve to remain at their very high level among their peers across the country. Those are some of the key priorities we're going to be emphasizing this year. I don't know if there's much time for questions, but I'd be happy to take a question or two.

Speaker Pollak: "Yes, if anyone has a question or two, if there is"

Associate Professor Jeremy Rabkin, Government: "I want to ask you about administrative relations with the Senate, which you didn't get to in your speech. We've had the experience in the past few years seeing the administration not take the Senate very seriously. In particular, we've put in a lot of effort and debate on a particular controversial policy, and then the response was delivered in the middle of the summer, when no one was around. And when people protested that, and said, 'No, no, you really gotta change this or that,' we were stalled for a year and a half and the response was made just when people were leaving for the following summer. And when people complained about this they were told, by a top administrative official that, 'The Senate had said one thing, but a lot of other faculty members had said other things in private meetings.' I want to know if that's the model of relations between the administration and the faculty Senate that you approve of and do you have any control over the Provost and the Senate?"

President Rawlings: "You were speaking of top administration, but not the tall administration. I would say that we take the Faculty Senate quite seriously, I know that Provost Randel does; he tries to attend every single one of your meetings and he often comes back and talks with me about your meetings and so we have a good deal of access. I'm happy to say that both Peter Stein in previous years, and Bob Cooke this year, have been extraordinarily open about their agendas and I think that we have been on our side as well. So I think that it is an important collaboration --we take quite seriously the deliberations of this body. We try, on occasion, even to influence the deliberations of this body, though I hope not in an inappropriate way and I'd like to see that continue. Thank you."

4. APPROVAL OF THE MINUTES OF MAY 13, 1998

Speaker Pollak: "We have the approval of the minutes from May 13, they were on the web for you to look at. Are there any comments or changes to those minutes? Seeing none, we will then accept the minutes. I'll now call on Kathleen Rasmussen to present the Report of the Nominating Committee."

5. REPORT OF THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "First, I'd like to report to you the results of the Nominations and Elections Committee. We have been so busy that I have something on the order of 10 overheads worth of lists of names of faculty who have been appointed to committees. But time is short, and so is our attention at this hour of the day. I'm going to allow you to read most of them in the handout that was here and just focus on the three that deserve our greatest attention. The first is that I would like to report to you on the election that was held last spring. Bill Fry was elected the Faculty Trustee. The Senator-at-Large Tenured who were elected were Joe Ballantyne and Alice Pell. Non-Tenured was Rebecca Schneider from Arts & Sciences. For Nominations and Elections, Paul Houston and Richard Polenbergh both from Arts & Sciences and for the University Faculty Committee, you elected Barry Carpenter, Risa Lieberwitz, and Seymour Smidt. We've had two additional changes to the University Faculty Committee and the Nominations and Elections Committee, because of sabbaticals or conflicts so we have also added Alan McAdams and Peter Schwartz to the University Faculty Committee on a short-term basis and Jennie Farley is replacing Kraig Adler on the Nominations and Elections Committee because of the new responsibilities that Kraig has taken on that the President just described. In addition, we have worked closely with the administration to appoint two joint committees. The first of these that we worked on was the Local Advisory Council related to the development of research decisions in Engineering and Biology and Physical Sciences. The nine members of the council are:

Donald Bartel, Engr
Dale Bauman, CALS
Barry Carpenter, A&S, Chair
James Cordes, A&S
Persis Drell, A&S
Howard Evans, Vet
Juris Hartmanis, Engr
Ronald Hoy, A&S
Susan Riha, CALS
James Thorp, Engr

"I'm pleased to tell you that this was the easiest call we've made all year. Everyone we asked to serve agreed to serve and the Provost accepted all of our suggestions. If only it was always like that! In addition, there is a search about to begin for a new dean of the Law School. That also is a committee that is jointly appointed by the Nominations and Elections Committee and the Provost. We were asked for 5 individuals from within the Law School faculty and one from outside the law school faculty. We suggested the five that are listed -- all of them have agreed to serve. The outside member has not yet been selected, the Provost is positively inclined to our suggestions, but he is still working on it. We feel that we have been quite successful with these joint endeavors. Are there any questions or comments?"

Affirmative Action

Joan Brumberg, CHE

Clare Fewtrell, Vet, Chair

Michael Kelley, Engr

Eloy Rodriguez, CALS

Committee on Educational Policy

Carole Bisogni, CHE

Kerry Cook, CALS, Chair

Debra Fried, A&S

Richard Galik, A&S

Financial Policies Committee

David Monk, CALS

Paul Sherman, A&S, Chair

Peter Stein, A&S

Larry Wheeler, ROTC

Music Committee

Karl Pillemer

Faculty Advisory Committee on Athletics & Physical Education

George Conneman, CALS, Chair

Tob de Boer, Engr

Matthew Miller, Engr

John Hermanson, Vet

Lectures Committee

Kraig Adler, CALS

Geoffrey Sharp, Vet

Tom Whitlow, CALS, Chair

Library Board

James Gillett, CALS, Chair

Margaret Washington, A&S

University-ROTC Relationships Committee

Olan Forker, CALS, Chair

Judith Reppy, A&S

William Streett, Engr

Academic Freedom and Professional Status Committee

Michael Kazarinoff, CHE

Alison Power, A&S

Fred Schneider, Engr

Committee on Academic Programs and Policies

Jerome Cherney, CALS

Douglas Gurak, CALS

Carlo Montemagno, CALS, Chair

Danuta Shanzer, A&S

Faculty Advisory Committee on Tenure Appointments

David Feldshuh, A&S

Appt. from CHE:

