

# MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, October 8, 1997

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

## 1. REMARKS FROM THE DEAN

Peter C. Stein, Dean of Faculty: "A couple of brief comments. Number one, if you remember the famous debate about the median grade policy that took place a couple of years ago, well, the resolution that the FCR passed has now been implemented and the median grades of all undergraduate courses with more than 10 students last term are now posted on the web. The file can be accessed from the CUinfo home page by clicking on 'Courses, Classes, and Exams' under Academic Life.

"The other announcement that I would like to make is that I received a request from Susan Murphy, the Vice-President for Student Affairs, on behalf of the Associate Deans of the various colleges to change the rules about S-U grades. A student cannot now change from S-U to a letter grade later than three weeks into the term and a request came to me to bring to you a proposal to change that to seven weeks. I brought that to the Educational Policy Committee and they unanimously rejected it. I want to read you the letter that they wrote to Susan Murphy for your information. This is from John McMurry, Chemistry, the Chair of that Committee to Susan Murphy. It says:

"The Educational Policy Committee met recently and was unanimous in opposing a change in the grade/S-U deadline from the current three weeks to a suggested seven weeks. As stated in the Faculty Handbook (p. 67), 'The purpose of the S-U system is to encourage students to venture into courses outside their main areas of familiarity without great risk to their academic record. . . Students may not defer the decision in the hope of first seeing the letter grade they are likely to earn.'

The committee felt that three weeks was a sufficient amount of time to allow an informed decision on the part of the student. Lengthening that time would simply encourage more game- playing and more attempts at manipulating the grading system."

"Since the proposal was rejected by that Committee, this proposal will not appear on the floor of the Senate.

"I would also like to report that the President has made his decision on his response to the Residential Life Committee's recommendation, a recommendation that has been around, believe it or not, longer than a proposal to establish a committee to review the Provost's tenure decisions. He has made his final definitive response. He is having a press conference where he is announcing his decision. I do not dare, nor am I able to summarize what his response is. But, I am sure that you will be able to read about it in tomorrow morning's newspaper.

"That concludes my announcements, it is now my sad duty to read to you the names of the faculty members who died during this past year.

Charles E. Williamson, Professor Emeritus, Plant Pathology, May 30, 1996

Robert P. Merrill, Herbert Fisk Johnson Professor of Industrial Chemistry, September 20, 1996

Karla Longree, Professor Emerita, Nutritional Sciences, September 26, 1996

John G.B. Hutchins, Professor Emeritus, JGSM, October 28, 1996

John F. Cummings, James Law Professor of Anatomy, November 3, 1996

John G. Matthyse, Professor Emeritus, Entomology, November 9, 1996

Rudolf B. Schlesinger, William Nelson Cromwell Professor of International and Comparative Law, Emeritus, November 10, 1996

Peggy Lawler, Professor Emerita, Theatre Arts, November 21, 1996

James C. Moyer, Professor Emeritus, Food Science and Technology, Geneva, December 12, 1996

Carl Sagan, Duncan Professor of Physical Sciences, December 20, 1996

Hazel E. Reed, Professor Emerita, Cooperative Extension, January 4, 1997

Alice J. Davey, Professor Emerita, Consumer Economics and Housing, January 27, 1997

Helen Powell-Smith, Professor (retired), Textiles and Clothing, February 6, 1997

H. Peter Kahn, Professor of Fine Arts, Emeritus, February 16, 1997

John W. McConnell, Adjunct Professor, ILR, February 19, 1997

Wolfgang H.J. Fuchs, Professor Emeritus, Mathematics, February 24, 1997

Richard W. Guest, Professor Emeritus, Agricultural and Biological Engineering, February 24, 1997

S. Reuben Shapley, Professor Emeritus, Personnel Administration, March 12, 1997

Francis M.R. Isenberg, Professor Emeritus, Vegetable Crops, March 18, 1997

Reeshon Feuer, Professor Emeritus, Agronomy, March 29, 1997

William L. Brown, Jr., Professor Emeritus, Entomology, March 30, 1997

Robert C. Lamb, Professor Emeritus, Horticultural Sciences, Geneva, March 31, 1997

Dalai Brenes, Professor Emeritus, Romance Studies, April 7, 1997

Lillian Shaben, Professor Emerita, Food Nutrition, May 3, 1997

Adrian M. Srb, Jacob Gould Schurman Professor of Genetics, Emeritus, May 24, 1997

Barclay G. Jones, Professor, City and Regional Planning, May 26, 1997

Carlton E. Wright, Professor Emeritus, Consumer Education, May 30, 1997

Anwar A. Khan, Professor, Horticultural Sciences, Geneva, June 28, 1997

Nicholas Bodman, Professor Emeritus, Linguistics, June 29, 1997

Robert A. Polson, Professor Emeritus, Rural Sociology, July 4, 1997

Frances Spratt, Associate Professor (retired), Textiles and Clothing, July 9, 1997

Dean Lee Taylor, Professor, Mechanical and Aerospace Engineering, July 31, 1997

Robert J. Wagenet, Professor, Soil, Crop and Atmospheric Sciences, July 31, 1997

Joseph K. Campbell, Professor Emeritus, Agricultural and Biological Engineering, August 4, 1997

S. Gordon Campbell, Professor, Microbiology, Immunology and Parasitology, September 29, 1997

"I'd like to take special note and pay special tribute to the last name, which is my friend and colleague on the Senate, and colleague of many of us, the untimely death of Gordon Campbell from Veterinary Medicine. Gordon has played an active role in this body, has been a colleague and friend of mine, and I would turn to him often for his measured response and guidance which I always found very useful. I will miss him."

Dean Stein asked those present to stand for a moment of silence for their departed colleagues.

Speaker Pollak: "Now we will move on to questions and answers with the Provost."

## **2. QUESTIONS AND ANSWERS WITH THE PROVOST**

Don M. Randel, University Provost: "I would be glad to respond to questions right off. If there is not a ready supply of questions, I can speak for at least 50 minutes on any musical topic."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "I don't know if it has been officially announced. The report of the new research committee about priorities is one that stirred up a lot of conflict at least from my extremely narrow focus. I don't know if you have any response to it."

