

# MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, September 11, 1996

The Speaker, Professor S. Kay Obendorf, Textiles and Apparel, called the meeting to order. She then called on Dean Stein for remarks.

## 1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "I wanted to talk about the issues ([Appendix 1](#)) that I see this body facing this year, and then I want to talk about two in particular that I think are important and should be brought to this body. One is faculty salaries and the other is sexual harassment. I've listed the items that I could think of, that I thought are likely to be brought up before you this term. The first two, program review and tenure procedures, you know about, you've read the materials on, and have been scheduled for this meeting and the meeting next week. The Sexual Harassment Procedure is not done&endash;it will be back before you once again because the Academic Freedom Committee is now considering the procedures it should use to hear a case if it should be so unfortunate as to have to hear a case. Faculty salaries I will talk about in a little bit."

"One issue that has been receiving active consideration at other universities and has started to receive consideration here is the issue of faculty retirement. With the limited number of new hires that we have, we really have to think about what we can do that will enable faculty to pursue the lives that they want to pursue&endash;faculty at the upper end of the age spectrum&endash;while still creating the vacancies that are necessary to bring new blood and new young people into the community. Other universities have looked at this, and we are about to."

"A big item is Project 2000, which keeps going on. It's a major item of expenditures and potentially has extremely important savings for the University and possibly may facilitate the work that we do here. There's a great deal of skepticism about whether Project 2000 will, in fact, achieve its goals. I think that it is an important issue both because of the savings that can be generated and because of the dangers that will occur if indeed the project does not go as well as we think."

"Two items that are high on President Rawlings agenda have been talked about now for two years. One is the whole residential life question which involves how to integrate the living experience with the learning experience. I must not shrink from saying the magic words 'PROGRAM HOUSES', as part of this issue. It received active consideration last year and will receive consideration this year, and I think that this body may want to talk about it. The first-year experience was brought before you once before. You rejected the proposal for the first year experience, but there are people in the Dean of Students' Office and others who are thinking about it and may come back with more proposals or we may wish to initiate proposals of our own."

"When do we teach classes? This is a persistent problem. What hours do we teach classes? This question probably will come to this body. Revisions in the Academic Integrity Code are awaiting your consideration. The Ward Reactor Laboratory wishes to change itself into a University-wide center and it cannot do that without your approval. The whole issue of benefits, which is a persistent problem, and which is now receiving active consideration by the administration, may in fact involve changes that this body wishes to actively consider."

"And the last on my list is potentially the most important. The fact that it's last doesn't mean that I think it's least important, but the whole relationship of that eternal triangle of SUNY-New York State-Cornell relationship and the various love/hate relationships on the legs of that triangle are extremely important and also are receiving active consideration in the administration. The reason that it's last on the list is I have not been able to think of any way that this body can actively participate in shaping that agenda. That does not mean that I don't think that that agenda is as important, or perhaps more important, than any of the other items on the list. It would be good if somebody would think of some way that we could interact with that whole fluid question. I could have written out some more, but I ran out of room on the word processor. Anyway, I think that these items are all apt to receive our attention in the coming year."

"Let me talk about two, the first being faculty salaries. I want to present to you two simple transparencies which I think tell a devastating tale. What I'm going to show you are what has happened to the salaries of full professors at the university. The reason that I choose full professors and not the entire faculty is that if you write down the whole faculty then other

questions get mixed in; namely, how our distribution of faculty compares to the distribution of faculty at other institutions, which confuses the issue. But if you take one class, which is the same at all institutions, namely full professors, you are able to look and see what the average salaries of our full professors are compared to those of 'our peers.' There is a real question as to how to define our peers. I believe that the peer institutions should be defined differently for the endowed and the statutory parts of the University simply because the streams of revenue and expenses are very different. Salaries are determined in very different ways in public and private institutions. It makes more sense to compare how we're doing if we compare our endowed part to the private research institutions and our statutory part to public research institutions.

"What I'm presenting to you is data compiled by Vice President Ehrenberg's office and the first transparency I want to show you is a decade worth of faculty (full professor's) salaries for the endowed units of Cornell compared to seventeen private research institutions ([Appendix A](#), attached). The seventeen were chosen by Professor Ehrenberg, although it would be the same seventeen no matter who did the choosing. If, in fact, had he chosen all research one universities, it would have only added six more to the list. So this is not really a sample, it is essentially the whole ensemble. Now, if you look at them, you could cry. I mean, over the past ten years, there is no way of saying, other than the fact that there has been substantial deterioration of Cornell faculty salaries from 1986 to 1996. It is of the order of ten percent. That is, we've gone from .96 to .88, which is roughly ten percent. It is unrelenting. I look at that graph a lot. Every time I look at it I get a different message, but one message I got when I looked at it, just coming over here, is that every single year, with one exception, we have gone down. It is an unrelenting tale of downwardness. It presents a serious danger to this institution and unless we are able to do something about that, I fear for the future of this institution.

"Let me present the other side. On the other side, for the statutory units, the situation is murkier. I was surprised when I plotted it, but this is Cornell statutory full-professor salaries&endash;same plot, same years, for fifteen major public institutions ([Appendix B](#), attached). The major public institutions are the same fifteen that you'd write down if you just sat and wrote them down: Wisconsin-Madison, Davis, Berkeley, North Carolina -- the major public research institutions. And if you look at it the picture is different. It ends up in 1996 roughly where it started out in 1985. For the first half of that period, we clearly gained. We were on an upswing. On the other hand, for the second half of the period, I don't have to tell you, we were no longer on an upswing. We've been on a substantial downswing. The numerical ordinate in 1995-96, the y-axis, turns out to be the same for both statutory and endowed. We are one University, we're .88, whether we're statutory or endowed. This is a somewhat more confusing picture than the other. Let me just go back to the first one because I find it more clear than the second, which I don't really understand.

"If I look at that, two questions come to my mind. The first one is, 'How come?' What is it that our seventeen other peers are doing that we're not doing? What is it that they have chosen to do with roughly the same revenue streams? What have we chosen to do with those revenue streams that they have put into faculty salaries? I think that that's an extremely important question and one that should concern faculty governance. This is a bread and butter issue.