John Eckenrode, CHE

Conflicts Committee

Ken Birman, Engr

Joanne Fortune, Vet

Vincent Mulcahy, AAP

Faculty Committee on Program Review

Kraig Adler, CALS

David Holmberg, A&S

Steven Stucky, A&S

University Assembly

Alan Mathios, CHE

Faculty Advisory Committee on Admissions & Financial Aid

Kay Walkingstick, AAP

Campus Life Committee

David Robertshaw, Vet

University Benefits Committee

David Wilson, A&S

Law School Dean Search Committee (jointly appt. by Administration)

Kathryn Abrams, Law

John Barcelo, Law

Jonathan Macey, Law

Peter Martin, Law

Katherine Stone, Law

Campus Store Board

Gene German, CALS

Codes & Judicial

Michael Kazarinoff, CHE

Ellis Loew, CALS

Dining

Ronald Gorewit, CALS

Financial Aid Review

Kent Goetz, A&S

Residential Life

David Robertshaw, Vet

University Hearing Board

Susan Christopherson, AAP

Clare Fewtrell, Vet

Jeffrey Rachlinski, Law

Maurice Neufeld, ILR

University Review Board

Persis Drell, A&S

Elaine Wethington, Alternate, CHE

Transportation Advisory Committee

Danuta Shanzer, A&S

Transportation Hearing & Appeals Board

John McClain, JGSM

David Stipanuk, Hotel

Speaker Pollak: "Are there any discussion on these? Seeing none, all in favor of the Nomination committee's report signify by raising your hand. Opposed? Motion passed. All right we'll now move to the resolution and several amendments that are on the floor and have been brought up with respect to the next issue. We'll start off with a review of that by Professor Hines."

6. CONTINUED DISCUSSION OF SEXUAL HARASSMENT PROCEDURES

Assistant Professor Melissa Hines, Chemistry and Chemical Biology, and Chair, Academic Freedom and Professional Status Committee: "I've been asked to review with you what's going on with the Sexual Harassment Policy. And as

many of you know, the Sexual Harassment Policy has a long and sordid history. But what we're interested in today is a story that starts in the middle of last semester, when the Provost shared with the AFPS his draft policy on sexual harassment. And let me just focus on what this policy is so that you know what we're talking about ([Appendix C](#)). When a charge of sexual harassment is brought forth, the first step is to try to get both the parties involved in mediation. And if they agree to that, that's obviously the best thing to happen. If either one of the parties does not agree to mediation, then the charges are brought to the Office of Equal Opportunity, the OEO. At that point, the OEO starts an investigation that is designed to be a relatively informal proceeding and relatively non-confrontational. After this investigation, the OEO determines whether or not there was sexual harassment and recommends a sanction if there was a problem.

"At the end of this investigation, there are four possible things that can happen. First, the OEO can find that there is no cause, and the problem goes away, hopefully. Second, the OEO can find that there was sexual harassment, and he or she can recommend sanctions, and if the finding is uncontested, this goes to the Dean of the college, who will then impose the sanctions. If the finding is contested, things get a little more complicated. If the finding is contested and the allegations were brought against a faculty member, and the allegation involves a matter of academic freedom, then the matter is referred to the AFPS committee for a completely new investigation. This investigation is not informal proceeding and has a high level of due process built into it, although it can be a little less informal if everyone agrees. And at the end of this investigation, there may be a new ruling to determine guilt or innocence. In all other cases, if the charges do not involve faculty or academic freedom, and the finding of the OEO is contested, the finding goes to the Dean of the college who will then review the evidence, review the determination, and review the sanctions and make a judgment and possibly modify either the sanctions or the findings.

"So this policy was given to the AFPS for review and upon reviewing it, we determined that this policy has insufficient due process and there is a significant potential for an unfair hearing for someone who is accused of sexual harassment. And the problem, we find, lies in this center step, the investigation by the OEO. In making this a very informal proceeding, we find that there is not enough due process and that the accused will not necessarily be heard. Because of this, the AFPS decided to bring to you a motion to amend this proposed sexual harassment policy. So we proposed a motion to you at the end of last term ([Appendix D](#)). The original motion asked, really, two things. First we asked for expanded due process for all individuals, this will be in the OEO investigation. And we said this should minimally include three things: the right to present evidence, the right to know and rebut evidence for charges brought, and the right to face your accuser. Now the last one was a little bit contentious, but let me give you an idea of why we thought it was important to be able to confront your accusers. One place where this could be important is if the person making the accusations makes statements that are factually correct, but deliberately misleading. It will be very hard to defend against those types of accusations unless you can directly confront the person or actually talk to them. And so because of that, we thought it was important to be able to confront your accuser to set things straight. And this will also help the accused if someone is giving deliberately misleading statements. The other thing we asked is that the AFPS have expanded jurisdiction in matters of sexual harassment and that all allegations that arise out of the context of subordinate/superior academic relationships go to the AFPS for the appeal. In the time between when we proposed this motion to the Senate and the Senate actually met, the Provost modified his recommendation/policy. So there is now a right to present evidence and he also expanded the AFPS jurisdiction. So the only thing that is left before the Senate now is the right to rebut evidence and the right to confront your accuser, which brings us to the proposal that the AFPS has made. We are requesting that the policy be redrafted to expand the fairness and process afforded to both academic and non-academic staff and these changes made should provide every charged individual with the right confront his or her accusers and the right to rebut the evidence for the charges brought. So that is what is facing the Senate today.

Speaker Pollak: "Before we discuss this component, we do have an amendment that is on the floor, it was postponed from the last meeting. If you go to page five on the handout, there is an amendment by Professor Norton, and if you have the handout, it is to remove the words 'right to confront his or her accuser.' Okay? Would Professor Norton please repeat it?"