Provost Randel: "That report was never intended to be the report on the whole of Cornell's research agenda nor even on the whole of the sciences. It seems desirable to incorporate some aspects of biology that had the closest set of relationships with the physical sciences and engineering. You can be sure that that is just the first of a series of such reports. There is underway at the moment a review of the structure of the Division of Biological Sciences and, simultaneously being launched, are reviews of each of the sections that make up the Division. During these reviews, one will be thinking about everything, including rethinking the alignment, which could lead to a different sort of structure and subdivisions in the Biological Sciences. So you can be sure that there will be a good deal more thought given to Biology. We expect that in the next year we will launch a comparable effort with respect to the social sciences, and at some later time, the humanities and the arts. This results from our need to be able to think collectively about how we are going to allocate our resources in a game where the stakes are growing ever higher. Immediately, this evokes the specter of centralized planning. The alternative is, I sit there and talk to this parade of people who come to me and I just do it on the fly, one at a time, in the order that they appear. I think we need a better way of doing it than that."

Speaker Pollak: "Any other questions."

(a long pause)

Provost Randel: "Well in 1756, in Salzburg. . . (laughter)"

"I could say a couple of words that might stimulate more discussion. This is not just for the sake of talking about money, because we talk about money too much. We are now beginning the next phase of working on the budget planning for the next few years. We have had, as I described, a few surprises with respect to this year. But we are now formulating plans for next year and the years beyond. We have been thinking hard about the compensation issue for faculty and staff. It now seems clear that we need to do somewhat better on the staff side than we had been planning. It is probably going to take, in percentage terms, an increase in staff salaries something comparable to what we are imagining for faculty, which in the aggregate, is going to be five percent. This is in the endowed general purpose colleges.

"We need to think hard about how we can provide real gains in salary over the course of one's career. That is, it doesn't make sense for us to provide two points or so above inflation for a couple of years when our revenues haven't been so good, and then we have to play catch up because there has been a wedge that has been opening things up for a while. We have to find ways of providing real gains in salary against the economy over the course of an entire career. There are ways of doing this, but it will require working much more closely with the colleges and managing the turnover in the faculty more effectively than we have. The only solution that will keep us stable over the long term is the one which sees a regular number of faculty members retire and being replaced by people, the majority of whom, but by no means all of the people, will be young people at much lower salaries. If one had a suitable demographic of the faculty such that the retirement of people took place at a regular rate over time, that alone would suffice to enable us to ensure that all faculty over their careers would have the sort of increases that we think are appropriate. What this will entail is getting over the hump that we have been trying to scale for the last couple of years, in the shortage of retirements, and get ahead to the point where we have a regular rate of retirement and capture what is produced by that turnover and reinvest it into compensation. So, things that we have allowed ourselves to do such as take a senior retirement and hire two assistant professors with it, which on the surface seems not to cost us any more money, is something we can't allow ourselves to do because we need to take half of that salary and plow it back into that compensation structure for the whole of the faculty. That is the only way we can see real growth in the number of faculty members if we are to be constrained in our resource work. We are within reach of developing some means to do this, which would mean that we could, over time, make some measurable improvements in this area.

"There continues to be some pressure to reduce the rate of growth of tuition. If you read the paper about a week ago, there was a report from Harvard about the astonishing rate of growth in their stock market portfolio. That raised the question of, if they were doing so well, why did they have to raise prices so much? We will be faced with the same sort of questions, and we will have to have appropriate answers to those questions. It is also the case that raising tuition too fast puts pressure on financial aid budgets. It is not in that sense in our interest to raise it too fast because the gain on that is not dollar for dollar.

"On the statutory side, we think that in a number of respects our relationship with Albany is much better. I have a colleague in Albany that I can talk to, although I have not talked to him as much lately as I would like. There is at the moment a slight

hesitation. We would have been expected to submit our initial budget requests for the next academic year by now. We haven't gotten that formal call yet. It is a little bit difficult for us to determine what that means. Also, the legislature has not yet passed the bill that authorizes the salary increases that we are very confident we will have for statutory faculty. I think that there is really no question that this is coming. We spent a really long time preparing to implement it, but the Assembly simply has not been in session to enact this bill. We are confident that it will happen and we will be ready to do it as quickly as possible. We are pressing all of the buttons and pulling all of the levers that we have in Albany to try to get it to happen as quickly as possible. For this year and for next, I think the situation on the statutory side will, for once, be no imposed cuts, certainly not of the kind we have seen in the past, and some improvements in compensation."

Professor Charles Walcott, Neurobiology and Behavior: "Don, I hate to ask, but on the statutory side, the increases are nice, but they really don't put us, as a University, up the chain of other universities. Is there any consideration as to how one university might attack that problem?"

Provost Randel: "Yes, there are at least two. One is to receive directly from SUNY more money, but considering the current reluctance to allow more tax dollars into SUNY, I don't think that is very likely. The other option, which is more open to us, is to gain more flexibility within the resources that we are already allocated by SUNY. The problem with that approach, which continues to plague us, is the way in which SUNY pays its salaries and benefits. Currently, salaries and benefits are paid out of two completely different funds. We pay salaries out of the funds that SUNY allocates to us combined with our college dollars, but benefits are paid centrally by a fund located in Albany. So, while we can pressure Albany to allow us more freedom within our current allocations, we don't want to push too hard, lest Albany may tell us that we can have more flexibility, but now we have to pick up the tab for benefits. I don't think that would be in our best interest."

Unknown: "If you run any searches for deans in the next year, will you keep in mind a little thing called 'diversity'?"

Provost Randel: "I have diversity ever in my mind about such matters, and certainly we will bear it very much in mind during the course of the current search for a Dean of Human Ecology. There is difficult irony in this, of course, to say to the College of Human Ecology, that of all colleges, you are the college that must have the woman dean, is not a happy prospect. We are going to try to get the very best person we can get and simultaneously going to try and get more women and minorities in all kinds of leadership positions throughout the University. Although, this is not the kind of business in which you can get a lot of credit for having tried nobly and failed. So, one can't very easily say to some dean, 'Well, we offered this job to you and you're terrific, but we initially offered this job to a woman, and she was even terrific, but she turned us down.' So, part of this requires some trust on behalf of us all that we really are trying to do the right thing, and even at times coming close to succeeding in doing the right thing, but sometimes, we fail."

Speaker Pollak: "Please remember when you speak to rise and say your name, and where you are from."