"The other thing that I want to say, looking at that graph, is that in some sense, it's a failing of the administration. The administration, who is responsible for husbanding our resources, has not chosen over this decade of time to husband them for the faculty and I think that there is no way to avoid that. On the other hand, I feel equally that this is a failing of faculty governance. Where were we, the faculty? I happen to know that at one point on this curve, during 1986 or 1987, there was a major effort by Dick Schuler (he had to be away today) when he was chair of the Financial Policies Committee, to make the point that in fact salaries were inadequate. And they looked inadequate to him in 1986, but then somehow the issue was shelved by the faculty while salaries continued their downward slide. I think that this ought to be a major focus of faculty governance not only for next year but also for the next ten years. I think that you can't forget about it. You can't put it away.

"There ought to be a commitment on the part of the Financial Policies Committee, on the part of my office, for whoever is the Dean of Faculty, and on the part of whoever sits in the Senate, to keep this graph and other ways to think of this problem in the center of their vision. And to keep up pressure. I must say that the administration recognizes the problem. Don acknowledges the problem, Ron acknowledges the problem and I'm pleased with that. I'm pleased to have the administration fighting for us. But, nonetheless, I think that we must also fight for ourselves. I think that we should maintain this pressure on an ongoing basis. With the statutory units, we also have to maintain the pressure. It's more complicated. We have to understand it better. We're too much tied up with the other units of the State University of New York. I believe that there are things that we can learn to do independently of what the State University does, but that requires more study.

"But let us turn quickly to the last topic&endash;I see that I have almost exceeded my time. I want to tell you a little bit about what happened with the Sexual Harassment Procedures. This body, at its April meeting, passed a resolution saying that they found six deficiencies with the draft Sexual Harassment Procedures which were brought before this body. Those deficiencies were generated by the Academic Freedom Committee. The group debated it, the group amended it, we passed that, we sent it on to the administration. The Senate spoke on that issue. When the penultimate draft of the procedures was issued, I was disappointed to see that of the six recommendations or complaints that this body made, five of the six were ignored. I considered that, as did the University Faculty Committee, and the Academic Freedom Committee, as a major test of faculty governance.

"I believe that faculty governance has to be careful about the resolutions it passes but when it does pass resolutions it must be very firm. I believe that a resolution must be taken very seriously by the administration and we should hear, if the administration chooses not to do it, a report of why they chose not to do it. That was not the case with the Sexual Harassment Procedures. We, then, the Academic Freedom Committee and the University Faculty Committee, complained very vociferously to the Provost and the President that we believe that it is unacceptable to have our recommendations in this area not answered and, in fact, we had several meetings with the administration and those meetings had a very happy outcome. And the happy outcome was that, of those six recommendations, the Provost incorporated five and a half of them into the final draft. I was prepared, before that happy decision was made, to address the Trustee's Executive Committee and explain to them why I felt that the version of the procedures that did not incorporate these procedures would not fly with the faculty and should not be enacted. When I learned that five and a half of them would be enacted, I decided to go down to that meeting in any case to tell them that these were much better, but that I thought that it was important that that extra half be enacted.

"I think that, as far as I'm concerned, this was an important issue. This was an important issue not only because sexual harassment is an important issue, but because it is important to forge strong relationships between this body and the administration. There is a responsibility that goes two ways. We cannot pass resolutions idly. In my history with the FCR, this happened on many occasions, when the FCR passed resolutions without fully considering the implications and the administration totally ignored them. And that was not healthy for either the administration or the faculty. I believe that careful consideration and then firmness in negotiations with the administration to try to work together to come to some common agreement is the basis of good faculty governance. And I'm glad that the Sexual Harassment Procedures worked out. And I'm sorry for going over time."

Speaker Obendorf: "It is the custom to have a question and answer period with Provost Randel so we can do that now."

## **2. QUESTIONS AND ANSWERS&endash;PROVOST DON RANDEL**

Provost Don Randel: "I'd like to say that the administration has identified five areas of concern to work on this year and there is great overlap with the list that Dean Stein has shown you. Among those five is faculty and staff compensation. The Board of Trustees is so concerned about this that they charged us last spring to send them a report on the matter to show what the status of that problem is and what we propose to do about it. Indeed, I shall sneak out of here at five fifteen to go to a meeting of the Executive Committee of the Board in New York at which we will give that report, showing the data that Peter has already shown you. We are resolved to discuss that and to try to do something about it."

Associate Professor Lois S. Willett, Agricultural, Resource, and Managerial Economics: "Provost Randel, could you identify the other four of the five areas that President Rawlings has identified?"

Provost Randel: "Yes, the others included defining Cornell's role in relation to New York State; the coordination, and in some cases the reordering of some academic programs in relation to academic program review (which you'll take up); and restructuring of administrative services, which is to say, Project 2000, which should not be thought of just as a systems or technology effort. It will put a greater share of the institution's resources at the service of academic programs. And then, finally, the fourth area included the living and learning environment of our students, an effort to integrate what is up here on the Hill into the lives of students inside and outside of Cornell and also to address the living conditions of students on the campus. Whether we should have more students living on campus, how we can intervene in their lives outside of class, etc."

Professor Gordon Teskey, English: "Provost Randel, could you identify for us the missing one half to which Dean Stein referred?"

Provost Randel: "I'm embarrassed to say that I can't."

Dean Stein: "I can if you want; it is very quick. The question is the standard of proof for a conviction of sexual harassment. This committee (Academic Freedom Committee) wanted that standard of proof to be 'clear and convincing' evidence and the draft said, 'preponderance of the evidence.' The change that was made was that the 'clear and convincing' standard was added to the dismissal procedure but not to other serious adjudicatory procedures. That remains unsaid. There is no reference to what the standard should be. The reason I said the body could handle it is that the Academic Freedom Committee can, in fact, I believe, adopt that standard on their own. That's the whole story."