Mary Beth Norton, Mary Donlon Alger Professor of American History: "I'm not going to bore the Senate by repeating my speech from the spring, because you can read it in the minutes. The amendment, which simply strikes the words, 'with a right to confront his or her accusers and', so that the resolution would read, 'The changes made should provide every individual with a right to know and rebut evidence for the charges brought.' Since the minutes were put up on the web, a lot has happened in connection with this meeting, and I'm not going to repeat my impassioned speech that I

gave in the spring, I merely will reiterate the two main points I made at that time. The first is that, in my opinion, fairness does not require confrontation. I do think that fairness does require the right to see and rebut the evidence, but it seems to me that that can entirely well be done in writing. It does not have to be done with physical confrontation because the purpose that Professor Hines said in reintroducing this amendment can fully be met by exchanges in writing. It does not have to be met by exchanges in person, and secondly, it strikes me that confrontation can, in fact, especially at the stage of the proceedings that we're talking about, that is still at the time of the OEO investigation, actually work against fairness, in particular work against the fairness on behalf of the accusing party since the notion that someone, let's say a student, the classic case that we're talking about an undergraduate student, charging a senior professor with sexual harassment, such a student might very well be put off from filing a complaint knowing that a personal confrontation would have to occur at an early stage, that is if the professor rejected the idea of mediation, which is entirely possible. I think that, as everyone who was in this body knows, I'm also opposed to the very high level of due process in the presence of gazillions of lawyers in the final stage of the AFPS proceedings. However, the body voted me down when I proposed we remove that, and that's fine. But I do not think that we do have to have a physical or in person confrontation of an accused party and an accuser at the stage of the OEO investigation. I think fairness can be completely met by doing everything in writing."

Speaker Pollak: "Okay, just so we're clear, it's this section right here. The change in the amendment is to remove it from the motion. We have to resolve this before we can go on. So are there any discussion relative to this. I'd like to point out one thing that I've been asked to do and that it to as we go to each new amendment, to give each of you an opportunity to speak once, and if there are others who need to speak again, we'll have to come back to you if, in fact, you have facts being requested. So remember that, that when you get up to speak, to say what you mean to say."

Professor Rabkin: "I just want to say that this would be fine if the Provost had done what we asked him to do. In that context that would be fine if the OEO had just a screening role, but since for some unknown proportion of the cases, the OEO will effectively be making the final decision here, I think it is wrong for us to say that someone can be convicted without ever having the chance to confront the accuser. And in particular, I want to say that reducing this to writing is not a very reliable safeguard, because you are talking about an informal procedure in which the accuser may write it in the most cursory way, just a few lines, the OEO then has an interview in which the OEO gathers a lot of impressions and details, and that is not given to the accused. The accused is just told, 'well, you've just been accused in a general way.' How can you respond to that if you don't have any kind of detail down? If you strike this line here about confronting the accuser, what you'll be left with is that the OEO should just say something and that you make any response you can and that is surely not an adequate due process."

Speaker Pollak: "Any comments? Yes."

Professor Katherine Stone, Law: "I just want to clear up what might be a little misleading in the presentation of last spring that Mary Beth gave and a little bit of what I heard today in the notion of what it means to have the right to confront, because last spring there was the notion that the right to confront was an adversarial thing, that there would be anger involved, that it would be an aggressive thing. I just want to say that the notion of the right to confront is more like a term of art, it has nothing to do with anger or raised voices. It has to do with the right to hear what someone has to say and to ask questions about it. And I think that if you understand the right to confront that way, it takes away some of the intimidation."

Speaker Pollak: "Yes."

Professor Richard Galik, Physics: "I also would like to say that when you do things by writing, back and forth, back and forth, it is going to take a long period of time, someone who has been accused, perhaps unjustly, in some cases, can have this hanging over their heads for, perhaps, an entire semester. Where meeting face-to-face with the person and asking questions can resolve the matter in perhaps one session. I think that it would be more appropriate and better for the parties involved to have it done with in a meeting rather than by letter."

Professor Judith Reppy, Science & Technology Studies: "I'd just like to ask a question. Has this procedure been tried? Have people had experience with it? Or have we been debating and that's it?"

Speaker Pollak: "This is a resolution that we're going to be voting on, do you mean in other institutions?"

Professor Reppy: "Yeah, I mean what is the current situation?"

Professor Hines: "The current policy was adopted on May 8th, so I don't know if there has been any. . ."

Professor Reppy: "Is this formally Cornell's policy or has it yet to be invoked?"

Professor Hines: "I don't know if there has been sexual harassment since May 8th. There could have been."

Speaker Pollak: "Peter?"

Professor Peter Stein, Physics: "This is a little complicated, but this part of the policy has been Cornell's policy for three years and it has not been Cornell's policy involving faculty members, but it's been Cornell's policy involving staff members, and my understanding is that there have been a slew of cases involving staff members that have come before this committee and that the right to confront was not a part of that procedure. I have no knowledge as to how satisfactorily it has worked, but I think there have been a lot of cases in that three-year period that did not have this right to confront. Not involving faculty."

Speaker Pollak: "Other comments?"

Professor Peter Schwartz, Textiles and Apparel: "I have a question about the right to confront. Your point was taken. Who determines in what format the right to confront is? Can you confront by writing back and forth? Can the OEO say that the confrontation shall be by writing back and forth? It doesn't have to be face to face? It seems to me that if 'confrontation' is broadly defined as asking questions and getting responses to questions, then it can go either way in whatever format is up to whom?"

Professor Hines: "I don't actually know what the legal definition of 'confront' is but. . ."