"We will now move on to a report from the Committee on Nominations and Elections, by Associate Dean and Secretary of the University Faculty, Kathleen Rasmussen."

### **3. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS**

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "The Committee on Nominations and Elections has once again been very busy, and I am beginning to feel like a telephone solicitor. We have made a number of appointments which we hope you will approve:

#### **Faculty Committee on Program Review**

Jon Clardy A&S

#### **Faculty Advisory Committee on Admissions and Financial Aid**

Kay Walkingstick, AAP

#### **Financial Policies Committee**

Tom Gavin, CALS

#### **Library Board**

Peter Marks, CALS (fall term)

Ira Wasserman, A&S (3-year term)

### **University Appeals Panel**

William Goldsmith, AAP

### **Educational Policy Committee**

John Abel, Engr.

### **Budget Policies Group**

Nellie Farnum, Vet.

### **FABIT**

Stephen DeGloria, CALS

Zygmunt Haas, Engr.

Ellis Loew, CALS

Eva Tardos, Engr.

### **Academic Freedom and Professional Status Committee**

Ali Hadi, ILR

### **Cornell United Religious Work Advisory Board**

Joe Regenstein, CALS

"We have also been asked by the Dean to suggest faculty members for the search committee for the new Dean of Human Ecology. We have recommended the following people, and they have accepted, and the Provost has accepted them."

Stephen J. Ceci, Human Development, H.E.

Moncrieff Cochran, Human Development, H.E.

Gary Evans, Design/Environ. Analysis., H.E.

John Ford, Policy Analysis/Mgmt., H.E.

Miriam Salpeter, Neuro/Behavior, A&S

Speaker Pollak: "Are there any comments or questions for the Committee?"

Professor Lee Lee, Human Development: "I'm in the college of Human Ecology, and I'm very concerned that the criteria for appointments are not put forth, and that we were not solicited in any way for nominations that are supposed to represent our department. In fact, the Dean of the Faculty knows of at least one member of that committee that violated confidentiality. It concerns me that this person had written a public apology, to each of us faculty members, and yet this person is still on the committee. This is a pretty important committee in my view, and I am shocked that you don't even solicit nominations from college members, that you appoint these members. This is a Nominations Committee, not an appointing committee, at least that is my understanding of it. You could at least give us the courtesy of asking us for some of our nominations."

Professor Rasmussen: "The Committee on Nominations and Elections was provided by the Provost with a list of individuals who were nominated by members of the college to serve on the committee, and we used that list as the starting point for our nominations. In addition, we made recommendations to the Provost. He did not accept all of our recommendations. The ones that he accepted are here, and he made additional appointments to that committee. I am not aware of the incident that you described so I cannot comment on that. But, we certainly did take nominations, and we received a long list of nominations."

Professor Lee: "You may have taken nominations, because the Provost came to our college to speak in August, and a lot of us were

on vacation. But, it is very different when a Nominations Committee asks for nominations than when the Provost comes to speak if he asks the few people not on vacation to nominate people."

Dean Stein: "Lee, let me respond to you on this. This is maybe the fourth or fifth time that we have done this. The first time we sent out a letter soliciting nominations, and then the Provost sent out a letter asking for essentially the same thing. After doing this twice, we thought it looked a little silly. It was my understanding that the list that we received from the Provost was an all inclusive list that included people who responded to two mailings and people who responded to him when he came to talk to the departments. There were probably 30-35 people on that list, and it didn't seem to make any sense to us to send out another mailing."

Speaker Pollak: "Are there any other comments on the list of nominations? Since we did have a comment, I will not attempt to cast a unanimous ballot, and instead I will ask all in favor to raise their hands. All those opposed. The motion carries."

Professor Rasmussen: "We have one other issue. As many of you know, because I sent a canvass to all members of the faculty, this is a year in which we will have an election for the Dean of the Faculty. We have received quite a few suggestions for people that we should consider. The Committee on Nominations and Elections views this election very seriously. I come to you on their behalf, specifically asking you, as members of the Senate, to think very carefully about who may be a good candidate for Dean, and to contact either me or Judy Bower (jab14@cornell.edu) with your suggestions. We need the name, and a reason for your suggestions so that we are not flying blind. We appreciate that many of you represent a very specific constituency, and if you can encourage your constituencies to share their ideas with you, that would be very helpful to us."

"You should be aware that the material in the Organization and Procedures of the University Faculty is fairly limited on the selection. It says that, 'the Dean must be selected from among the tenured voting members of the Faculty, and shall maintain such status'. It says that the Committee on Nominations and Elections shall put forward a ballot with at least three names on it, and that the votes will be tallied using the Hare system, and that final approval requires action by the Board of Trustees. It says that we shall canvass, shall prepare the slate, and shall consult the President. Other than that, it gives us very little guidance."

"After the canvass, I received from several people two particular comments that I would like to share with you. One is that there was some discomfort in our last election with electioneering as that has not been our tradition. I just want to make you aware that I have heard that comment and we will take it into consideration as we organize ourselves for this election. The other comment is that we could put forward candidates that some of you would not be familiar with. We would like to avoid that possibility by providing the opportunity for all of you to get to know the candidates. So, the Committee on Nominations and Elections is proposing some sort of an open forum for all of you to get to know the candidates, in addition to allowing each of the candidates to write a one-page statement."

Speaker Pollak: "We will now move to the next item on our agenda, which is the motion concerning the transition report. The Chair of the Committee, Ken Strike, is not here, so Peter, instead of just giving us the context will give us a little bit of summary as well."

#### **4. DISCUSSION AND VOTE ON THE RECOMMENDATIONS OF THE ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY COMMITTEE CONCERNING THE TRANSITION REPORT**

Dean Stein: "Ron Ehrenberg asked the Committee on Nominations and Elections, about six or eight months ago, to give him nominations for people to serve on this committee called 'Transition to Emeritus Status'. We gave him a few nominations, he accepted them all, and those people combined with several others composed the committee. This committee sent out a report during the spring semester of last year. That report was discussed by the Senate, three members of that committee came to speak to you at the May meeting, where they described the process and the recommendations. At the September meeting of this year, we brought you a resolution from the UFC that separated the items into two classes, those that they considered controversial and those that they considered non-controversial. They asked you to refer the controversial items to the Academic Freedom Committee. That motion was not accepted, and there was a substitution motion to refer the whole item to the Academic Freedom Committee and report back to us at this meeting. The Academic Freedom Committee did yeoman service, they met very intensely at 8 a.m. every week since the September meeting, and have brought to you a resolution which was distributed with your packet."