Provost Randel: "That is certainly correct. Before I continue, I want to mention making that distinction on the level below the level at which dismissal might be recommended. In any matter, including this one, the standard of proof is 'preponderance of the evidence', not 'clear and convincing' evidence. If the Office of Civil Rights were to undertake the investigation of Cornell through a complaint filed directly through them by some complainant, it would be unlikely that anything in the way of very elaborate procedures would be used, but certainly the standard of proof would not be higher than here. The danger that we have, therefore, is that we create a set of procedures in which the standards are so much higher than the law provides for that we give complainants a clear incentive to avoid University procedures altogether and go directly to the Office of Civil Rights, which I think would not be in the interest of the university. As it is, if someone pops in and complains in the Office of Civil Rights, they can show up and make an investigation and ask anybody what they want to ask them."

Associate Professor Kerry H. Cook, Soil, Crop and Atmospheric Sciences: "Do you feel that in the future the Senate recommendations will be taken seriously so that the faculty doesn't have to march in?"

Provost Randel: "Certainly. And I would say, in reference to the 'one to five and a half' that there was certainly no intention on my part or on anybody else's part to summarily reject four out of the five of the proposals. In fact, I had thought that we had adopted, if not five out of five, then four out five. I fail to understand the import of some of the faculty resolutions, so in some cases it was purely and simply a matter of my failing to understand what, precisely, was the force of what the faculty committee was after. Clearly, we have some differences of opinion, but it was not, for me, difficult to reach the agreements that we reached. It is certainly my aim to see that relations prosper and to meet with the committee at least bi-weekly."

Professor Cook: "So is there something that we should be doing differently?"

Provost Randel: "It is very difficult to overestimate the obtuseness of the people who are taken captive in the administration. In fact, the more you can explain, the better, no doubt. But it is also the case, and what's essential—;you know all about how language works—;and the more background conversation there is to create a context in which to place these communications, the more accurate the communication will be. A very great deal of grief will be avoided simply by our meeting regularly to exchange views in an informal way, so that we understand what the words that get hammered out in these sessions mean and what they represent."

Professor Sally McConnell-Ginet, Linguistics: "Do you think that it's fair to the Board of Trustees that the Faculty Senate ---"

Due to hallway noise there is a brief gap in the minutes.

After Provost Randel answered the question, Dean Stein picked up the thread of conversation.

Dean Stein: "Let me respond to that. I, at that meeting of the Executive Committee of the Board of Trustees, was crucially aware of this difference, and I was very careful to make sure that I stated it. How many people understood the import of the difference is another question, but the position that I took was that this body had not endorsed these procedures. On the other hand, this body had specific complaints, I believed that unless these complaints were dealt with, that this body, and the faculty in general, would not find these procedures acceptable. And one could infer from that other things. I was careful to state exactly what the case was, but you know how it goes. In a meeting with twenty five people, they hear different things."

Associate Professor Marianne Krasny, Natural Resources: "I was wondering if you could define Cornell's role between New York State and the SUNY system."

Provost Randel: "As Dean Stein observed, with respect to this body, and I would like to add, with respect to the administration, it is not easy to figure out how to pursue this nor has it been easy to figure out how to pursue this question, given that there has been a very considerable vacuum in the State University of New York. The chancellor resigned. It was clear that he was on the way out and it took him a good while to appoint an interim chancellor, who has declared that he will not be there past the thirty-first of December or so, and is thus unlikely to take any particular action. There has been no provost there for some time. There was a move to appoint a new provost by Chancellor Bartlett before he left office&endash;this was squelched by the new SUNY Board of Trustees. There has been such turmoil at SUNY and such a vacuum of leadership that it has not been easy to find anybody to talk to about what our relationship ought to be. In the meantime we have sort of ground away with the person who came to be called the 'officer in charge'&endash;because they didn't have a president or a provost. This was their chief financial guy and we came ultimately to working out our differences for this fiscal year that we are now in, and in the end, that run of negotiations turned out better than we had feared. The budget year that we now enter sees the statutory colleges taking a cut overall of about 2.9 million dollars, which is a million less than we thought we were going to have to deal with."

"We need to continue to think even in the absence of leadership in SUNY at the moment, how we would like to structure the relationship with them so that when the moment comes when they do have leadership, we will have a set of things to discuss with them. There is a considerable range of possibilities. The one thing that we must avoid at all costs, if we possibly can, is this continuing cycle where year in and year out, another percentage or two is scraped off the institution. We need to achieve some understanding that will provide somewhat of a more stable platform for us. The context for all of this, alas, is that the State of New York seems bent on spending less for higher education, generally, year after year. So if you look at the recent *Chronicle for Higher Education*, where you see all these numbers printed out for all of the states, for the last two years, New York's spending on higher education has declined something like four percent and you have states like Georgia, Michigan, a whole bunch of others, in which the spending for higher education is increasing faster than inflation. There are still states that understand the importance of this to their economy, and to their general well being. New York, alas, has not been one of those in recent years.

"And plus, what we have to try to establish at a minimum with the State of New York is that much of what we do in the statutory colleges is not a function of undergraduate teaching. When they wish to shift more of the burden of higher education onto the parents of undergraduates, as seems to be the drift in a number of quarters, they can't assume simultaneously, that undergraduate parents should be responsible for funding the Geneva Experiment Station, all of our extension work, and all of the research that we do in all of the statutory colleges in support of causes such as the New York State economy. They have so far wanted always to take with us this formulaic approach that says, 'so and so many dollars more or less per enrolled undergraduate', and treating the whole system, four-year colleges, university centers, our statutory colleges, as if they were one sort of homogeneous bunch."

Speaker Obendorf: "I think that we can see how complicated that issue is."

Provost Randel: "It could mean simply renegotiating the relationship within SUNY. One of the things that we need to contemplate is as even the SUNY folks said themselves at one point was, 'Well, maybe this isn't working as well as it ought to work and that maybe we need to think of the statutory colleges as having some sort of greater independence,' but that is all still underlying."

Speaker Obendorf: "Thank you very much. I think that we have a busy agenda, so I would like to move on. I would like to call on Associate Dean and Secretary of the Faculty, Bob Lucey, who will introduce the candidates for our election."