Professor Stone: "Yes, the right to confront means the right to be in the room, hear what the person says, and ask questions. So that I think is what the amendment raises is do we want to have that as part of the process or not? And I'm suggesting that, although some may think that it is automatically intimidating, I don't think that it necessarily is and often, it's not intimidating it just simply saying to someone, 'You said such and such happened, when did it happen?' or something like that. Just a simple questioning of what the accusation is in a face-to-face setting."

Speaker Pollak: "Yes?"

Professor Risa Lieberwitz, Industrial and Labor Relations: "I think that the point about the problem with those who don't get a hearing is a good one. That if there were full hearings for all faculty and all staff, at a later time, then the right to confront would not be an issue in the investigation. I think that's correct, but it raises another issue, which is does one correct that problem by including a right to confront in an investigation. And that's where I have a problem with it because most investigations don't include a right to confront in an investigatory process. So it seems to me that that's the problem with putting it in here. That we get to a hearing for everybody, not the right to confront in an investigation. Also I have a question. Now this says nothing about the OEO procedures, so I was wondering if that's clear to everyone. I mean it is in the minutes, certainly, but those who drafted the resolution didn't include that and was it intended to be only in the OEO procedures?"

Speaker Pollak: "Peter?"

Professor Stein: "Yeah, the right to confront is well-established in the Academic Freedom Committee procedures. But this refers to the OEO hearings. I mean most of us non-lawyers didn't know about these things, but we've all had an education in the past six months and we know that President Clinton did not have the right to confront Monica Lewinsky because that was a grand jury proceeding and in a grand jury proceeding, you don't have the right to confront, but if there were to be a trial, if he was indicted, then he would have the right to confront. And the problem with this is that the OEO hearing is sort of like a grand jury in some cases and in other cases, it's sort of like a hearing. And that's what makes the confusion."

Speaker Pollak: "Do you have another question?"

Professor Lieberwitz: "Well, it sort of follows that. If I could read this as a general resolution that says that the procedures should include for everybody these rights, then I can support it as it is without it being specific to the OEO; it says nothing about the OEO investigation. It's been spoken about that way, but I certainly think that the staff who are not going to be given a hearing should have a hearing and that it could be worded that way."

Professor Hines: "Let me respond to this. When the AFPS was given the Provost's draft policy, it was decided at that point that we would not try to rewrite paragraph- by-paragraph but instead to make some statement about the policy that we thought had to be taken care of. So that's why we didn't say, 'In the OEO investigation, we want to have these three rights.' But the AFPS thinks that in some form, everyone needs to have these three rights at some point in either the initial investigation or later on, and the only place to put it the way things stand now is to put it in the OEO investigation, because the Dean does not make a new investigation, the Dean just reviews evidence. And so the only place it can go the way it is now is to put it there, but the AFPS did not say that's the only place we can live with, as long as everyone gets this."

Speaker Pollak: "Any other comments on this?"

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "As a non-lawyer I feel its a good idea. I mean sometimes they will be in that position based on some misunderstanding, and face-to-face seems better than written."

Speaker Pollak: "Very briefly, does anyone have a response?"

Professor Rabkin: "I'm in complete agreement with Professor Lieberwitz. I don't read this as saying that it has to be in the OEO proceeding and my hope is that the Provost retains this and say, 'Okay let's have, if not the Academic Freedom Committee, then some other committee conduct an adjudication if it comes to that. I don't think there's anything that says the OEO investigation has to have it, just somewhere it should be done.'"

Speaker Pollak: "Okay, are you ready for the question? Okay, all those in favor of the amendment signify. . .the amendment to delete this sentence, 'the right to confront his or her accuser and.' All those in favor of that deletion should signify by raising their hand. All of those opposed. Okay, the amendment is defeated. We do have a second amendment that was circulated by two of the Senators and Peter will discuss this was. This was on a handout you should have picked up from the front."

Professor Stein: "I wonder if I can get Melissa's transparencies? I fear you will think this the equivalent of angels dancing in the head of a pin, but I'd like to convince you that this amendment that I am proposing along with Professor Schwab from the Law School is, in fact, necessary to correct what I think is a serious problem in this procedure. Let me give you a little bit more of the history. The Provost's original draft policy on sexual harassment came from something that was adopted by this body a long time ago -- a year an a half or two years ago -- and the Provost did not take the whole policy that was presented to him by this body. He made a number of changes in it, but to my mind there was really only one significant change. One important change, and that important change was to put in this particular path here. That the way this body drafted its recommendation to him is that all investigations against the faculty member would be heard by the Academic Freedom Committee. But the Provost added a sentence which put a switch in here and the switch was that some charges would get heard by AFPS and some charges would not get heard by AFPS. And that was a contenscious decision. I'm not talking about the wisdom or lack of wisdom in putting in a switch.

"What I want to talk about is the way the switch is defined, the words that are used to define the switch. So let me tell you what, from the point of the Provost, he was trying to do. One can divide the charges of sexual harassment that are made against a faculty member into three broad categories and the three broad categories are this, first is the academic freedom category where a professor like the professor at the University of New Hampshire who made an unfortunate simile about what writing a term paper was like and was accused by a female student of sexual harassment. He was fired, he then came back and sued the university, and it was decided that that fell within his Academic Freedom. That a professor has the right to make a simile in a classroom without being charged with sexual harassment. So that's that case. Then there's a second case, and the second case is that a professor does something personal against one student and is accused of sexual harassment and, presumably, the professor says, 'No, I didn't do that; it wasn't sexual harassment.' The student says, 'Yes, it was sexual harassment.' That's the second class. And the third class is something that has essentially nothing to do with the University where we not only have relationships

with students, we have relationships with staff, just like any other corporation in America, and the question that the Provost asked was, "Well, if a professor hits on a secretary, should that professor be treated differently than a vice president who hits on a secretary? Are those really not the same thing?" So what he said he wanted to do was to make the professor that hits on the secretary follow the same procedures as any other staff member that hits on another staff member. So the idea was that this, the cases that involve either academic freedom, or that arise out of the interaction with a student, would be diverted to this new Academic Freedom Committee procedure, which has, as Mary Beth pointed out, oodles and oodles of process on it. On the other hand, if it was the hitting on the secretary, it would go to this procedure which has considerably less due process than the famous Arts College procedures which has brought us to talk about this for 2 1/2 years. Is that clear to everyone?