"The resolution makes several general comments. They said they were unhappy with the tone of the report, that they felt that in spirit and letter, it violated the age discrimination act. There were several items in that report which, while they had no disagreement with them, were items of academic management which did not belong in the report, they belong elsewhere. The Committee felt that the coupling of those items on academic management, carried with it the implication that older faculty members were not taking a full pull on their oar. They felt that those items should be separated out and put somewhere else. They also believe that the notion of a ratcheted down, indefinite term phased retirement, which was advanced by Bob

Cooke, among others, is worthy of serious consideration by the Transition Committee. That is all I have to say, so on behalf of Ken Strike and the Academic Freedom Committee, I submit to you for your consideration, their report dealing with the Transition to Emeritus Status Report."

Speaker Pollak: "Are there comments regarding this motion?"

Dean Stein: "I think it is a good motion."

Speaker Pollak: "Seeing no other comment, I will open this up to a vote, all those in favor of this motion, signify by raising your hand. All those opposed. The motion carries. (below)

"The next item on the agenda is a discussion of the procedures associated with the Provost deciding tenure policies."

## **5. DISCUSSION OF A DRAFT OF A MOTION FROM THE FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS (OPTION 3)**

Dean Stein: "We have been dealing with this issue on and off for the whole life of the Senate. At the meeting of May 1996, the UFC brought to you a master proposal for a very large and complex faculty procedure for making recommendations to the Provost about tenure appointments. It is fair to say that that issue was opposed by you almost as much as that last issue was supported.

"The UFC then went back and we started a process of trying to solicit from you what you wanted to do with this issue. One of the options we gave you was to drop the whole thing. Another one was to proceed in about six different ways. We had a number of run-off elections, some of them by e-mail, and we came back to you with three different options. One of them was quickly dispensed and there was a very lengthy debate over the course of two meetings on Option 3 and Option 6b. Option 3 was a committee to look at all tenure appointments, and Option 6b was a committee to look only at those appointments that the Provost turned down. In what I think is the most dramatic vote we have ever had, Option 3 won by one vote, the vote was contested, and on the recount, Option 6b won by four votes.

"We then formed a committee to develop Option 6b. That committee presented you with a fully developed proposal which you, in your wisdom, voted down. Following that, another motion was brought to you at the May 1997 meeting by Gordon Teskey and five other co-sponsors asking that we revisit Option 3. That was extensively debated and passed, and then we had a curious lesson in Robert's Rules on one obscure motion and then another obscure codicil to that motion, and following that, the Nominations and Elections Committee appointed a committee of members of the Senate to develop a new Option 3 proposal that we bring to you now. This is obviously a sensitive issue. What the committee would like is to have a full discussion, pro and con, for their information. They intend to listen to what it is you have said, meet, and to bring to the next meeting a motion, perhaps revised on the basis of this discussion, for you to vote on."

Speaker Pollak: "Charles Walcott is the chair of the Option 3 Committee, and he will make a few comments before we open discussion on this."

Professor Walcott: "I feel somewhat awkward presenting this motion to you, considering the history of this whole issue before the Senate. My colleagues and I have struggled hard to find some reasonable ground. Let me begin by explaining some of our rationale, and I will not be very lengthy. Basically, what we are suggesting is a committee to advise the faculty on tenure decisions. By that we mean, appointments that are recommended by the various deans, both internally and externally. We are also suggesting that it would be worthwhile to look at those appointments that are recommended by departments, but for whatever reason, are not recommended by the deans. Currently what happens, departments recommend faculty to the dean; the dean then recommends or does not recommend these faculty to the Provost. The Provost relies on what is known as the 'gang of three', or four when he includes himself. They examine these recommendations and then make a recommendation to the Provost. We are proposing that there will be a committee that will substitute, in due course, their opinion for the 'gang of three'. We propose a committee of fifteen senior faculty, one elected by each of the faculty in each of the various colleges, and five selected by the Nominations and Elections Committee. What we are trying to do is get a broadly representative group of faculty from across the University, with a diversity of responsibilities to provide overall perspective to this very important task. We suggest a two-year term for each member.

"The function of the committee would be rather circumscribed. It would be to see if the material in the letters, in the recommendations, and the ad hoc committee report, all support and make an adequate case for promotion. There were some objections in various Senate meetings that this was a tremendous task. It is a substantial task; there are roughly forty cases a year. We have proposed, therefore, that rather than have each of the fifteen members review each of the forty cases, that four members of the committee, chosen at random, make an initial screening of each case. If the four members saw that this was a

particularly strong case, and unanimously agreed that there should be no problem with granting tenure in this instance, then they would write a short recommendation of no longer than one page to the Provost. If, however, even one member of that group of four saw any deficiency whatsoever, then the matter would be referred to the whole committee. Speaking with some members of the 'gang of three', we have been told that about eighty percent of the cases are really clear cut and would not require the whole committee. So, we feel that this would be a way of compromising and having adequate review while not demanding extraordinary amounts of time from committee members.

"It seems to me that the primary benefit here is that the faculty takes responsibility not just at the department level, where we are all involved, but we take some responsibility at the University level for who should or should not receive tenure. Secondly, I think this ensures fairness to the faculty in this process. This is a University Faculty committee, it assures faculty that there is no feeling that something underhanded may be going on if the Provost turns down an appointment. Finally, Ron Ehrenberg made a point early on, that those faculty involved would get a sense of the diversity of faculty at this University, and get some understanding of other sections and colleges, and be able to see some of the extraordinary accomplishments of our faculty. Since the term is relatively brief, I think this can be an extraordinary educational opportunity for those involved in this process."

Professor Donald Barr, Policy Analysis and Management: "I would like to suggest to the committee the addition of a phrase to line seven under 'Composition of the Committee'. Where it says, 'to make the committee of fifteen representative of the diversity of the faculty of the University,' I would like to add 'with due regard to race, gender and ethnicity.'"