### **3. ELECTION OF SPEAKER**

Associate Dean and Secretary of the University Faculty Robert Lucey, E.V. Baker Professor of Agriculture: "Well, the reason that we're having an election for Speaker is that our distinguished Speaker, Kay, is moving on to be a Faculty Trustee. The procedure that we're following is the same that we followed last year, in that two candidates were brought in front of this body, gave a presentation, and then were asked to be excused from the room while the vote was taken. The two individuals that are up for candidate for speaker are, first, George Hudler, Plant Pathology, College of Agriculture and Life Sciences, and John Pollak, Animal Science, also in the College of Agriculture and Life Sciences. The first person who will speak is George Hudler."

Associate Professor George Hudler, Plant Pathology: "Thank you very much, Bob. As Bob said, I am an Associate Professor of Plant Pathology. This November will mark the start of my twentieth year in service to the University. My position is one of fifty percent teaching, thirty percent extension, and twenty percent research. It's one of those three-way splits Dean Call said I'd never have. My specialty is diseases of trees and shrubs, but in recent years I've gained the most notoriety for a course I teach called 'Magical Mushrooms, Mischievous Molds.' For the past five years I've been the chairman of the Cornell Plantations Advisory Board and that's probably the closest I've come to chairing a meeting that even remotely resembles this one, and I have to emphasize, the word 'remotely' so if you elect me to this position, I'll have to bone up on Robert's Rules of Order. I'll have to beg your patience as I do. When Dean Stein called and asked me if I wanted to run for this position, I agreed to do so out of a sense of service to the University. I had no ulterior motive at the time. But at the same time, I have to admit to you, that, as I stand up here before you now and look out onto the faces of a few old friends, and think about the fact that I could shut those people up with a rap of my gavel, the position becomes far more exhilarating."

Secretary Lucey: "The next person will be John Pollak."

Professor John Pollak, Animal Science: "I didn't realize George could leave."

Secretary Lucey: "He doesn't have to leave."

Professor Pollak: "I promise not to run a muddy campaign. I'm in the Department of Animal Science and I've been there since 1980. I came from the University of California at Davis, where I worked, and while I was at Davis I got to take a three month sabbatic leave here at Cornell, which was returning home, since I was a graduate in 1969&endash;that infamous year that everybody refers to as one of the most exciting, in retrospect, that Cornell had gone through&endash;so I've had a lot of exposure to the program here in a variety of ways. I teach an introductory and an advanced course in genetics in the Animal Science Department and I am also involved as the graduate representative for the field of animal breeding. I've tried to focus on the teaching area. I've been involved with the policy area for CALS and I've been involved with the Curriculum Committee. I was co-chair in the Strategic Planning Committee for Teaching. I got in there early on, I don't think by any credit to myself. In CALS we have ballots that are sent out for people to be nominated. In fact, I thought that that was how this was going to work. (I didn't know that we'd have to stand up and present ourselves) On those ballots they list your name and even as a very new faculty member, I was winning everything I ran for. It wasn't until I started getting some phone calls from people outside Ag that I realized that there was a very popular fellow in Ag Engineering that was carrying me through all those elections. I don't have him here to help me today, so this is what you get if you choose me."

Speaker Obendorf: "I think that last year at this time I was in the corridor, but this year I get to stay. I think that we did it by hand vote, so I think I have a couple counters that are going to help with counting the vote. So can I have all those in favor of George Hudler please hold your hands high for the counters? Thank you."

"Can I have those that are in favor of John Pollak please hold your hands high and hold them high for the counters? Okay. You've elected John Pollak your Speaker with a vote of 39 to 31. It's interesting to me that every time we have a Speaker race it is very close. It means that we have good candidates."

Dean Stein: "Speaker, can I be recognized out of order? Thank you. I would just like to take this opportunity to thank our Speaker, Kay Obendorf. I think that she has served admirably; she came in here saying that she didn't know a thing about it, I said, 'You're a fast learner'. She's done an excellent job and I'm thrilled that she's representing us on the Board of Trustees and I know that she'll do a good job there, too."

Speaker Obendorf: "I know John Pollak as a soccer coach. He and I have been many places and to many soccer fields together and I'm sure that you will enjoy having him as a Speaker as much as my son enjoyed having him as a soccer coach. I went from very nervous to only slightly nervous as your Speaker, and I'll try to do as well at my next post. At this time, moving along, I would like to call on Dean Stein who would like to introduce the Motion on Senate Procedures, to be followed by discussion and a vote."

#### **4. MOTION ON SENATE PROCEDURES**

Dean Stein: "I introduce this motion ([Appendix C](#)) on behalf of the University Faculty Committee. This was the University Faculty Committee's attempt to respond to various things that we heard following last term's meetings that we regularized the way that motions can be brought to the floor. The guiding principle here is 'No surprises, maximum information.' The

point is that when people come into the room they should know what it is that they are going to vote on and they should have had the opportunity to discuss it with the people that they represent. That's the spirit that's behind this. With no further ado, I'd like to bring it to the floor."

Professor William Lesser, Agricultural, Resource, and Managerial Economics: "My colleague and I believe that it is also important to regularize the procedures for agenda items to the floor of the Senate altogether. This is a procedure that I, personally, only have a fairly unclear idea of what it is. We believe that it is important to establish such a procedure. The first item of business today was a description of items we should consider, and although they are all relevant, there appears to be very little opportunity for the faculty to bring forth items that we generate ourselves, or at least to process. Therefore, we propose an amendment to change the word 'motion' to 'agenda item', which would allow the process for faculty to bring forward agenda items."

Speaker Obendorf: "Are you introducing that as an amendment?"

Professor Lesser: "I'm introducing that as an amendment."

Speaker Obendorf: "Is there a second?"

The motion was seconded.

Speaker Obendorf: "Now we're discussing the amendment."

A point of information was raised as to whether the amendment was circulated twenty-four hours in advance of the meeting.

The Speaker indicated that this is not currently a rule, but that she believed this amendment was not circulated in advance.

An unidentified speaker: "May I ask the maker of the motion what he regards as an agenda item that is not a motion?"

Professor Lesser: "What we come to discuss. I mean, in an outline of what we're going to discuss, I don't really see an opportunity to present in a systematic fashion a whole other area that I and a number of six or more colleagues consider to be important. It is the intent of the amendment to clarify that process."