"Now the question that I want to raise is how to write the words. The Provost in writing these words used the following phrase, he said that if the conduct arose out of the 'nature of the subordinate/supervisory academic relationship, or was protected by academic freedom,' then it went over here and everything else went over there. Now it was curious that in writing that particular phrase, the Provost took a phrase from another part of the document and transposed it except he changed a word. In the other part of the document, the word was 'context', and he changed it to 'nature'. And in the day that this was brought up people wondered if there was a difference between nature and context. Wasn't nature the same as context? The committee decided that it was okay, that nature and context meant the same thing. I was personally uncomfortable with that word, but I didn't know why, and then at the Senate meeting, with a great laser light of insight, Professor Whitman of the Law School, and this was in the minutes, if you read it, said something that I found very convincing. He said, 'Well you can't have sexual harassment arising out of the nature of the academic supervisory relationship, because the nature of the academic supervisory relationship is such that you must not sexually harass a student.' Now can you make the same argument about context? The answer is no, you can do bad things in the context of something. You can say the President's actions against Monica Lewinsky might have been in the context of his being the President, but they certainly didn't arise out of the nature of the responsibilities as President.

"So then I started to think about this after the last meeting and I realized that part of my concern was answered by the fact that the Academic Freedom Committee will decide for itself whether it has this jurisdiction or not. But I don't think that the Academic Freedom Committee with whom I worked with for 5 years would be sloppy. They would look at the words and they would say, 'What do they mean?' And they would try to interpret them. Now to explain the problem, let me take a case, and it's a case that affected my thinking a lot. The case is one that happened to an assistant professor of mathematics at Yale. He was a very promising young mathematician, who was an excellent teacher at Yale and he either did or didn't have an affair with a student in his elementary calculus class. And he said that he didn't and she said that he did. And it was investigated by an administrator, because they don't have these investigation proceedings at Yale. And the administrator looked at it, and heard both sides, and decided that he really didn't know, but he rather thought that the evidence favored the fact that the professor did have a relationship with this female student and that he was modestly guilty of sexual harassment and he gave him a very minor penalty. But this very minor penalty totally destroyed this person's career. He couldn't get a job any place, but he went on to make a million dollars in the stock market writing up new instruments or something like that.

"Anyway, let's rerun that case through the Cornell procedure. So it comes up and the Academic Freedom Committee, the first thing they have to decide is do they have jurisdiction? So they have to ask themselves if this rises out of the nature of the supervisory academic relationship and they think about this and they say that it depends on what the facts are. If the facts are as the female student says that they are, namely that he abused this relationship and seduced her, then surely that is contrary to what we think is the nature of the supervisory academic relationship. If, on the other hand, if it went on like he said, namely that he wasn't doing that, he was just explaining how to differentiate to her, he was just a professor trying as hard as he could to establish a personal, caring relationship with a student, like we're all told we're supposed to do, then this entirely arose out of the nature. So it's clear to me that the question of jurisdiction is precisely the same as the question of guilt or innocence. If he's guilty, then they have no jurisdiction, if he's innocent then they have jurisdiction. But how can they establish jurisdiction without deciding the guilt? It's like a Catch-22 because they can't decide if they'll hear the case unless they hear the case and hear the evidence. So what does the committee do? You make a tentative judgment. So here is the OEO who is investigating this case, and they are professionals and the director is faculty member of the Law School, but the OEO decides that it did not arise out of the nature because they think that he is guilty of sexual harassment. The OEO has presented an indictment and the Committee says, 'Well, what do we know? I mean we have to take someone's version of the facts in order to find out whether we have jurisdiction, so let's take the OEO's version because they looked into it.' Now as soon as they take

OEO's version, it's a self-fulfilling prophecy because they have no jurisdiction whereupon this OEO charge immediately becomes a charge of guilt. So that if the committee were to always take tentatively the OEO's charge as indicating that sexual harassment took place, they would never have jurisdiction. Now, therefore, it seems to me that the only thing one could possibly do was to have the committee say, for the purpose of establishing jurisdiction, they should take, as given, the version of the facts as presented by the charged party. Only to decide whether to hear the case or not, not to decide guilt or innocence. Otherwise, it's like a flip of the coin, or worse yet, a self-fulfilling prophecy. So the purpose of the motion is to establish, in the calm of the day, before we are in the midst of a high profile case, a procedure. . ."

Professor Rabkin: "How is this germane to the main motion? The main motion is giving advice to the Provost this is giving advice to somebody altogether unrelated."

Professor Stein: "The germaness, I believe is sexual harassment, it is germane certainly by the rules of the house of representatives it is germane."

Dean Cooke: "This question was asked of the University Faculty Committee and it was decided that it was relevant and it would be an appropriate amendment. The thing that was distributed did not say where it would be intended to the motion before us, but the UFC did decide that it was relevant, and it will be treated as an amendment."

Professor Stein: "Let's just say 'Be it resolved' in front..."

Dean Cooke: "You need to say where you're going to attach it."

Professor Stein: "At the end of it, 'Be it further resolved.'"

Speaker Pollak: "Yes?"