Professor Locksley Edmondson, Africana Studies and Research Center: "I represent a sector that is not a college, not a department, it is not a program, it is not a job function. I am concerned that the way this is written will totally exclude us from being selected to serve on this committee. I suggest that perhaps on the line that says 'The five faculty nominated will be selected. . . among the various colleges, disciplines, and job functions' that we add 'centers,' so that we are not permanently excluded.

"We do our academic programming through the College of Arts & Sciences. But, in terms of administration, we report directly to the Provost. What I am saying is that the language here supports units, colleges, job functions, so in the interest of making this more inclusive of reality, we change the language to say 'to achieve appropriate balance among the various colleges, tenure granting centers, . . .'"

Dean Stein: "I confess that this issue never came up. But, there is no question that the way this is written, that all faculty members in Africana Studies are excluded and I think that we may want to change this."

Professor Terrence Fine, Electrical Engineering: "In my view, the most important element in the tenure granting process is the action of the department. The second most important element is the action of the college, the ad hoc committee and the dean. The third most important, well there isn't a third. The fourth happens to be at the University level with the Provost. Needless to say, there is a gap here. I think those two are the core, and the rest should be working at the margins, and not at the center of the process. I have no problem with the fact that when they do work at the margin, errors will be made. Sometimes, they will be egregious errors, but something will correct those errors, but I think those corrections will be made at the margin.

"Given that, it seems to me that what you should do if you believe there's a problem, and I haven't heard that discussed, is to find ways of strengthening the process at the level of the college and department. Maybe there is some way of improving that. Certainly, if there is a problem with the colleges perceived by the Provost, that he should talk to the deans and get them to pull up their socks and do a better job of making appointments. That is worth addressing. But, adding another layer of voices will diminish the voices that are already in place. In some sense, there is only so much authority to go around. When you have other faculty voices, it becomes harder to hear the ones that should count, from the departments and colleges.

"An argument has been made for the benefits of this process that I have difficulty respecting. Tampering with our strongly entrenched and traditional tenure process for the purpose of educating the faculty, has too high a rate of tuition. This is much too great a risk to take for the purpose of educating the faculty. We shouldn't take this kind of risk for such a flimsy reason. This is a very important process.

"Finally, I have a concern that is a little bit off the line, but it worries me. What are the limits to what we do here? Would the Senate have the authority to make bigger changes in the tenure process? Would we have a vote of 37-34 in favor of making some big tenure changes? Is that within our purview? I would be concerned that we could come out approving a process by a well-divided, small margin, and we say, 'OK, now we are going to change the way that we grant tenure,' just because five people on a particular day decided to vote one way rather than the other. This should be something that takes two-thirds, or something stronger than just bare majority. I think this is misguided. I am less concerned about the details. I think that the rationale is rather thin. I think that the whole effort is misguided. The effort should be at the department and college level."



Professor David Gries, William L. Lewis Professor of Engineering: "I am neither pro or con right now. I don't think that this is adding another level, I think it is substituting for an existing level. Instead of the 'gang of four' or the 'gang of three' doing it, this committee would do the work. What I would really like to know, if it is not out of order, is the Provost's view on this."

Provost Randel: "The difference between the 'gang of three' and the 'gang of four' is the inclusion of me, and when it is the gang of four, it is the 'Infamous Gang of Four'. I said very early on, that I had all possible support for the notion that the faculty ought to uphold its own high academic standards. Other universities have university-wide faculty committees, and if it were the will of the faculty to have such a committee, I would welcome the faculty's participation. In the wake of the discussion, and the up and down, I find no fault with the way it is working, but in the end, there doesn't seem to be a great deal of energy behind this issue. A good many people on the faculty seem prepared to throw in their lot with the 'Infamous Gang of Four,' than with one another, which was interesting in its own right. So, why not, let's forget the whole thing. Which is to say that if the faculty were to approve this plan, I would be happy to work with it; if the faculty were to vote it down, that would be perfectly alright with me. In either case, it has to remain clear that the President has the ultimate authority of referring personnel matters to the Board of Trustees. That authority is delegated to the Provost, and nothing that anybody votes one way or another can remove that authority from the President or his designee. The way in which the designee looks for advice varies. Even with the existence of this committee, it does not guarantee that the Provost or the President will not be seeking advice from other places, including places in the faculty."

Professor Ann Lemley, Textile and Apparel: "I bring a perspective of someone who has been a department chair. I would find it extremely difficult to consider a major change like this that a small majority of the University Faculty is in favor of supporting, I strongly support what Terry Fine just said. Also, I strongly support this concept of the importance of the major tenure decision being at the department and then the college level. The college then chooses an ad hoc committee in which people are in some way fundamentally related to the discipline of the person coming up for tenure. In our college, we tend to have more people from outside the college than inside the college. As a chair, I know how difficult it is even for the ad hoc committee to understand completely how you chose your outside referees. First of all, I don't want another level of people asking me questions that I have to deal with as a chair, but I am happy to do it. I think this will only add another layer of people who will be further removed from the field and will not really add any fundamental information. It is nice to be educated about what is going on in other parts of the University, but this is not the way to do it. Things are different. I'd like to think our faculty that we give tenure to could stand up anywhere at the University, but I also feel that we would need to do a fairly significant education. When people have start-up funds of only \$20,000 and no research assistantships, and they are being compared to people who are brought in with \$350,000 and large pieces of equipment, they should perhaps be compared on the same standards, but it is somewhat different."

"On the details of this particular recommendation, I think you have put the Dean of Faculty in a terrible position of conflict of interest. If you look at the Faculty Handbook, the person to whom you go to make an appeal of a negative decision, is the Dean of the Faculty, who sets up the appeals committee. You also have the Dean of the Faculty chairing this review committee, and regardless of the intent of this person, I think that the perception and reality of it is that this places the Dean of the Faculty in a terrible position of conflict of interest."

"I also strongly disagree with the idea that a person who has already been involved in the tenure decision at the ad hoc or department level could participate again. That is clearly excluded in the Appeals Process, except when it is the only person who could possibly deal with the issue. I think you'll run into many more of these, so I would strongly urge that we not spend much more time on it, and that we not pass something that is so incredibly divisive as this issue."