Dean Stein: "I have no disagreement with you, Professor Lesser, with what you're saying, but in my rudimentary understanding of Robert's Rules, a body can only consider motions. And that's what's meant by the procedure that we offer. That according to Robert's Rules, it is out of order to come in and say, 'I want to come in and talk about something.' You have to have a motion that becomes the focus for discussion. I would not know how to respond to this motion if it passes."

Professor Lesser: "Excuse me, Dean Stein, but it seems to me that the procedure sets up a process by which, we, for example, would require six members of the Senate to approve an agenda item, which would then be forwarded to, possibly, your office, a week prior to the meeting, and then would be considered among the agenda items for that meeting."

Dean Stein: "That motion would be placed on the agenda. That's the idea. Everything that we considered at this meeting, and everything that we considered at the past four meetings were all motions, and the motions all came from the University Faculty Committee. Or the one that we're going to consider later comes from the Committee on Academic Programs and Policies. What we're trying to accomplish with this proposal&endash;what this proposal is trying to change&endash;is to allow people other than faculty committees or the University Faculty Committee to put a motion on the agenda. So it says that any six people, if they present to the University Faculty Committee a motion that they want considered, must have their motion appear on the agenda. I don't understand why that doesn't answer what it is that you're trying to accomplish."

Speaker Obendorf: "I think that there is an underlying factor, if the Speaker might speak. You're concerned about the make-up of the agenda, and at least, historically, with the FCR, the decision on the agenda was the decision of the Executive Committee which was replaced by the University Faculty Committee. They are the ones that govern."

Professor Lesser: "Our proposal, then, is to look for a slight modification of that process to allow motions or agenda items to reach the floor that do not, necessarily, need the approval and the scheduling of the University Faculty Committee."

Dean Stein: "But that is exactly the motion."

Professor Kenneth A. Strike, Education: "There seems to be some confusion over what, exactly, constitutes an agenda item and what would need to be approved. The piece of paper that we have here, for instance, makes it unclear whether the Provost would need to submit for approval to answer questions, or merely show up and talk. Would Dean Stein's fifteen minutes themselves require approval? Is that the item? Or does each item underneath his fifteen minute talk require approval? I don't know what would require approval."

Speaker Obendorf: "Let's keep focused on the amendment that's before the house, which is to replace the statement of 'motion' to 'agenda item'."

Unidentified Speaker: "Is the issue here that as stated, this is a necessary, but not sufficient condition? Is that what you're worried about? It says that for the motion to be placed on the agenda it must be endorsed by&endash;but it doesn't demand action. Is that what you're worried about?"

Professor Lesser: "That's correct, as well. It is not clear that if, indeed, an item receives the support of six Senate members that it's necessarily going to appear. Maybe that was the intent of the motion."

Dean Stein: "That certainly was the intent of the motion. For it to appear, it 'must.' That was certainly in the minds of the people who wrote it."

Professor Tob deBoer, Mechanical and Aerospace Engineering: "Was the intent of this motion that during the meeting itself it is no longer allowed to introduce a motion?"

Speaker Obendorf: "A new motion that is not on the agenda."

Dean Stein: "That certainly is the intent of the motion. The intent of the motion is that the agenda is circulated a week in advance; all the materials that will be considered will be circulated a week in advance."

Speaker Obendorf: "And the motion may be amended, but substantive amendments we are asking to be circulated. Let's deal with the amendment because that is our business right now. And that is the substitution of 'agenda item' for 'motion' in the motion."

Associate Professor Walter Mebane, Government: "The point of order that I question is, is it possible to amend the amendment?"

Speaker Obendorf: "He wants to know if he can amend the amendment."

Professor Mebane: "I offer the amendment that the language of point one be changed from 'must be endorsed', to 'it is necessary and sufficient.'"

Speaker Obendorf: "That's not an amendment to the amendment. That's another amendment."

Professor Mebane: "Well the language of the amendment, I thought, was to replace the words in the language of the amendment."

Speaker Obendorf: "I think that we're viewing that as a new amendment. Let us deal with the one we have on the floor first. Unless you're going to speak to that, I'm going to offer the vote. Those people in favor --"

Point of Information: "Are we replacing the word 'motion' with 'agenda item' throughout the document? Or only under point number one? The word 'motion' appears here a number of times."

Professor Lesser: "Only under number one."

The vote was taken. The amendment failed.

Speaker Obendorf: "We are back to discussing the motion."

Professor Leonard Lion, Civil and Environmental Engineering, proposed the addition of the words "or any 25 University Faculty members."

Speaker Obendorf: "To be circulated by e-mail. Let this be open for discussion."

Dean Stein: "I think that this is an excellent idea that can be brought quickly to a vote."

Associate Professor Michael Kazarinoff, Nutritional Sciences: "Is part of the intent of this to make it easier for non-Senate members to bring issues to the agenda? It strikes me that most of us represent approximately twenty-five faculty members and it takes at least six Senators to bring something to the agenda. And it will only take twenty-five faculty. As it stands, I am opposed to this addition because of the number involved."

Associate Professor Andrea Simitch, Architecture; "The rationale of the amendment indicates that the faculty members should not be from the same department, and I was wondering if that was a representation of the intention of the motion. I don't understand."

Speaker Obendorf: "That is the rationale, I believe."

Professor Frederick Ahl, Classics: "I would like to move the motion. I think that the idea is splendid; we have a busy agenda, and I think the intent is clear."

Speaker Obendorf: "If that's agreeable to the body, we'll vote on the amendment now, which adds the words, 'or any twenty-five University Faculty members.'"

The vote was taken and the amendment carried, as did the motion ([Appendix D](#), attached).

The Speaker called on Dean Stein to introduce a motion for the selection of the sexual harassment co-investigator pool.

## **5. MOTION FOR SELECTION OF SEXUAL HARASSMENT CO-INVESTIGATOR POOL**

Dean Stein: "This is a technical motion ([Appendix E](#), attached). The new Sexual Harassment Procedures require this body to establish procedures for selecting a pool of faculty co-investigators. I move this on the part of the University Faculty Committee, which proposes establishing this procedure to be in conformity with our other procedures for selecting faculty for pooled committees. What that would be is that the Nominations and Elections committee would bring to this body a list of people and this body would either approve or reject it. If it rejected it, the Nominations and Elections Committee would have to bring this group another pool. That's the procedure that we use for other appointments to faculty committees and other responsibilities. I move that much."