Professor Elizabeth D. Earle, Plant Breeding: "I would just like to ask the question of whether the problem that Peter has identified could also be solved by changing the word 'nature' to 'context'? Since the context would cover many of these problematic cases, whereas having the word 'nature' does lead to the Catch-22 argument that Peter was presenting?"

Speaker Pollak: "Okay, the question is whether or not the change of that word has the same intent?"

Professor Stein: "Yes, it would, except that this body can advise the Academic Freedom Committee without going through the Provost. We don't have the power to change the word 'nature' to 'context.' I believe it would have the same effect, and this is something we can do and changing that word is something we cannot do. I've raised this with the Provost, and he doesn't agree. Now that's on the word 'nature.'"

Professor Rabkin: "I'm somewhat sympathetic to this."

Professor Stein: "I have won a great victory."

Professor Rabkin: "If we're working with the Provost's plan, then this is a sensible improvement. The two things that bother me are: First, I don't understand why the former Dean of the Faculty is rushing forth to accommodate the Provost to say 'let me help you clean up your plan,' instead of saying, 'why did you put in this plan all of a sudden?' And I don't understand why we still use this obsequious language of, 'we respectfully recommend. . .' I mean, it's our committee why can't we direct them? I mean, could you at least accept as a friendly amendment, call upon, rather than respectfully recommend?"

Professor Keith Dennis, Mathematics: "Unfortunately I haven't had the pleasure of hearing earlier discussions of this, so I'd like to ask a question. Who, I don't understand on the original plan, who determines the switch? Who picks which place things go?"

Professor Stein: "The Committee."

Professor Dennis: "Which committee?"

Professor Hines: "I believe the people who decide this are the AFPS Committee. This was discussed in the AFPS and we decided that, in all likelihood, it looked like we got to decide what was going on. . ."

Professor Dennis: "When do you do that?"

Professor Hines: "Whether we would hear the appeal or not and since we got to decide whether we would hear the appeal or not, we would act as reasonable people and make this determination. So, personally, I don't see the problem that Peter does, because I think that we would all say, 'We really should hear this case from Mathematics,' but there's no harm in clearing it up either."

Speaker Pollak: "Okay, if there's, okay?"

Associate Professor Walter Mebane, Government: "I just have one question so that I can understand exactly what this amendment is going to do. There's language quoted on one of these handouts, Relevant Provisions of the Sexual Harassment Policy. Do I understand correctly that the changes would be of the nature, sorry, in the second paragraph it says, 'The committee must make a determination of whether the complaint presents an issue of academic freedom.' 'Faculty' expanded to include, 'arising out of the nature or academic freedom' and in the next paragraph you would take away the discretion of the committee by meaning that a majority vote does not longer occur to determine, but if that the charged party asserted that this was the defense, the committee would be obliged to proceed regardless of having discretion over that? Is that what this change would do?"

Speaker Pollak: "Okay, you want to answer that?"

Professor Stein: "This change, we cannot change this language, this is the Provost's language and this body by itself cannot change that language. So the Provost gave to the Committee the discretion to make the jurisdiction decision for itself, so this motion advises that Committee, respectfully -- I'm sorry -- advises this Committee how to -- a procedure to use in order to make that jurisdictional decision on whether or not they will hear the case."

Speaker Pollak: "Okay?"

Assistant Professor Rebecca Schneider, Theatre, Film and Dance, Senator-at-Large: "This is a question for Peter, I mean, it happens that I was not here last spring when this was being discussed. Is there any reason why the Senate couldn't recommend to the Provost, as a whole, not a specific person, but everybody to change the language, or even simpler would be to take out the whole thing and say, as obvious subordinates, remove nature and context altogether?"

Speaker Pollak: "Do you want to answer that?"

Professor Stein: "Yeah, well, the Senate can do whatever it wants, I mean the Senate can tell the Provost that it wants to drop the whole thing, but if you want to know what I think, I think that this will engage in a rather lengthy discussion back and forth, and that passing this amendment, this amendment that I suggest to you, will accomplish the same goal with less friction than it will to ask the Provost to change the wording once again."

Speaker Pollak: "Are you ready to vote? Okay, all those in favor of the amendment signify by raising your hand, all of those opposed? The amendment carries."

The Senate respectfully recommends to the Committee on Academic Freedom and Professional Status of the Faculty that, in carrying out its responsibilities under the Sexual Harassment Policy in those cases where matters of fact are in dispute, it follow the following procedures:

- *a. The Committee has jurisdiction of a case when, in the judgment of the Committee based on the charged party's written request, the charged party's version of the facts leads to a reasonable conclusion that the charged party's conduct arose out of the nature of a subordinate-supervisory academic relationship (e.g., teaching, advising, research, thesis or dissertation supervision) or that an issue of academic freedom was involved.*

b. Once the Committee accepts jurisdiction under (a), it shall exercise jurisdiction until the case is fully resolved on its merits, even if the Committee ultimately concludes that the faculty member's conduct was not appropriate to a subordinate-supervisory academic relationship or protected by academic freedom.

"Now we've worked our way back to . . . Is there any discussion on this? Yes?"

Professor Rabkin: "Let's just get this on record, is it our expectation that we will receive a response to this this year? Whoever else could tell us, will we have a response to this this year?"

Speaker Pollak: "We will optimistically go forward this year, other discussion?"

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "I'd like to speak against the motion. I just find it really distressing that this faculty finds it so essential to preserve the right to harass, and quite honestly I really think that's we are doing by setting up these procedures that are so discomforting to someone who brings up charges and to have to face a senior professor with all the faculty falling behind. We know that many, many women are not prepared to do this and I really think that there's plenty of action in the proposal the Provost has made, he's bent over backwards to do things for this body, change after change after change, and then we always come back and say its not enough and I personally think that this should be called the Harasser Protector Act and I definitely oppose it."

Speaker Pollak: "Other comments? Seeing none, we'll go head and move to the vote. All of those in favor of the resolution signify by raising your hand, all of those opposed. The resolution carries."

WHEREAS, a just and well-governed community must strive to eliminate all forms of unlawful discrimination and at the same time provide adjudicatory procedures that satisfy reasonable standards of process and fairness,

- *THEREFORE, BE IT RESOLVED THAT THE SENATE RESPECTFULLY REQUESTS THAT the procedures in the policy be redrafted to expand the fairness and process afforded to both academic and non-academic staff. The changes made should provide every charged individual with a right to confront his or her accuser(s) and a right to know and rebut the evidence for the charges brought.*

Speaker Pollak: "Okay, we'll move on now, to the next item on the agenda, which is the report on the undergraduate experience and Dave Galton will present that."

7. UNDERGRADUATE EXPERIENCE

Professor David Galton, Animal Science: "We've already had some discussion and mention of the importance of undergraduate teaching here on campus and what we'd like to do today is to briefly inform you that the UFC along with Dean Cooke sees the undergraduate experience programs here on campus as a major thrust this year and probably go on in consecutive years as we address these issues. What we'd like to do today just to bring your attention to some of the priorities that the current committee, made up of three members listed there ([Appendix E](#)), that are now UFC members, we would like to extend committee membership, which I will talk about in a minute. But what the three of us were discussing is that we would like to make it a top priority and four priorities and one of the top priorities would be to really assess, identify, and address and have an impact on undergraduate teaching, and really work with the faculty in identifying the needs and the issues that faculty see that they need to be addressed to have a more effective undergraduate teaching program here at Cornell.

"Two components of that we would recognize as important and would like to identify as a part/under the heading of Undergraduate Teachings and Issues of Faculty, is to really define what is excellence of undergraduate teaching on behalf of the faculty? How is that recognized, how is it rewarded and how does it fit with other functions of the University such as research, and outreach functions? And clearly part of next year, next semester, and we'll say more about that later as the committee works on that." Another area is to really look at the undergraduate side, and a lot of this work has already been done in surveys at Cornell in the past few years. We'd like to do a survey of the faculty in assessing the needs and issues, but we'd also like to look at the work that has been done on the undergraduate side and if more needs to be done, and then pursue that, and then try to assess what the students woefully part of next year, next semester, and we'll say more about that later as the committee works on that.

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"Another area that is troubling that the President and Dean Cooke have already talked about today, is the recruitment and retention of highly qualified students. If you look at the survey data back in 1994, and then more recent data, it would say that we do not have the recruitment and retention of highly qualified students as we compare to other peer universities. And we'd really like to look at that data and then look at how we can do better at Cornell in retaining and recruiting a better student undergraduate body.

"And then the fourth item is a learning environment, and the President has already talked about some of this, but the faculty/student interaction, if you look at the data done by the surveys in the last few years, this is a real key that many of the students feel that they don't have enough interaction with the faculty. So, a student/faculty interaction, undergraduate teaching and research experiences, internship and exchange programs, living experience, as the President talked about, the freshman experience on North Campus. The faculty have not been really involved in that and this is an opportunity for us to be more involved in that and also community service. So what I'd like to do at this time is just to indicate to the Senate that the UFC along with our committee, that we plan to expand the membership here in the next couple of weeks, see undergraduate teaching as a major thrust of the UFC and therefore, the Senate, and to work with administrators here at Cornell to improve the overall quality of the undergraduate experience.

"My e-mail is dm20 and I would like for you, if you have any thoughts about this that the committee would like to have, please e-mail me and also we're looking for members for this committee. Especially from the College of Hotel and the College of Engineering. Those two colleges we would like to have members, nominations, and the committee will look at the nominations and select a committee. Are there any questions or discussion at this time? Yes?"

Associate Professor Steven Vavasis, Computer Science: "I'm just wondering, I mean Engineering is trying, or has been trying to use some of the things that I imagine some of the colleges are, so . . ."

Professor Galton: "There are individual college efforts, and what we would like to do is a committee for the entire university is to address it and have a greater impact in helping the individual colleges at the college level, and have a greater impact at the administrative level, so we can truly address these issues."

Speaker Pollak: "Okay, we'll now turn to Dean Cooke to go over some of the issues of the future of the University."

8. DALE R. CORSON COLLOQUIUM ON FUTURE OF THE RESEARCH UNIVERSITY

Dean Cooke: "The companion issue of the Academic Research University, Bob Richardson, is in Albany this afternoon working on our behalf and is not able to be here. I might point out that he actually travels frequently to important places. I know that he's been to Stockholm, Sweden, at least once. You may not know about Professor Richardson that for about the last 25 years, he has taught the introductory physics sequence, Physics 213/214, with enrollments between 300 to 500. He has also co-taught Physics 101 and 102 with his spouse for the last 8 years. He's working on a CD-ROM for his teaching materials. I asked him if he had any comments that he wanted to share with you and I'll just read this paragraph. It says:

'Cornell is one of the great research universities of the world. As such, it offers unique and special opportunities in the teaching and training of scholars and scientists at all levels, under-graduate, graduate, and post-doctoral. The interplay between youth and experience is crucial to the process in science and to the training of the best people for future generations.'

"So, you will hear more about this, the planning for the Corson colloquium on the future of the research university is still at a very early stage and you will hear more about this later."

Speaker Pollak: "Thank you, Professor Thomas?"

9. ACADEMIC LEADERSHIP SERIES

L. Joseph Thomas, Nicholas H. Noyes Professor of Manufacturing: "Joe Thomas, of the Academic Leadership Series, Thank you for having me. I suspect that most of you -- how many of you have been involved in the Academic Leadership Series? How many have not? How many never raise their hand, no matter what the question is? Can't do that either. The Academic Leadership Series is a body that has no implementation arm and no legislation portfolio. What we're supposed to do is discuss matters of importance for the entire university. What is proposed is that we would do that in association with you for one meeting a year. At the moment, the ideas and issues come from both faculty, through the Academic Leadership Design team, and from one ALS to the next through the big group and from the administration. And the information flows back to the administration to a large, very large, group of faculty. It's an opportunity to change culture in some ways that I think we need to change, times are becoming difficult. The proposal is on December 9 to have a meeting where the ideas and issues come from Senate. Now one flow of information that we haven't gotten to yet is that Dave Galton was talking about the undergraduate experience, and we had a meeting last May about the undergraduate experience, and those summaries are only now completed and that's because the summer and those will be coming out hopefully next week. We look forward to working with you, as I say, we have no implementation arm and no legislative authority, and don't want any, and I think that it's very important, we've had as many as 350 faculty from around the University to discuss like the changes that are, in fact, coming and have started already. I'd be glad to answer questions for 30 seconds or less and then I'll be glad to have you call me up and ask questions about what we do."

Speaker Pollak: "Comments or questions? Thank you. We do have one item on the Good and Welfare, Andrew Ramage."

10. GOOD AND WELFARE

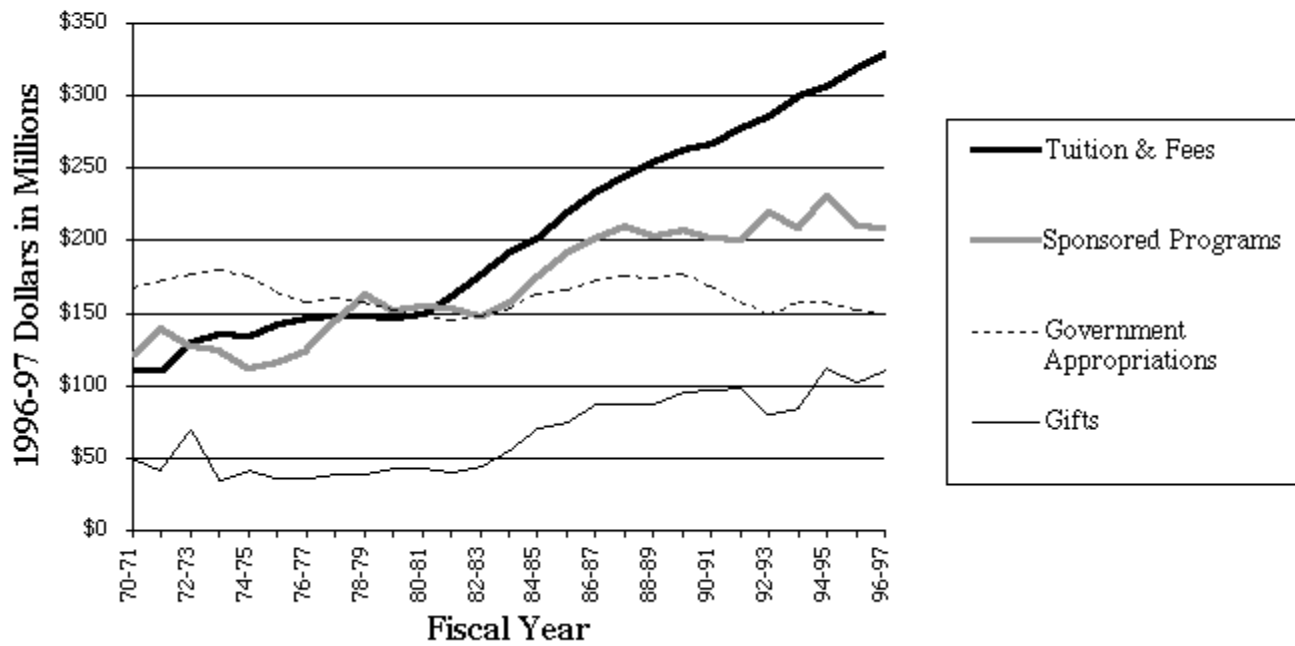
Professor Andrew Ramage, History of Art: "I'm Andrew Ramage, and I direct the Archaeology program and I am a Professor in the Department of the History of Art, and I thought I would bring to your attention, as many people are not privy to the Arts College doings, that there is a report being circulated about the state of the Humanities at Cornell. And there is a series of reports, proposals, to revamp these matters. Some of these proposals are quite far-reaching, like doing away with my department, for one thing, but I thought that this, what the Arts college does with Humanities impacts almost everybody in the University so that inquiring about what's proposed, what might actually happen would be quite a good idea for many in the other different colleges."

Speaker Pollak: "Okay, that's the agenda items, it's before six, I think we need a motion to adjourn. Accepted."

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean and
Secretary of the University Faculty

Inflation-Adjusted Change in Selected Operating Revenues – Ithaca Campus



REPORT ON NUMBER OF FILES CONSIDERED BY THE FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS

March-April 1998

Ten files were considered-all of which were
positive recommendations to the Provost.

The Provost concurred with the Committee's recommendations.

Provost's Original Draft Policy on Sexual Harassment

AFPS determined:

- **Insufficient due process**
- **Potential for unfair hearing**

Mediation

Investigation by OEO
("informal" proceeding)

No Cause →

Contested
Faculty + Acad. Freedom

New Investigation by AFPS
(high level of due process)

New Ruling

Contested
(all other)

Dean of college reviews
evidence, determination,
and sanctions

Uncontested

Dean of college
impose sanctions