Dean Stein: "I would like to respond to several issues that have been raised. We have dealt a lot with the business of will the Provost sign off on this? Will the Provost write a blank check to this committee? My own feeling of this is if this is another layer, I want nothing to do with it. I think that it only makes sense if it becomes the layer of central review. At the same time, it seems to me inappropriate to ask the Provost if he supports this proposal without seeing how it will work. The way that it is written allows us to see how it goes for a year. At the end of the year, we will review it. If it turns out that the Provost does not have enough confidence in this committee to follow its recommendations, except in very unusual circumstances, and continues to consult another group on a routine basis, then I would agree that there is no point in having this committee."

"In response to what Professor Lemley said about the role of the Dean of the Faculty, that was put in to try to allay some of the concerns that have been raised before. There is another general concern that I have heard from many people in many different forums, of a rogue committee that will go out and decide that it knows what is right for the University, having no interest in the department decision or the ad hoc committee. It will read the book, it will read the Chemistry publication and say, 'this is a bunch of garbage, I don't want to appoint this person.' Of course, I'm exaggerating to make a point, but I've heard this concern over and over again. The document has been carefully written to say that the committee does not have that particular role. The committee is a judge of judges, rather than a judge. The role of the Dean of the Faculty is two-fold: it prohibits the chair from being an active member of the committee, but rather one who keeps it moving, without taking any position on the matter whatsoever; and it is to

ensure that this document as written is the procedure that is followed by this committee.

"The third thing I would like to say, in answer to Professor Fine and others, refers to what is the problem. I'm going to give you a unique answer to that. Having watched all parts of Cornell very seriously for four years, I think we have serious problems at this University. I think one of the greatest is a major fault line, which in the end, if it cannot be overcome will keep us from reaching our full potential. We do not act like one faculty; we rarely act like one faculty. I have seen the divide between endowed/statutory; I have seen the divide between basic/applied; and I have seen the infinite divides between ten colleges. I have been here for forty years and I have seen people on both sides of the divide talk derisively of people on the other side. It is not limited to the part that I come from. I think it is a serious failure that we have that we do not respect members of the faculty on the other parts of those divides and we are unable to act like one faculty. This proposal is, in fact, the way things are done at most institutions that we usually like to think of as our peers. It is not done at Harvard, which has a peculiar system of its own, but it is done at Yale. It is done at Princeton; it is done in some form at Columbia; it is done at Berkeley; and it is done at Wisconsin. These places all do something like this, yet I hear at Cornell, 'It won't work here, because who can trust those people outside of Human Ecology?' or 'Who can trust those people inside Human Ecology?' These are all terrible things to say, unless we can really get our act together and act like one faculty and respect each other, and be able to carry out the normal functions of a faculty, I believe that we will be in very serious trouble in the near future. The most disturbing thing I have heard in all of the discussions that I have had on this question is something that I have heard from many faculty members, which, for me is something that cuts me to my heart. I have heard, 'I trust the Provost and administrators in Day Hall better than I trust an elected Faculty committee.' I hope that we are able in time to get over that particular problem. "

Professor S. Kay Obendorf, Textiles and Apparel and University Faculty Trustee: "I'd like to speak about the fact that the committee looks like an appointed committee, not an elected committee, and I think that at least the five that are nominated by the Nominations Committee should be up for an election by the entire faculty. I also join with Terry Fine in being against this proposal. I think we should strengthen our process at the grass roots level of the department and college."

Professor Richard Schuler, Economics and Civil and Environmental Engineering and University Faculty Trustee: "I suppose I will divide marginally from my good colleague Professor Obendorf on this issue. I have waffled back and forth on both sides of these issues. On the one hand, I think that it is an important faculty responsibility and I think we should step up to the plate, take charge and take hold of it. If, as we believe, that the faculty run this University, then we should be willing to accept the very difficult responsibility of deciding it. I come to that conclusion in the face of serious reservations and concerns about the process that Professors Fine and Obendorf have expressed so eloquently. This University is unique and rich in its diversity and cross-disciplinary programs. It is very difficult to represent all of this diversity on a committee of ten or fifteen. I think that it would almost take a vote of the whole faculty, and we certainly don't want to make a recommendation of that intensity. So, I come down, in the end, marginally in favor of this proposal. That being said, let me make a friendly suggestion to the committee. On the third last and second to last line on the first page, it says, 'In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate based on the breadth and quality of prior substantive reviews.' I think the intention is that it will base it upon the 'breadth and quality of the candidate as summarized in those previous reviews'. It is not that the candidate goes up and down based on how well the prior committees have done their work."

Professor Brian Chabot, Ecology and Systematics, and Associate Dean, College of Agriculture and Life Sciences: "I think it would be nice to clarify this last point. I read that sentence to place some restrictions on what this committee should do. I think that is an important issue that probably underlies some anxiety about this. Is this committee going to examine the record that is presented to them, or is it going to be allowed to undertake some additional investigation of its own should it perceive the need?"

Professor Walcott: "I'd like to speak to the point. The notion simply was that the committee would judge the written record that it was presented with. It would not go out and solicit recommendations or other things of that sort. It would make its decision based on the record that was presented."

Professor Howard Howland, Neurobiology and Behavior: "I'd just like to say that of the variety of committees that I've served on, mostly in biology, although biology is spread throughout this University, I have seen an incredible amount of diversity in procedures and standards which have shocked me. I think that the procedure that is suggested in this motion would go a long way in making things more fair and uniform. Hard as it is for a chairman these days, I really do think that there are chairmen at this University who could use feedback on how they make their tenure selections from faculty members experienced with the tenure process."

Ronald Ehrenberg, Vice-President for Academic Programs and Planning: "I am delighted to be standing here in the home of the Faculty Senate of the University that has the highest tenure rate in the United States. Among nineteen leading private research universities, our tenure rate is 12% above the average. I think it is misleading to talk about this as one motion. It is actually two

motions. The first part is to set-up an all faculty committee to advise the Provost. That is something that I strongly support. In fact, I was one of the people who urged initially that we do this. I do that because, although I trust that I have great judgment, I do not trust that the faculty members that follow me will have such great judgment. Having said that, I want to address something that Peter said, which is, that in spite of the great judgment that I have, the Provost does not listen to my judgment, because the Provost has the responsibility to make these decisions, not me. I think that if we do have a faculty committee, I think that it would be inappropriate to judge the success of this committee based on the extent to which the Provost follows the recommendations of this committee. I am in favor of this first part.

"The second part of the motion which is to look at proposed denials of tenure by deans, is something that concerns me greatly. We already have the highest tenure rate in the country. It is very difficult for our deans to make decisions when they are constantly being subject to appeals. There already is an appeal process and now we're going to add another appeal process. I might also note that if this is left in the formal motion, the committee will have to be more clear on what it means by a 'positive departmental vote'. The varying procedures at different colleges and departments make this statement a little unclear. Also, the word 'positive' is unclear. I don't know if a 12-11 vote should be considered a positive vote. What exactly is meant by a positive vote?"

Professor Bernd Lambert, Anthropology: "I'd like some clarification. The Provost's committee would seek a dean's recommendations. Is it envisioned that they would just look at the procedures and see if guidelines were properly followed, or would they look at it substantively as to whether this person ought to be promoted to tenure? I've heard both things, and I would just like to know what the official stance of the committee is."

Professor Walcott: "I'd say that it is in part procedural, but mostly substantive. They will be interested in whether or not all of the evidence presented supports the candidate's promotion to tenure."

Dean Stein: "This proposal tries to be a compromise proposal. Previous proposals gave the committee more discretion. The way the language is written, it is meant to be interpreted that they may not go out and solicit new substantive reviews. But, these are fifteen people who are not in the field of the person that they are evaluating. So, they are not going to be able to read the candidate's work and say, 'wow, this is a great piece of material.' On the other hand, they are not supposed to perform the clerical function to ensure that the proper number of letters have been submitted. They are supposed to judge the judges. There is a file with a lot of substantive critique of the candidate. They are supposed to look at that file and determine if it makes a case for the candidate to receive tenure. It surely is much broader than the appeals committee, but it is still not supposed to be the rogue committee that strikes off on its own.

"I agree with Terry that it will be a shame if this passes 38-37, or if it fails 38-37. It is hoped that the committee will be able to craft something that will command a wide support in this body. With regards to Ron, there was a substantial feeling that in order to do justice to faculty members that we ought to look at those cases that the dean turns down that the department has recommended. Because with our current procedures, no one routinely looks at that, despite what some people think. The idea is that someone is going to look at it from both directions. It is supposed to say to the deans that no matter what they do, someone is going to be looking over their shoulder, so they are supposed to do the right thing. That is the basis for that portion.

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, Johnson Graduate School of Management: "I'm concerned that there is nothing in this motion to the extent to which the committee will consider the mission of the colleges in considering these decisions. Particularly, in business, we have a number of different colleges that do something very similar in terms of business, but have quite different missions. If we apply the standards of one school to the other school, they would make quite different appointments. The current procedure has the advantage that administrative officers of the University that have to deal with these missions in a total way, make the decision. If this committee were to apply a universal standard to all departments, some would be wiped out, there is no way that all departments could stand up to the same standards and be able to continue their mission."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "First, I'd like to endorse Seymour's comments, but I'd also like to comment on a number of references made by Ron Ehrenberg. I for one do not derogate the benefit of educating administrators at the highest level. I think we need to have our administrators at the highest level looking at these things partly because of what Seymour said, but also for their own education, as they take on their duties and consider the school and its broad missions. I would like to keep the 'Gang of Four' in place, so I am against this, but I think there is a need for some sort of a review.

Professor Chabot: "If this is a way to replace the judgment of the departments and the colleges, then this is the way to do it. If, on the other hand, this is to improve the process, as Dr. Fine has described, then an alternative way to do it would be to review the decisions after they have been made rather than imposing themselves in the decisions and making recommendations as to how the decisions can be made better in the future."

Speaker Pollak: "With that, we will end the discussion of Option 3 and move on to the Good and Welfare Section."

## **6. GOOD AND WELFARE**

Professor Milt Zaitlin, Plant Pathology: "I was away from Ithaca at the time of the last meeting, so I couldn't attend, of course. I was hoping that I would find the minutes of the meeting on the web. I think that these minutes would be increasingly useful if they would appear on the web by the time of the next meeting."

Dean Stein: "I totally agree with you. For certain technical reasons we got behind, but in the future we will certainly try to do that."

Speaker Pollak: "It is now 6 p.m., and we are adjourned."

Respectfully submitted

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty

### **RESOLUTION CONCERNING TRANSITION REPORT**

*WHEREAS, the Administration requested a response from the Faculty Senate to the preliminary report of the "Provost's Committee on Transition from Faculty to Emeritus Status", and*

*WHEREAS, on September 10, 1997, the Faculty Senate referred the report to the Committee on Academic Freedom and Professional Status (AFPS) for further review,*

*THEREFORE, BE IT RESOLVED, that the Faculty Senate recommends that the Transition Committee modify their report in light of the following comments and recommendations.*

#### **I. Preface**

The Senate supports the efforts the administration is making to understand the effects of the end of mandatory faculty retirement and to find solutions to whatever problems it creates for Cornell. Moreover, it views the transition report as a useful starting point in considering solutions to these problems. However, the Senate has the following concerns about the approach taken by the report.

A. The overall tone of the transition report strikes many as condescending and disrespectful, particularly to older members of the faculty. Not only is such a tone unwarranted, it is likely to prove counter-productive.

B. Cornell, like other American employers, is in general forbidden by law from making rules that only apply to individuals beyond a certain age. This legislation is an expression of a national consensus that age discrimination is improper. The report appears to treat the prohibition of age discrimination as a legal obstacle to be surmounted, rather than as a statement of a moral principle. The Senate believes that Cornell is bound by the spirit, as well as the letter, of the Age Discrimination Act.

#### **II. Framing Issues and Concerns:**

A. The report seems intended to deal with at least the following three problems:

1. The need to make space for "new blood" in a system with tenure and without mandatory retirement.
2. The need to control the costs associated with an increase of high salaried senior people.
3. The productivity of senior professors.

B. The approach to solving these problems taken by the report is (largely) to recommend a set of steps to ensure that faculty are able and willing to retire and that those who do not do so in the traditional time period continue to contribute to the welfare of the university. The solutions proposed fall roughly into 6 classes.