Speaker Obendorf: "The motion is open for your discussion."

Professor Mebane: "I'm not sure how to word it, but I'd like to table consideration of this motion until the next meeting. Ideally, I'd like to table it until the Senate has had a chance to vote on the sexual harassment procedures."

Speaker Obendorf: "Would you like to postpone rather than table, because of the parliamentary procedure?"

Professor Mebane: "If that's in order under Robert's Rules."

Speaker Obendorf: "All right, then, it can be postponed until that time, which is the next meeting, which is next week. Or you can send it to a committee."

Professor Mebane: "My impression was that it was only in order to postpone until the next meeting, as opposed to indefinitely."

Speaker Obendorf: "The next meeting is next week. I think that we have to deal with it as you're making the motion. Would you please clarify to the Speaker?"

Professor Mebane: "I'm not entirely sure what's in order. If it is in order for me to propose to table the motion until such

time as the Senate has had a chance to endorse or not the Sexual Harassment Procedures, then that's what I'd like, but I'm not clear."

Speaker Obendorf: "I'd like to call on our Parliamentarian to give us information."

Professor Emeritus Russell Martin, Communication: "The motion to table is incorrect in this particular instance. The purpose of laying a matter on the table is to lay it on the table with the full intent of bringing it back before we adjourn at this meeting. It has been used to kill a motion, that's the problem. Postponing it until the next meeting would be in order and it would automatically come up from the table. The motion of laying it on the table is sometimes used to kill a motion, and I don't think that that is the intent here."

Professor Mebane: "Okay, then my motion is as I thought I originally stated it&endash;that I'd like to postpone (if I used the word 'table' I'm sorry) the consideration of the motion until the next meeting."

Speaker Obendorf: "The Speaker has a question here. It is my understanding that if you're going to seek information you have to send it to somebody who has to seek the information."

Parliamentarian: "No."

Professor Mebane: "Then my other question was whether it was in order for me to postpone the motion until such time as the Senate will have voted on the Sexual Harassment Procedures?"

Parliamentarian: "You cannot postpone beyond the next regular meeting."

Professor Mebane: "That was my impression, which is why I stated the motion as I did."

Speaker Obendorf: "So the motion is to postpone until the next meeting, which is next week. Is there a second to this motion?"

Professor Isaac Kramnick, Richard J. Schwartz Professor of Government: "That's not his real desire. He just said it, and I don't think that you heard him, Kay. He would like to postpone it until the Senate is asked to approve the Sexual Harassment Procedures."

Speaker Obendorf: "But that motion has not been made."

Professor Mebane: "Well, I asked if it would be in order, and I was told that it would not be in order, and so I made the motion that is as far along the way as I could get."

Speaker Obendorf: "Unless I have a second, I'm stopping the discussion."

The motion was seconded.

Professor Ahl: "One way to get around this snag is to say that we will postpone this until the next meeting and then the first item of business at the next meeting will be to postpone it until the next meeting, until such time as we are ready to discuss it."

Speaker Obendorf: "The Speaker was trying to offer another suggestion and that suggestion was to send it to a committee of this body that is dealing with the issue and then they can raise it and bring it back to the body. That was my friendly Speaker suggestion. That motion was a motion to send it back to the committee, and the committee that has been dealing with this on your behalf is the Academic Freedom Committee. I was offering that as one of the options that you can choose from."

Professor Mebane: "I'm sorry, I didn't understand the question. I'm not sure what the parliamentary situation is."

Dean Stein: "Point of Order, Madame Chairman. The motion is on the floor. It has been moved and seconded to postpone until the next meeting and I believe that all this talk about parliamentary procedure is out of order. I think that the item of business on the floor is to postpone until the next meeting and that we should dispense with that and go on."

Speaker Obendorf: "We are only going to discuss the motion to postpone. I believe that he is correct. No more friendly advice. So, the motion about postponement is the motion that is available for discussion."

Professor Gary A. Rendsburg, Near Eastern Studies: "Can Dean Stein or anybody else answer a question about at what time during the academic year we will be, as a body, entertaining the proposal about Sexual Harassment Procedures?"

Dean Stein: "I would be happy to respond to that, although my judgment in these matters often turns out not to be correct. There is no item in the pipeline, that I know of, to approve these procedures. If people want to register the faculty's opinion on them, then six of you can get together and put the item on the agenda at some point, but as far as I know, that item is not on your agenda."

Professor Rendsburg: "But it was on your list."

Dean Stein: "It was on my list of issues that are expected to come up and what I expect to come up is something else, namely, what procedures is the Academic Freedom Committee going to adopt to hear cases that come to it under the Sexual Harassment Procedures. I expect that to come. But I did not expect a wholesale motion to approve or not approve of this to come from the floor. But what do I know? Maybe it will come. If such a motion does not come, then I would expect the procedures of the Academic Freedom Committee to come to you in mid-October, but maybe not."

Speaker Obendorf: "Okay. Unless we're discussing the postponing, let's vote on the motion that we have to postpone this until the next meeting."

Associate Professor Kathryn March, Anthropology: "Voting on this motion carries with it the implication that we are finished discussing the procedures. I agree that a motion to postpone until next week is simply a kind of empty gesture, since under the new rules that we just passed, we wouldn't have the chance to put a motion to discuss those procedures more substantively on the agenda. But it does seem to me that, especially since we don't know exactly what the timing of the need for this is, that, at least on my part, some reservations on whether or not, indeed, all of the concerns that we might have for those policies have been addressed and to postpone participating in them, until I for one, am fully satisfied with them, is something that I would support."

Dean Stein: "I understand that there are a lot of concerns in a lot of quarters about these procedures and I share many of them. Whether or not this is the right way to express those concerns, I don't know. I feel a little bit embarrassed because the way those procedures started out, there was no faculty co-investigator, and it is through the diligence of the Academic Freedom Committee and this body that the whole notion of the faculty co-investigator was added to the procedure. Now to say that, well, we're not going to do that, well, we can do that if you want, but it just seems a little odd, that's all. I don't see where passing this procedure would, in fact, inhibit us from making any comment about how we want these procedures to be changed. So I don't understand the connection between unhappiness with the procedures and passing this particular motion."

Professor March: "I think that it's a question that is being faced in all the colleges as we're being asked to identify sexual harassment counselors at this time as well, and I do not think that asking to consider our satisfaction with the procedures before identifying the co-investigator is denying the importance of a co-investigator. I think that it is saying that the co-investigator should be appointed when that person has the clear backing of the entire body, for the procedures that they will be asked to administer."

Speaker Obendorf: "I think that we're getting into a discussion that was not even part of the first motion, let alone the motion that is on the floor. So we need to stick to the motion, which is to postpone the original motion until the next meeting. Okay, we're going to vote."

The vote was taken. It was defeated.

Professor Mebane: "Can we review what exactly is the procedure?"

Dean Stein: "The procedures that we use for appointing all faculty committees, with a few exceptions, is that the Nominations and Elections Committee prepares a slate, and then that slate is brought to this body, and this body either approves or disapproves the slate. That is our usual procedure for doing it."

Professor Rendsburg: "Dean Stein, what are the exceptions to the rule that you just mentioned?"

Dean Stein: "The exceptions to the rule are the Nominations and Elections Committee, and the University Faculty Committee. Those are elected by the faculty as opposed to being appointed by the Nominations and Elections Committee. In that case, the Nominations and Elections Committee presents a slate to this body which this body either accepts or rejects. And then the faculty as a whole, vote."

Speaker Obendorf: "I'd like to move the question. Can I see those in favor of the motion as circulated?"

The motion carried.

## **6. MOTION ON ACADEMIC PROGRAM REVIEW**

Assistant Professor Joseph Yavitt, Natural Resources; Chairman, Committee on Academic Programs and Policies: "The proposal for academic review at Cornell was written by an ad hoc committee and those members are listed in Appendix B of the Report ([Attachment 1](#)) and that committee was formed at the request of the President and Provost. I briefly summarized in the second paragraph what the objective is of program review; both the self-study and the ad hoc committee put together by the departments, the timing of the reviews (once every seven to ten years) and the involvement of a faculty committee that will oversee the process and the motion as written, that came from my committee, is as stated."

Speaker Obendorf: "Okay. I believe that this was circulated in time for you to have read it more carefully and that we shouldn't spend more time than is necessary at this point. Let's go into discussion. The floor is open for discussion."

Professor Gordon Teskey, English: "It looks to me as if the motion really involves two kinds of review. One is standard academic peer review. The other kind is the sort of review that is looking at dealing with problems with allocation of resources within the University. In the first kind of review, it seems appropriate to have peers from outside the institution entirely, whereas for the second, obviously, it seems to make more sense to have people from inside. I wonder whether these two kinds, these two needs, should be put together in a single form of review."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "One of my colleagues requested that I suggest a modification. (I don't know the procedural way of turning it out). That is, at MIT apparently they replaced one of the three experts in the internal area with an alumnus or a person with interest in that departmental area, to try and get some representation for undergraduate education in the process other than simply through the faculty itself. It actually makes a lot of sense to me."

Speaker Obendorf: "You're offering that as a suggestion?"

Professor Wilson: "As a suggestion for some consideration of bringing people from the Alumni or Trustees, or that group on behalf of the undergraduates."

Professor Peter J. Trowbridge, Landscape Architecture: "Is the intention to proceed with other evaluations that go on with accreditation or evaluations in departments or colleges?"

Professor Yavitt: "This would not duplicate any other of the review efforts that are going on. That is, it would be up to the discretion of the deans and the faculty committee together to make those decisions."

Professor Trowbridge: "Just a clarification. The peer reviews that currently happen may in fact provide the same information that this would."

Professor Yavitt: "Exactly. Right."

Professor Trowbridge: "We in the statutory departments already do this."

Professor Terrence Fine, Electrical Engineering: "I don't want to discuss the details because I'm not really convinced of the need. This has the looks to me of one of those rational processes that are meant to improve things but that ends up taking more time and producing less results than you might think for the cost."

Professor Yavitt: "The idea of similar programs being reviewed at the same time is to cut across departments of the University where they may share a duplication of effort, to find out just exactly where things are going on and how those things are being done. When we do department reviews we do them in isolation, usually for some other reason, for state funding or whatever. The key focus here is to make these area reviews a central focus to look for duplication in the University."

Professor Willett: "I share similar concerns. I note in the statement by the committee that there was a phrase in there indicating that this need not take much time on the part of faculty. Yet it appears to me that there is an intent to use these reviews to allocate resources among programs. And if we fool ourselves to say that we're not going to take time to participate in this and we're to bear full effort toward it and it may be used to allocate resources among programs I'm very skeptical with limited justification from the administration."

Professor Lucey: "My experiences with reviews have been very positive even though they were painful. And as chair I have experienced two reviews of the Department of Soil, Crop, and Atmospheric Sciences. The first review, which was made up of seven members from outside the College and University, informed me in no uncertain terms, and also the University, that we were complacent, that we had to change our ways or we would soon become a second-rate department. And as a first year chairman, that had a sobering effect upon me. And it had an effect upon me during my entire career as chair. When we were hiring faculty or staff, I had no friends. And I just have to speak very positively for the review because it's very easy to become complacent and not know it."

Professor Lesser: "A question to the committee chair if I could, please? The second sentence under the introduction begins: 'Our proposal aims not simply to establish consistent standards across the University.' As diverse a University as Cornell is, it is not really evident exactly what you mean by consistent standards. Is it grading or faculty hiring or performance or in other areas? Could you please address this? It is clearly important to the justification of the policy."

Professor Yavitt: "I'm going to defer that to Dean Stein."

Dean Stein: "I'm going to defer that to Walter Cohen, chair of the committee."

Dean Walter Cohen, Graduate School: "I can't say that we spent several hours working out exactly what we meant by consistent standards. I think that there is some belief, which I admit to sharing, that there are different standards in terms of intellectual seriousness in the operating of certain programs in the University. I don't know how to say that and make everybody feel good, but I believe that that is the case. I think that program review would put some pressure on that. I think that was one of the considerations. On the other side, I'd have to say that there are other, less controversial things that don't go on in some programs, simply because it never occurred to them. And some of those, I think, could come to light. It's those sorts of issues that are implied by this."