1. Steps to ensure that faculty are financially able to retire

2. Career course planning

3. Phased retirement

4. Steps to enhance the status and professional opportunities of emeritus professors

5. Steps to ensure the productivity of senior professors.

6. Steps to control the costs of retirement

C. The evidence that suggests that the elimination of mandatory retirement has significantly increased the amount of time that professors continue in their roles beyond age 70 or that those who do so are systematically less productive is often anecdotal, meager and speculative. Nevertheless, many of the proposals of the report are worth serious consideration even if the problems they are intended to solve are not as pressing as the report assumes.

D. However, the Senate believes that the "transition context" is not the place to deal with issues that are essentially issues of faculty productivity and management. (Recommendations B-1 and B-2 are examples.) While we do not dispute the broadly accepted principles that underlie these recommendations (equity in responsibilities and merit pay), these issues are far broader than the "transition context." Moreover, the fact that these recommendations are made in the transition context is a significant source of the implied suggestion that senior professors are less productive than others, a implication that many have found doubtful and offensive. Finally, these are recommendations in which "the devil is in the details." It seems inappropriate to turn responsibility for implementing them over to central administration prior to the time that these details are more fully discussed with the faculty. We thus recommend throughout that proposals concerned with academic management and professorial productivity be dropped and considered in another context.

E. The Senate and the AFPS Committee understand their principal task in reviewing the report to be the narrow one of commenting on and recommending or not recommending an endorsement of the recommendations in the report. While we have also suggested alternatives where they seem productive, we have not thought it possible or desirable for us to rethink these complex issues in detail. We view our recommendations as advice to the "Transition Committee," and we have not wished to usurp their role.

### **Comments and Recommendations on the recommendations by section:**

#### **III. A-1 through A-6 (Financial Planning Throughout the Life Cycle)**

##### *A. Comments:*

1. These recommendations have an "apple pie" character. There is little that is offensive in them. However, it is unclear that they solve a real problem or what they will cost.

2. It is unclear that the \$2000 provided for in A-4 is necessary or that it can be profitably spent. Financial advisors often do not charge for their services. The administration should look into the possibility of supplying these services through its human resources office.

##### *B. Recommendations:*

1. Delete A-4.

#### **IV. B-1 through B-4 (Planning Over the Course of Faculty Careers)**

##### *A. Comments:*

1. B-1 and B-2 deal with questions of academic management and have the problems noted in ID. above.

2. B-3 and B-4 seem predicated on the assumption that it is reasonable for the university to discuss matters of retirement with faculty in a timely way and that the university has an interest in reasonable notification with respect to retirement plans. We agree. However, (a) retirement is a subset of issues of career planning that ought to be discussed; (b) the reference to the age at which discussion should commence is unnecessary; and (c) B-4 is vague and patronizing.

##### *B. Recommendations:*

1. Delete B-1 and B-2.

2. Rewrite B-3 and B-4 consistent with IV.A.2 above.

## **V. C-1 through C-5 (Phased Retirement)**

### *A. Comments:*

1. It is not apparent that it is necessary or desirable to link phased retirement to "voluntary" retirement. There may be cases in which it is to the mutual advantage of Cornell and a faculty member to agree to an indefinite reduction of effort. We believe that an additional option for "ratcheted down, indefinite phased retirement" is worthy of serious consideration and should be pursued by the administration. The appropriate benefits package and pension options associated with such an appointment need serious analysis, although full health benefits are probably a necessary component.

2. Similarly we see no clear advantage in mandating the length of phased retirement or the time at which it must begin so long as these matters are subject to negotiation. However, we believe that 55 should be retained as the minimum age for phased retirement.

3. Since the consequences of indefinite phased retirement are difficult to predict, these should be carefully monitored and subject to further study.

### *B. Recommendations:*

1. Develop an indefinite phased retirement option together with an appropriate and equitable fringe benefit package including full health benefits. Include provisions to monitor and study the consequences of indefinite phased retirement.

2. Delete references to ages and time periods in C-2 except for 55 as the minimum age of eligibility for phased retirement.

## **VI. D-1 through D-5 (Transitioning to Emeritus Faculty Status)**

### *A. Comments:*

1. We believe that it is desirable to make the status of Emeritus Professor attractive and that doing so is a desirable incentive to retirement. We also believe that differential treatment of emeritus professors depending on age of retirement is both discriminatory and undesirable.

2. D-4a seems to assume that active faculty currently receive free admission to athletic events for which admission is otherwise charged. This is incorrect.

3. D-4a could be profitably expanded so as to include cultural events so long as it does not undermine adequate funding for these events. (It has been suggested that some events might be available to retired faculty at the student rate.)

4. D-2d does not consider the need for communications capacity (phone access, faxes, networked computer facilities), and D-4 does not acknowledge the need for access to communications.

5. D-2d should explicitly recognize the importance of maintaining collegial relationships as a significant factor in allocating office space.

6. D-4n is unclear and can be read as more restrictive than current Graduate School policy in that it may require permission to serve on graduate student committees on a student-by-student basis.

### *B. Recommendations:*

1. Delete the age eligibility requirements from D-2.

2. Delete D-3

3. Rewrite D-4a to remove the assumption that faculty currently attend athletic events at no charge and extend an appropriate form of subsidy to cultural events.

4. Include an explicit recognition of the need for adequate support of communications in D-2 and/or D-4.

5. Revise D-2d to emphasize the importance of space allocations that facilitate the maintenance of collegial relationships.

6. Affirm the current Graduate School policy on serving on graduate student committees.

## **VII. E-1 through E-2 and VIIC (Faculty Compensation Policies)**

### *A. Comments:*

1. These have proven widely unpopular, and, we are informed, are no longer under serious consideration.

2. E-2 seems an issue of academic management best considered in another context.

### *B. Recommendations:*

Delete E-1, E-2, and VIIC

## **VIII. Other recommendations:**

A. Cornell needs to make transition policy in the light of a better understanding of the decision making of faculty concerning retirement. For example, it may be that for most faculty the problem to be solved is not financial, but is rather how to stay professionally active following retirement. We recommend that a study be commissioned to better understand the decision making patterns and needs of faculty nearing retirement.

B. On completion of a revision of the transition report's recommendations, these recommendations should be resubmitted to the Senate for further consideration.

C. The report lacks an adequate analysis of the short and long term projection of the age distribution of the faculty. Such an analysis should precede recommendations for changes in policy.