Professor Milton Zaitlin, Plant Pathology: "I'd like to disagree with my friend Bob Lucey in terms of these reviews of agricultural impact. I've been on a number of these: both being reviewed and being a reviewer. My experience is that the departments generally use these to try to get the administration to see where their deficiencies are. They don't air their dirty linens. And as a consequence, they try to use this committee to try to get the administration to agree to things they want. And I feel that in the case of Cornell, I'm not sure what the ultimate impact of these will be."

Professor Kramnick: "Several speakers have spoken of the cost of this in terms of the faculty hours, which of course is tremendous, but has the committee also made an estimate of what it will actually cost in money for each of these committees to have three outside-of-Cornell people? Do we have a cost figure on that?"

Dean Cohen: "I think our estimate was, and we were trying to drive the cost as high as possible so as not to be naive, was \$2000 a pop."

Professor Kramnick: "A pop?"

Dean Cohen: "Well, if you assume that there are about ninety or a hundred programs, it will cost a million dollars to do the entire University over this time period."

Professor Kramnick: "Not beans."

Dean Cohen: "About a hundred thousand dollars a year."

Dean Stein: "Just one comment. When Professor Fine spoke, he said that he was not sure that this was the right thing to do. But it doesn't matter, because in Professor Fine's college it's going to go on. Dean Hopcroft is committed to it so these program reviews will go on in your college whether you like them or not. Likewise with Professor Lesser. The Cooperative State Research Service (CSRS) reviews go on whether you like them or not. And there are professional accreditation reviews that go on in various programs. As a matter of fact, sixty-five percent of this University is forced into program reviews that are controlled by deans and administrators. What this says is that this is a faculty-controlled effort that will make consistent reviews that will make all the other reviews conform in a consistent way. So really, it's not a question of is it going to happen or isn't it going to happen, but how is it going to happen. And you've got to control it."

Speaker Obendorf: "The Speaker is watching the time and if the body will agree I'm going to use the time that was allocated to new business to continue this to see if we can bring it to resolution."

Professor McConnell-Ginet: "I'm basically in favor of the process, but I'm puzzled as to why you put Cornell faculty members on the departmental review committee. I can see having them as part of the area reviews but I don't understand why they are there."

Dean Cohen: "I actually am prepared for that question, as you know, Sally. I think that the reason is related to the consistent standards question that was asked before. That was, to provide some comparative basis for evaluating the programs. I'm going to disguise this a lot, but some years ago I had a discussion with a graduate student whose program had just been reviewed and it got fantastic reviews from the outside committee. I said, 'Isn't that great?' and he said, 'I suppose the review went well but I don't think that it's a great program according to my standards in a particular area, in a particular macro discipline,' (that he happened to be in). And that was a particularly sobering experience, I have to say. And I think that was the sentiment behind this. One issue that was recently brought to my attention that we did discuss in the committee, was, 'Well, why can't the large area reviews handle that particular point?' And the answer was, 'Well, maybe they can.' But in the absence of such fields, my feeling is that it is better to do it this way on balance because the members of such area committees would be drawn in part from members of previous committees. And if those people have no comparative basis to start with then I think it would be hard for that comparative analysis to occur at a higher level."

Professor McConnell-Ginet: "But it seems to be harder to have a really substantive review if you have insiders as well as external people. I mean, they are a form of dilution, I think. And it seems to be diluting the effects of the area reviews."

Professor Strike: "I think that like some other speakers, I am a little cynical about the process of review. At least my experience in my department has been that. And when we were asked to engage in a Cooperative State Research, Education, and Extension Services (CSREES) review a couple of years ago, I chaired the group that put together the materials that my department used for the state doctorate program, we stopped thinking about what was educationally sensible. The internal value of that, at least in my experience, is quite minimal. Dean Stein suggests that you are going to have to do it anyhow. One question that it is important to me to hear the answer to is whether or not this is likely to have the consequence of making these reviews more frequent or more intensive. I find that the relevant language is that procedures outlined here are designed to build on rather than repeat these ongoing efforts. However, as I read through it, it also says that we must go through them every five or ten years. The relationship between this and other CSREES reviews is, in my judgment, fairly unclear. This seems to me to have the potential to generate an additional cycle of review of a different structure. I'm puzzled as to what the actual consequences will be. And I would like for someone to tell me."

Speaker Obendorf: "Let's deal with a quick answer to that and then let's look at the clock and realize that we need to do something with this motion. We've had a long discussion of several parliamentary options, so let's have the answer to that then let's move ahead with our business."

Dean Cohen: "I'm pretty sure that it wouldn't have the effect that you say, except in very specific ways. For instance, let's take the CSRS in one of the statutory colleges. We look at that review and it covers a lot of the same stuff. I would believe that this proposal, if passed, would allow that faculty to say well, 'There are some things that aren't in the CSRS review that we want everyone to deal with and that they should be done at the same time.' And, I would think that they would be minimal. And so those differences would be small. And my own view is that there is a lot of stuff done with the CSRS review that shouldn't be done in the first place, that those are much more elaborate than what need to be done. The only area

where there would be something new would be the area reviews. And I think that there would need to be some care taken to make sure that those drew as much as possible from previously done local reviews rather than gearing up a whole new machine. So, that's the area that I think the difference would be tiny. Except in the area review."

Dean Stein: "This is a very important issue that you've raised. I was on the committee that drafted this and we labored over this question. There was certainly the intent to draft the language so that it did not mean an extra review and the hope was that we would build on the intent. The actual intent was that the review would conform to the needs of CSRS and that the other part would add whatever else was required to satisfy the uniform reviews of all academic programs at Cornell so that there would be some structure. But it certainly wouldn't mean another review. The area reviews we saw as not additional, but as a group to look at the various reviews that had been generated in the previous cycle and then to make something of them."

Speaker Obendorf: "We've always stuck to the time, and I know that we all have lives aside from being Faculty Senators, so what I would like to entertain now is, how the body wishes to handle this. The motion is to postpone until the next meeting. All those in favor? All those opposed? I think that it passes."

Adjourned 6 p.m.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty