

MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, November 13, 1996

The Speaker pro tem, Professor Emeritus Russell Martin, Communication, called the meeting to order and then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "It is my sad duty to report to you a loss in the Cornell community. Our colleague, my colleague and your colleague, Bob Lucey's wife, Ernestine, was killed last night in a tragic automobile accident on the ice. I would like to ask you to join me in a moment of silence to grieve her death and to share our compassion with Bob and his family.

"My remarks will be very brief at this time. I am disappointed that I only received three volunteers for the drafting committee for Option 6b. I think that we need a larger group if we're going to draft a proposal that will be satisfactory to this body, and so, I do ask you. I think that volunteers are better than me choosing who I call up and ask. I really would prefer people that have an interest in this, whether they supported it or didn't support it, so I call on you, within the next few days, to please volunteer for this task. If you don't volunteer, then I will call people up and try to expand the committee myself. I would be more comfortable, and so would the UFC, with people who want to participate in this activity. I will have some further remarks when we reach the Sexual Harassment Procedures part of the meeting."

2. APPROVAL OF MINUTES

Speaker: "The minutes from September 11 and 18 and October 9 and 16 have been on the web for two weeks. We have received no comments. Are there any corrections from the floor? There being none, they stand approved. The chair now calls on Professor Frank Moon, Chair of the Financial Policies Committee, for an interim report from that committee."

3. INTERIM REPORT OF FINANCIAL POLICIES COMMITTEE

Professor Frank Moon, Joseph C. Ford Professor of Mechanical Engineering: "Thank you very much. I appreciate the opportunity to tell you about what our committee is doing. The mission of the Financial Policies Committee is to study the long-term financial issues affecting the health of the University. This year our focus is on the need for a strategic plan to maintain faculty excellence in the next decade. I was tempted to call it 'Faculty of the Future', but I understand that there was another study called 'Faculty of the Future' two years ago, so maybe it is 'Faculty of the Future 2007'. The members of this committee involve faculty from both the statutory and endowed sides, and if you have any questions or comments about any of this material, and also from the two speakers after me, I'd appreciate if you'd contact the nearest representative here, and give us some of your impressions or the impact of this report, to them. The premises of this study on the need for a strategic plan for maintaining excellence of the faculty, are that Cornell is, and should remain, a 'Top Ten' research institution, that we are an eight to ten year (or, depending if you want to include post-docs) educational institution, going from the Bachelor's degree to the Ph.D. degree, and students are drawn from a national and international pool. Given the above three premises, reputation counts. It is important that we maintain our reputation, and that, also, faculty quality is closely tied to University income in both ways. A substantial portion of the income to the University comes through research grants, which are, at least on the endowed side, approximately twenty-five percent of the income. They are written and administered by the faculty and their students and laboratories. Therefore, it is of great importance that Cornell continue to maintain an excellent faculty and graduate research program. Again, on the statutory side, sponsored research is of the order of twenty-five percent of the income.

"Why are we undertaking this study? Because there are certain warning signs regarding faculty quality. One is continual slippage of faculty salaries. This is data that Peter Stein has put together ([Appendix A](#), attached) but there is also data that Ron Ehrenberg's office has put together and you'll see another report after me, that our ranking relative to peer institutions has been falling for a number of years. The other worry is a decrease of Ph.D. enrollment. The Physical Sciences seems to have the greatest decrease in enrollment, but there is also a drop in entering Ph.D. candidates. In Social Sciences there is a drop, Humanities has dropped, Biological Sciences seems to be oscillating about some sort of a mean; but these three areas, certainly, have been falling, with entering Ph.D. students. This is cause for worry.

The other area of worry is stagnating research support. Data from Norm Scott's office shows sponsored research expenditures by division. Research has been basically stagnant for the last few years. On the other hand, there is anecdotal evidence from a few universities, namely from Berkeley, that their research has gone up, so amongst our peers, it is not true that everybody's research support is going down. Certainly with salaries, the gap has been widening. This is a cause for concern.

"One of these maybe you could worry about, but it is when you have both. We also have a few star faculty resignations, which, at least anecdotally, are not connected with salary. These people don't say that it is salary, but there is a worry that we may be seeing some softness in the ability of the University to keep very, very top faculty here. What is the committee planning to do? We want to study elements of a strategic plan to maintain the quality of the faculty. We realize that the President and the Provost and other members of the administration have put forth a number of elements of the plan, but we see some need for an integrated strategic plan, so we are studying financial options to increase both the endowed and statutory salaries vis a vis peer institutions. This means that we will try to make recommendations with regard to priorities within the University. The other important ingredient in maintaining quality is to study the need for financial plan increase for graduate education support. The demise of the fellowship program, I think, has hurt the ability of certain fields to attract graduate students, but we really don't know, why, for example, the research has remained constant and then the numbers are dropping, in some cases, quite dramatically. We will look into the possibility that we really need substantial aid in the graduate program area. Let me just say that if we think of the University as an eight or ten-year educational institution, things look quite different. If we had had a drop in the undergraduate enrollment of this magnitude, we would have been hearing about this two or three years ago. The fact that we've had this drop in the graduate program and there has been no voice is disturbing.

"The other issue is the role of retirement plans in faculty age and rank distributions. I understand the role of the Transitions Committee, and we'll not try to duplicate that, but we will take into account what that committee is doing. The other thing that we'd like to do is to survey faculty mobility and attrition within the last few years and to see who has come and who has gone and maybe figure out why, and then look at the overall attractiveness of Cornell in terms of salary, graduate student quality, facility, quality of life, diversity, spousal employment. All of these things are important in attracting and maintaining top faculty. Our goal, if we meet it, is to have something before the Senate around March 1997, and if any of you have any input, anecdotal, or thoughts or questions, please contact committee members. You can send them e-mail or send me an e-mail at fcm3@cornell.edu. I'd be happy and I'm sure that they would be happy to get any of your input or information on other universities. We heard some evidence that Stanford was going to build an endowment for its graduate programs of several hundred million dollars. Anything like that would be important to be heard. I guess our chair here will have to introduce the next speakers, but they will be giving a follow-up report also on the faculty salary issue."

Speaker: "Thank you, Professor Moon. Note that we're deviating slightly from our normal agenda in order to accommodate various people's schedules. The Chair next calls on Professors Paul Sherman and Tom Gavin for a report on faculty salaries."

4. REPORT ON FACULTY SALARIES

Professor Paul Sherman, Neurobiology and Behavior: "Tom and I are close friends and colleagues. We work together in the field during the summers in Idaho, and for several years we have been concerned about faculty salaries at Cornell and the future of the University. We became concerned enough last June to actually gather some data on this using public sources suggested to us by Vice President Ehrenberg. What we found was even more concerning than we had originally envisioned. We shared our results with President Rawlings and Provost Randel at the end of August. Our concern at that time was, and is today also, the continuing ability of Cornell to recruit top faculty, keep the top faculty for their careers, and also, faculty morale. There was a great deal of serendipity going on here. Two weeks after we sent our report, Dean Stein spoke to this body on faculty salaries. He had conducted an independent analysis, some of which you've seen today from Professor Moon. These analyses were independent, arriving at very similar conclusions, but with different data. We shared our information with the President and the Provost the very afternoon of the faculty meeting, I believe, that you went to the Board of Trustees meeting, and President Rawlings announced that faculty salaries were his number two priority, right behind straightening out relationships with SUNY. There seems to be a great deal of agreement in the air. Since that time, both the President and the Provost have spoken to the news media about the importance of this issue. I have a feeling that

there is a sense of unanimity on this issue, that the faculty and the administration are really together on this. I'm delighted by that. I think that it is time now to share the information that we have shared with the President, the Provost, the Dean of the Arts College, the Dean of Ag, and Dean Stein, with you, our faculty colleagues.

"Let me start out with some good news. The good news is that a man named Mark Brenner, who is the Dean of the University of Minnesota Graduate School, took the latest NRC rankings of graduate faculty, published in 1985, and looked at all the universities in the country. This is his ranking ([Appendix B](#), attached). As you'll see, Cornell came out number three. We have increased in the quality of our faculty by five places since the 1982 survey, which was ten years before. We are the highest ranked University in the Ivy League, and we aren't just top ten, as Professor Moon pointed out, we are in the top three. However, our faculty salaries do not reflect that level of excellence. Let me compare our salaries first with the other salaries in the Ivy League. Here you see, broken down, faculty salaries for all the Ivy League universities ([Appendix C](#), attached). Assistant professors are at the bottom, associate in the middle, and professors at the top. Tom Gavin will speak more about the statutory colleges. I'll only say that for all ranks, the statutory colleges are at the bottom. These salaries, all the salaries that we present information on, are all published in the journal Academe, which is the AAUP publication. The April/May issue of every year publishes the comparative data. These are all normalized to a nine month year.

"In terms of the endowed colleges, which is my focus in the presentation, you can see here, assistant professors are one of the top three, associate professors in the middle, and full Professors at the bottom except for Brown University. In other words, there is a gradual loss in our rank as we move towards the professors realm. Let's take a little bit broader sample. Let's look at major research institutions across the United States. This ([Appendix D](#), attached) is a sample of thirty that I picked because they seemed to me to be the most major research institutions I knew of. I'm comparing here, 1985-86, with 1995-96 data. Cornell statutory ranks second from the bottom out of those thirty schools, twenty-ninth out of thirty in both surveys, but I want to focus our attention now on the endowed colleges. Cornell was about halfway, about fifteenth out of thirtieth, we have dropped in the last year to twenty-third out of thirtieth. The universities that have vaulted by us are Northwestern, Duke, Emory, Notre Dame, Vanderbilt, Michigan, Wellesley, and Dartmouth.

"Now, not only has our ranking slipped from twenty-fifth to thirtieth, but the actual salary gap has widened. If you look at the y-axis here, in 1985-86, we'll take Harvard, which is the top-salaried university, the average salary for Harvard professors was \$66,000 and for Cornell professors \$54,000. A twelve thousand dollar disparity. In 1996, Harvard professors are making \$107,000 on average, and Cornell professors (in the Arts College) are making \$82,000. The gap has now widened to twenty-five thousand dollars. So, it has more than doubled.

"Among the private universities that ranked in the top ten in the NRC report, Cornell is the only one whose salaries did not rank in the top ten, the top fifteen, or the top twenty. There is not a reflection in the excellence of this faculty in the salaries that are being paid to this faculty. These drops did not occur suddenly. These ([Appendix E](#), attached) are data that Dean Stein independently put together and has kindly allowed me to use today. This is a subsample of seventeen major research institutions and showing the percentages of change in salary relative to endowed Cornell over that ten-year period. This is the increase in their salaries relative to our salaries. I mean, I don't have to say more, because it is obvious what is going on.

"This erosion in our salaries has not occurred suddenly at all. You have seen that before when Stein presented it and Moon presented it, but I am going to present it again to make sure that you understand what is going on here. This (referring to [Appendix A](#)) shows that the erosion in our salaries was not a sudden drop in a particular year, but rather has been a continual erosion through the last ten years. The last decade has seen nothing but loss in the endowed salaries. This is our salaries relative to the average salaries in those other seventeen institutions. The way that you read this is that Cornell's salaries in 1985-96 was 96% of the average of those seventeen institutions. In 1995-96 it has dropped to 87% of the average. There is this continual decline year after year. If we were to do statistics on it, it would be obvious what we're dealing with.

"Now, what about our actual salary increases? Our percent salary increased like this over the last ten years ([Appendix F](#), attached). This is the average increases every year that we have looked at for the overall endowed colleges. You can see the decline. This decline also has been seen in tuition. These are obviously percent increases&endash;we are looking at a decline in percent increases. Is everybody with me? So, both the tuition has gone and the percentage increases.

There is one other point to be made and then I'll turn this over to Tom Gavin. Those increases that you see there, many of you remember your own paychecks, you remember what it has been like over the past few years, they may look a little high. The fact is that the vast majority of faculty, apparently, have not experienced those exact increases. There is always a considerable discrepancy between the declared raise pool, that is, what the University declares and sends in letters to the chairs, and the average salary increases that are published. The disparity is apparently due to special adjustments that are made in salaries. Here we have over the last ten years, the declared raise pool in the left-hand column and the average salary increases, as published in the AAUP, in the right hand column ([Appendix G](#), attached). You'll see anywhere from a 6% disparity to usually, about a 2% disparity every year. The one on the left is the one that you are most likely to see as individual Arts professors. This paints the situation as clearly as I can possibly paint it in the Arts College. I would like Professor Gavin to give you a synopsis of what's going on in the statutory colleges."

Associate Professor Tom Gavin, Natural Resources: "Understand that this is typical of our collaborative relationship. He always gets to go first, he gets to present the good news, and then I have to come along later and clean up the mess that he has left behind. My job is a little easier than his because I don't have to set the stage. You have already seen the data from the endowed colleges and what I am going to show you is basically the same kind of data for public institutions to compare to Cornell statutory colleges. Here we have a comparison of where Cornell stood among twenty-five public institutions, research institutions, in 1985-86, compared to where they stand in 1995-96 ([Appendix H](#), attached). These are research institutions that we believe if we sent a questionnaire around the room and asked you to name the top twenty or twenty-five or thirty research institutions, you would probably come up with this list. At the top of this list are Berkeley, UCLA, Rutgers, Virginia, and so on. At least in 1985-86, we were ahead of Indiana, Wisconsin, Iowa, Michigan State, Kentucky, and a couple of others. We lost some ground during this period, relative to these other public institutions. We were surpassed by Wisconsin, Indiana, Iowa, and so forth. We were even surpassed by the University of Nevada at Reno.

"So, at the present time we are basically twenty-third out of twenty-five public research institutions. This ([Appendix I](#), attached) is a different sample than what Professor Sherman showed you. Again, some data here, put together actually by Peter, showing what has been the percentage of change of Cornell average salaries for full professors relative to other statutory universities. You'll see that this list at the top, Rutgers, Michigan, etc., have gained in average full professor salaries over this period relative to Cornell. We did gain some ground over the same ten-year period over these institutions: Virginia, North Carolina, Illinois, and three schools in the University of California system. However, if I put the graph that we just saw back up here again, these universities are still ahead of us. They have just quit getting ahead of us as quickly as they were in the previous five or ten years. Again, Cornell compared to fifteen other public institutions, with data put together by Peter Stein, is the same kind of data that you saw with Paul. Over the ten-year period, 85-86, the average full professor, statutory college, faculty salary was about 89% of the mean of those other fifteen institutions. We started to gain some ground over the late 80's, early 90's, and we have lost that ground, so at the present time, we are back where we were ten years ago relative to those other institutions. At about 88 or 89% of salaries for full professors.

"Is there a relationship between the percent increase in tuition for the statutory colleges versus percent increase in faculty salaries? The relationship here ([Appendix J](#), attached) is perhaps a bit different than it was in the endowed salaries. Here you can see that over the past ten years, if we were to fit a line over those dots, I don't know exactly what that slope would look like, but it is certainly downward. The percent increases over the past ten years have gone down, on average, in the statutory colleges, but on the other hand, our annual tuition increases have stayed right in there at 5 to 7% per year. Similar to the point that Paul was making with the endowed side of the University, we look at these dots and we know, in the statutory colleges, that most of us haven't gotten raises in four out of the past six years, but you will notice that none of those dots are on the zero axis. So again, we can look at the annual declared raises, that percentage that deans would put in letters to chairs, saying, "Here is the raise pool we have to deal with this year." Here are the actual salary raises as reported in the journal *Academe* ([Appendix K](#), attached). There is a discrepancy that averages about 1.5 or 2% per year. The reason for this discrepancy is confusing and complicated. We have queried Vice President Ehrenberg to help us understand what that different is. There are obviously some accounting procedures that are involved here, but there may be some other factors as well."

Professor Sherman: "I have one final point. So you now have seen the data as best as we can present them. They are all available, published, to be checked upon, and I would be happy to make any of this information available to any of you to check it or to make any analyses that you'd like on it. I think that the point that I'd like to leave you with is the real one. I love this University. I think that it is a wonderful place. It has done wonderful things for me and for my colleagues. I would

like to see it continue at the level of excellence that it has now achieved. To recruit the best faculty, to retain the best faculty, and to maintain our faculty morale, we need to really all of us, be part of this consensus that this is an issue that has to be dealt with, aside from our own personal salaries, which is obviously important to all of us, we need to maintain the quality of the University through the salary process. It seems to me that if I had to trade a beautiful campus for a second-rate faculty, I would always take the first-rate faculty, and perhaps put a little bit less into other programs. Thank you very much."

The Speaker asked for questions. There being none, he announced the question and answer session with the Provost.

5. QUESTIONS AND ANSWERS WITH PROVOST DON RANDEL

Provost Don Randel: "Let me say at the outset, in response to what Professors Sherman and Gavin have said, the President meant it when he said that faculty and staff compensation would be a major priority in the process of developing the budget, a process that we are now engaged in, and on which we gave a presentation to all of the deans and vice presidents and other leading administrators yesterday. We do sketch out a measurable increase in the amount going into faculty compensation on the endowed side–faculty and staff both. We have some good reasons to believe that there will be a salary program for the statutory colleges as well, coming from the state in the coming year, and are actively engaged in inventing methods to supplement that. We have some flexibility, but not a great deal, with respect to the SUNY salaries. We have some, and we plan to exercise that. We look forward to having a salary improvement program on both sides of the university this coming year."

Professor Frederick M. Ahl, Classics: "Don, in relation to the reports that we have just seen here and several of the points that have been raised in terms of maintaining competitiveness in salaries, one of the most distressing things, to me, personally, is the fact that as I look at the average declared salary and find my own, a full professor's, below that of Cornell, after twenty-five years of service here, I find myself concerned about the future. If we're trying to get people to maintain a commitment to the University, what we see, very frequently (I speak only from a limited range of experience in my own department) is no relationship between length and distinction of service and salary paid. Whoever comes in most recently, comes in with the highest salary. This can be, often, very depressing, and damaging to morale. I'm wondering if any effort is going to be made for adjustments of salaries. Not simply to gauge that who is new in town gets paid the highest salary, but whether there will be any effort to relate distinction of service to remuneration."

Provost Randel: "I had a discussion with all of the academic deans this very morning on that subject; that is, the administration of whatever resources we are able to provide for faculty compensation. I think that there is general agreement that we must, in fact, find a way to use what we can make available, as carefully and as specifically as we possibly can. It will not do us any good to sort of jack everybody up by an equal percentage amount which causes the rich to get richer faster and the poor less poor. What form that will take I don't know, but it is likely that, in assigning budgets to the Deans, we will stipulate some amount that must be distributed based on concrete, describable needs. We did this this past year in the endowed side and almost an additional full percent was made available for the Deans, for which they applied to me with ideas of what they wanted to do with it. I looked across what had been submitted by the colleges, and decided how much to give to each college based on their plans, and then the colleges were left to distribute that in carefully targeted areas. I think it is essential for us to use salary improvement funds in a way that will reward excellence as teachers, scholars, and for service to the University."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "Just to share an observation. I appreciate that you and the President seem concerned about this problem. Some ten years ago, maybe, when this was called the Faculty Council of Representatives, I remember Professor Schuler sitting here, who chaired a committee on a similar note. After a lot of deliberation and a lot of research, I believe that the committee came up with a recommendation for five or six percent, I don't remember exactly. A few months later, Provost Nesheim came here and said, without any explanation whatsoever, that the raise was going to be two or two and a half percent. This was without the slightest reference to all the work that had gone on. I found that somewhat surprising."

Provost Randel: "It will not be. I will herewith promise you that if we're not going to do anything about it, I'll tell you why. We are going to make an effort. We will do something and it will be notably better than recent years. Certainly on the endowed side, and we remain optimistic about what we can achieve on the statutory side as well. But, it would be misleading of me to suggest that it is going to be easy. You saw the pie chart earlier about our resources. To be sure,

research is a major part of what clothes the University, but the part of the pie chart out of which our salaries are paid, at least on the endowed side, is overwhelmingly the tuition side. We find ourselves in an environment in which the rate at which we can grow is severely constrained. You saw that data as well. The rate of growth of tuition steadily being depressed—there's considerable demand around the country that anything greater than the rate of inflation in the economy is an outrage for an institution like ours. If the major source of our revenues can only be allowed to grow at three percent but we'd like to grow faculty compensation at say, five or six percent, and furthermore, other kinds of cost pressures on us are also growing faster than our revenue can grow, there is a collision waiting to happen. It will require us ultimately to think about what kinds of things that we now do that we shouldn't do at all or should do less of. It is a complicated set of trade-offs. It is not that there is one thing that is in competition with faculty salaries. But for example, indirect cost recoveries, which have a profound effect on the institution, not only in the sciences, where sponsored research is done, but all sectors of the faculty are affected by that. If that component of income, which is rather considerable in the upper thirty millions of dollars, declines absolutely, or even if it holds level while our other costs continue to go up, it has an impact in our ability to move faculty salaries along. We expect to be able to do this. We expect this to be the first of a five-year effort to do this. With luck, we will make the gains that we need to get it. We have sort of formulated this, in some degree, as an effort to at least return to the position that we once occupied on some of these charts over a period of five or six years."

Associate Professor Jeffrey G. Scott, Entomology: "One of the ways that it would appear that you could in fact, supplement salaries without an increased cost to the University, on the statutory side, would be to move the salaries to nine months. To allow people to do the same thing that is done on the endowed side, i.e. to try to generate more income to support their salary and help bring that up from near the bottom. Has that been considered as an idea?"

Provost Randel: "Yes, and in some sectors of the statutory colleges, the nine-month salary is more nearly the norm. Making the shift, however, is not as trivial in relation to SUNY as you might suppose it was. That is, the danger of going to SUNY and saying that we only want to pay people over nine months is that they would say, 'Fine. You can have nine elevenths of that.' There is also a considerable difference with respect to fields. Some of the comparisons between statutory and endowed are difficult to make and in some moments it is almost misleading, because of the nine and eleven month phenomenon. In some fields, clearly, in the statutory colleges, there would be the opportunity to get summer salaries through sponsored research and if you could get what you were formally collecting in eleven in nine, that would be a net addition. In some of those fields, however, there are no opportunities for summer salaries for sponsored research and in those cases it matters not a great deal whether it is paid over nine or eleven. There the comparison with the endowed is a comparison with people whose nine month salaries is all they get now. How to normalize these things on two sides of the fence is not a straightforward proposition. But, yes, that is one of the things to look into. It is slightly complicated politically given our relationships with SUNY."

Professor Emeritus Donald F. Holcomb, Physics: "I guess one of the things that distresses me here is the apparent lack of concern for institutional memory in Day Hall. This is certainly not directed at specific people, but it has been going on for ten years. Not only the faculty's Financial Policies Committee when Dick Schuler was chair, but I was the chair subsequently, and as administrations come and go in Day Hall with their own particular enthusiasms of the moments, issues come and go as being on the screen with the laser beam. There is something wrong here when something can go on for this period of time without having forcefully caught the attention of the primary academic officers. By having let it go on for this long, it becomes more difficult to fix. The things that were said about the sources of revenue and the difficulty of finding money are always true. The longer you let something like this go, the more difficult it is. Is it possible for this to be a lesson?"

Provost Randel: "This would require consulting some actuarial table about how long I might be expected to live, and certain other people in Day Hall, or how long we might be able to stand it. I think that we have an understanding of precisely what you described. It took us awhile to get where we are, and it is going to take us awhile to get out of it. Some things have changed about the environment that make it more difficult for us to get out of it than it might have been a few years ago. It also has to be said that we have a lot of things that we like to spend money on. It is in the nature of a non-profit organization to maximize the amount of money that we spend. We don't raise the price, reduce the cost, and declare a dividend in the middle. One would have to look at all the things we have been spending it on instead. We have been spending it in on other stuff and you could point to categories in our expenses that have climbed. One of them that needs to be talked about is fringe benefits. We have been talking strictly about salaries here, but one does have to bear in

mind that total compensation has been going up distinctly faster than salaries have been going up because our fringe benefits—those of you who are on grants and contracts or have had reason to fill out those forms know first hand, but anybody who studies their paycheck also knows—the fringe benefit rate has risen in recent memory from the twenties somewhere and now will climb this year from thirty-seven to thirty-eight percent. The main driver in that climb has been the cost of health insurance for all of us, faculty and staff alike. One does need to think a little bit about that. That rate will increase by seven percent or so by next year. If we didn't want to have as rich a health care program, we could have a richer salary program. We, all of us, need to think somewhat more broadly about that. This is not to minimize the seriousness of the question. The need, if we're serious about faculty salaries, to decide what we're going to spend less on, and many of the things that we're going to spend less on are things that we all know and love and are accustomed to and want to have in our daily life."

Professor William H. Lesser, Agricultural, Resource, and Managerial Economics: "Provost Randel, this is on a different subject, and, I'm afraid, just a little bit long. It, in fact, has to do with a decision that was made in the Senate last month. As you well know, the Senate approved a proposal for the creation of a process of reviewing the first negative decisions in a tenure review case. That review is to be part of a procedural review—it is to be a predominantly procedural review. The drafting committee, as Dean Stein mentioned, is now in the process of being formed. If you could describe what actually the process is for the review and what that process is that you will use for the procedural part of the committee's review. Of course, appeals at the earlier stages of the tenure review process, that is at the department and the college levels, are also predominantly procedural, but there the procedures are set out in considerable detail in the Faculty Handbook. My understanding is that there are really no guidelines for your review that apparently all the files are read by the so-called 'Gang of Four', who make the final decision. Is that understanding substantially correct? If so, do you have any suggestions for how the process could be reviewed procedurally? In addition to that, you also have the right to ask for additional comments, which of course, raises some intriguing procedural questions, but the one I want to raise, in particular, occurred in July. Members of the field of economics would be asked to comment on files of all economists on campus outside the economics department. Apparently you are the one who is going to decide who, and who is not, an economist for the purpose of that review. Apparently the appeal just made the decision last week as to what that common process would involve and what I saw indicated that all field members would be invited to write a comment, and again, on the contribution of the individual to the field of economics, even if that contribution was not included in the position description. For those of us in the statutory colleges, this may not be what state taxpayers think they are employing us to do. Apparently comments are to be on research only, because the only materials presented to these field members will be the vitae and a few sample publications. I have been assured by Vice President Ehrenberg not to be concerned about that because you may choose to utilize and incorporate those comments in your final decision or not, at your discretion. Could you please describe how that indeed constitutes a reviewable process for the procedure that the committee just now was set up to draft?"

Speaker: "Don, can you please respond to that in a few short sentences?"

Provost Randel: "How many semi-colons do I get? Your omnibus question includes a number of specific points, not all of which can be taken up here. I take it that the rhetorical thrust of the question is to suggest that this is an outrage. Ultimately, the President is responsible for all personnel of the University, academic and non-academic, and is the person who carries to the Board of Trustees the recommendations. Ultimately, the President reserves, to that office, the right to make the final decision. Now, is there a long list of rules? The answer is no. The elements that will go into such a decision will be rather the same as those that will apply at every level. We ask, at the very first level of review of faculty members, about their performance in relation to their assigned duties and in some cases those duties, certainly in the statutory colleges, may vary and are stipulated. Certainly, in the endowed colleges, everyone has the responsibility to teach, do research, and serve the community. Depending on the nature of the job description, different criteria may be brought to bear. Let me not be misleading about that. Ultimately some sensible people the President asks to advise him about this—at the moment, the infamous 'Gang of Four'—try to read these things carefully and honestly to make a judgment that we would hope that responsible academics would make in any such case. On the specific matter of the economists on the campus, I have met, repeatedly, now, with the chairman of the Department of Agricultural, Resource, and Managerial Economics to discuss this matter, and I have agreed with him readily. There are some people in that department who do a kind of work which is not typically rewarded with the Nobel Prize in Economics, and that's for very good and sufficient reason and no one should challenge that fact. We can bring to bear, however, the highest intellectual standards to extension, just as we can to research and teaching. What is the role of the field of economics in this? The field

of economics used to be essentially co-terminus with the Department of Economics in the College of Arts and Sciences. That is no longer the case. The Department of Economics only makes up half of the field at this time. I expect that balance to continue to shift as more economists from other departments become part of the graduate field. Given the existence of that graduate field, we would like to understand the view of leading economists on the campus, that is, those engaged in graduate teaching and research, about other members who exercise a sufficiently similar position. When a position comes up in the Department of Economics, it too, will be reviewed by the graduate field of Economics, which, for the first time, will mean that Arts College faculty members are having their careers evaluated by members of the department of ARME. This is not a one-way street. The use of the graduate field in this way is simply an effort to bring together the strength that we have in economics across the campus and to put a broader array of faculty to work in thinking about what the nature of that discipline is on this campus. It cannot be said to be a threat to anyone who is engaged, even if they have a Ph.D. in Economics, in something outside the realm of things that is taught in the graduate field. In any case, they will be invited to write letters and they may or may not. One evaluates letters as carefully as possible, reading between the lines if necessary."

The Speaker called on Professor Kraig Adler, from the Committee on Nominations and Elections, to present a report from that committee.

6. REPORT OF NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kraig Adler, Neurobiology and Behavior: "Thank you. I'll be brief. On behalf of the Nominations and Elections Committee, I would like to report two lists of names to the Senate for its action. The first is a list of two names to be added to the Faculty Advisory Committee on Retirement Issues, this is the 'Transitions Committee.' The names are Robert Gibbons from the Johnson Graduate School of Management and Karl Pillemer from Human Ecology. So, I offer those names for your action."

It was moved to adopt the recommendations and the motion carried.

Professor Adler: "Next I would like to report to you the names of the individuals proposed for the Program Review Committee. I think you are already familiar with some of the background for how this group of names was produced. It originated from our committee and the original plan was that the Provost would accept some names from this committee and then propose some of his own. In this event, the Provost accepted the entire slate of names, although we should not take this as a precedent-setting step. The Chairmanship of the Committee is listed as Peter Stein. I should just make one further comment. The Committee worked very hard to balance this group of nine people to represent all of the portions of the campus, including the Geneva Experiment Station, in terms of extension, basic and applied, the humanities and creative arts, etc. I hope you will agree that the Committee came reasonably close to the ideal."

Disciplinary Area College

David Bathrick Creative Arts, Humanities A&S

Francine Blau Social Sciences ILR

Paulette Clancy Applied Physical Sciences Engr.

Frank Keil Social Sciences A&S

Christine Olson Extension H.E.

David Robertshaw Professional Schools Vet.

Wendell Roelofs Applied Biological Sciences CALS-Geneva

Peter Stein Basic Physical Sciences A&S- **CHAIR**

Charles Walcott Basic Biological Sciences CALS

It was moved to adopt this slate of candidates and the motion carried.

The Speaker called on Dean Stein to set the context for the Sexual Harassment Resolution.

7. RESOLUTION ON SEXUAL HARASSMENT POLICY

Dean Stein: "As Dean Lewis is fond of saying, 'this is a vexing issue that has troubled us greatly over the past year'. What it is that we're going to talk about is a bit complicated and a bit convoluted, so I thought that it was worthwhile to spend just a few minutes trying to set the context and tell you how we got from there to here. Bear with me if you follow these issues more closely than other people. This saga starts approximately a year ago in November 1995, when we first had a Sexual Harassment Policy proposed jointly by the Provost and the University Counsel—the so-called Mingle-Randel draft. That draft was presented late in November. The Academic Freedom Committee, with great diligence, rapidly got together and read that draft. The people that proposed it proposed a very short timeline for adopting it. That committee met in early December and proposed some recommendations to it. It brought those recommendations to the FCR in December. Those recommendations were debated and adopted, essentially without change. They were presented to the Provost for consideration. While it is hard to exactly figure out what happened, in my opinion, those recommendations were mostly adopted into the next draft. The next draft came out sometime in early Spring, in March I believe. Again, that draft was presented to the Academic Freedom Committee. The Academic Freedom Committee met, and suggested six changes to be made in the draft. That was brought to the April meeting of the Senate, where it was debated. Those six recommendations were eventually brought to the Provost, and the so-called final draft was produced. It is hard to calculate exactly how many were adopted and how many weren't adopted, but in my opinion, those changes were mostly not adopted in the final draft. The Academic Freedom Committee was very upset about that. They, together with the University Faculty Committee, jawboned aggressively the Provost and the University Counsel, and I'm pleased to report that—"

Provost: "That the Provost proved to be the spineless administrator that he is."

Dean Stein: "The spineless administrator adopted five and a half and arguably six of the changes that were suggested by this committee. That, then, became what was called the final Sexual Harassment Policy. That adoption took place in July of this year. In the fall of this year, a month or so ago, there were two, rather spirited resolutions passed by the College of Arts and Sciences, overwhelmingly by the College of Arts and Sciences and the Law School, where they suggested that this policy was insufficient or inadequate. The Dean of the Arts College sent that to me and the University Faculty Committee met. We decided that we would present to you a resolution asking this same Academic Freedom Committee to actively look at the current Sexual Harassment Policy in light of the various suggestions that have been made on it and to present to this body, within two months' time, their recommendations for improving this policy. Now, it is a little bit more complicated than that. It is very important that you distinguish between the Sexual Harassment Policy and the Sexual Harassment Procedures. You have to keep those two phrases straight.

"Anyway, the Sexual Harassment Policy is what evolved from the Mingle-Randel draft. I love to say that—the 'Mingle-Randel' draft has a nice ring to it. That turned into the Sexual Harassment Policy. It has three essential phases to it ([Appendix L](#), attached). This is what happens from a time that a complaint is made, presumably from a student against a faculty member. A student brings a complaint to a faculty member in phase one, and that is heard by Cornell's Office of Equal Opportunity. That complaint has four possible outcomes in phase one. One, a satisfactory arrangement is reached by both parties. Two, it is dismissed. The Office of Equal Opportunity, in conjunction with the Faculty Co-Investigator, finds the charge without merit. The third possibility is that they find the charge with merit and they suggest sanctions and the charged party accepts those sanctions. The fourth possibility is that the charged party does not accept the findings and sanctions by the Office of Equal Opportunity and requests a hearing from the Academic Freedom Committee. That is Phase One.

"Phase Two is what happens after the charged party requests a hearing. There is a hearing. That hearing has certain procedures—that is the word 'procedures' that you have to keep straight from 'policy.' The Academic Freedom Committee hears the charges. The Policy suggested but did not precisely state, but strongly suggested, that the Academic Freedom Committee not have any fixed procedures. The Academic Freedom Committee should have essentially the ability to make the procedures fit the case. The Academic Freedom Committee met and was uncomfortable with that. It was felt that this would not be acceptable to the community-at-large to have variable procedures where the charged party did not know, going into this, what the procedures were going to be. They felt that both they and the rest of the community would

be much more content with a fixed set of procedures that were published and public. There was some question as to whether a fixed set of procedures could be inserted into a policy that called for variable procedures. We consulted the University Counsel, who, in the way that lawyers see things, that 'variable' could be interpreted as 'fixed.'" So, it was possible to have a fixed set of procedures within a variable policy framework. In Phase Two, in those procedures, the Academic Freedom Committee either finds the charges without merit, or finds the charges with merit.

"Phase Three is what happens after that. What happens after that is the Dean can either adopt or modify, according to this policy, the recommendations of the Academic Freedom Committee. Now the Academic Freedom Committee decided to bring to you its draft procedures for your comments and for your adoptions. They also felt that they were unwilling to adopt procedures that did not have your blessing. They opted to defer to you in setting up their procedures. That is what is going to follow today.

"At the same time, something else happened. What else happened is that Dean Lewis asked the Senate to look into the policy as a whole. Two things are going to happen today. Professor Earle will introduce a motion asking the Academic Freedom Committee to look into this policy, which is essentially all the phases. In addition, because the Academic Freedom Committee believes that no matter how this policy gets modified, one part will certainly be a hearing by the Academic Freedom Committee, they wish to have your comments about their current state of thinking about what those procedures should be. So that is what you will now be considering."

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "On behalf of the University Faculty Committee and in response to the concerns that had been raised about the policy as it currently stands, we present the following resolution:

WHEREAS, the Faculties of the College of Arts and Sciences and the Law School have expressed concerns about the University Sexual Harassment Policy implemented in July 1996, and

WHEREAS, the fairness and effectiveness of the Sexual Harassment Policy is of great concern to the entire faculty,

THEREFORE BE IT RESOLVED, that the Senate instructs the Academic Freedom and Professional Status of the Faculty Committee (AFPS) to conduct a thorough review of those provisions of the University Sexual Harassment Policy that apply to faculty members, with the understanding that the review will include soliciting the opinions of individuals with a variety of perspectives, and

BE IT FURTHER RESOLVED, that the AFPS Committee shall report back to the Senate no later than its February meeting with its recommendations for improving the fairness and effectiveness of the Policy.

This is Phase One of the rest of today's agenda."

The Speaker called for comments and discussion before the vote.

Associate Professor Jeremy Rabkin, Government: "Peter Stein's summary of the history of this leaves out something very central. The Academic Freedom Committee had a crack at this, then they had a second crack at this, and the reason why it is now proposed to send it back to them is that they didn't do a very adequate job. I'm not saying this in order to cast recriminations. I think that what happened was that people agreed to be on that committee without any notion at all of the fact that they would be responsible for reviewing the Sexual Harassment Policy. It seemed to me that from the meetings, from the way people talked about it, they got tired, they got distracted, and when this was dumped in their laps, they just weren't too interested. They did a rather perfunctory job. One example. There may be a dispute about how many of the resolutions of the fall were adopted in February&endash;I think that about half of them were and half of them weren't&endash;but one of the remarkable things about when that committee came back in the spring is that they didn't even bother to comment on what happened with the resolutions that they had made in the fall and had been rejected by the Provost. They didn't bother to comment. Did they not care? Did they not notice? They just went straight ahead and came up with a new set of perfunctory recommendations. This committee has a history of being not very energetic, not very focused, and not too interested. Again, I don't say this to be recriminatory, but I had a question for Professor Earle. Is it going to be different now? Do you guys really want to do this now?"

Professor Earle: "Well, first of all, for the information of the Senate, let me present the membership of the Academic

Freedom Committee. Just so you see who the people involved are.

Richard A. Baer, CALS

Robert C. Fay, A&S

Terrence L. Fine, Engr.

Robert A. Green, Law

Sarosh Kuruvilla, ILR, Chair

Anna Marie Smith, A&S

Barry Strauss, A&S

Kenneth Strike, CALS

"I think that it is true that the level of concern and interest in this policy has been increasing as people are reading it more carefully and it has been discussed more widely. I don't think that there is any particular reason to think that a new, completely different batch of people, would, at the present time, do a better job than the committee that has been working with this policy for a while. However, I certainly invite comments from the Senators."

Associate Professor J. Ellen Gainor, Theatre, Film, and Dance: "I also serve on ACSW, which is the Advisory Committee on the Status of Women here at Cornell. Recently there it was brought to my attention, that the Sexual Harassment Policy that is in place currently, is supposed to apply not only to faculty/student or faculty/other kinds of arrangements, that are primarily a concern to this body, but would also apply to student/student interactions, staff/staff interactions and so on. What I'm wondering is how might the potential for revisions, or whatever will go on, consider embracing these other constituent groups? Has that even come up?"

Professor Earle: "The resolution directs the revision to provisions that relate to the faculty, but it is inevitable that there will be inter-relationships and the committee is encouraged to solicit opinions from relevant and interested parties. There would be opportunities to look into whether any of the other provisions might have implications for other members of the community."

The vote was taken and the motion carried.

The Speaker called on Professor Kuruvilla, the chair of the Academic Freedom and Professional Status of the Faculty Committee.

8. SEXUAL HARASSMENT PROCEDURES

Associate Professor Sarosh Kuruvilla, ILR: "I am the Chair of this unfortunate committee. I want to emphasize that the committee keeps changing every semester as people keep coming and going. It is not the same bunch of people that some people have pointed out. We have been laboring&endash;every week, I might add&endash;on one small portion of the policy. The draft that we have circulated that is on the World Wide Web, pertains to the procedures that we have circulated to handle this particular part of the policy. You've just made a resolution asking us to look at everything so I guess we have our work cut out for us over the next two months. You've seen the procedures ([Appendix M](#), attached), and if you have any questions, I'd be glad to answer them. If you have comments, I'd be glad to hear them. If you want to send us comments by e-mail, my e-mail address is 'sck4@cornell.edu.'"

The Speaker announced that Professor Green was also present at the meeting.

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I have been asked to read a letter from Colleen Akehurst, the Student Assembly Representative. She is not allowed to speak to the Faculty Senate and I agreed to read this letter on her behalf: 'The proposed procedures for contested findings and recommendations will most likely cause some concern among students at Cornell. There is currently a student member who serves as part of the Committee

on Academic Freedom and Professional Status of the Faculty. However, if the Committee were to hear a case of sexual harassment, this student no longer acts as part of the Committee.' If you read the procedures as drafted, they specifically exclude the student from participation in these hearings. She goes on to say: 'Student members of committees such as the AFPS serve to provide a unique viewpoint on issues. This viewpoint is a positive contribution to the decision-making process. Most students can be trusted with making reasoned and logical decisions in the midst of difficult times. The student complainant presenting information to the Committee will be insured that his or her side is being adequately heard. This would happen because the student member of the Committee has the unique perspective of being a student in faculty/student interactions and relationships. The same rules for excusing a member of the Committee would apply to the student member. A student member in the same department or who has taken or would take a course taught by the accused faculty member would excuse him or herself. Knowing this policy applies to the student member as well as to the other member alleviates concern that the student member could seek retribution towards the faculty member. I hope that the faculty could acknowledge that allowing students to serve on the Committee during sexual harassment proceedings will only enhance the process. A student involved in such proceedings would serve to provide a unique perspective which would not otherwise be present.'"

Professor Kuruvilla: "The Committee discussed this issue and the majority opinion was that since this committee was dealing with a procedure that was dealing with the grievance of a faculty member that it would be appropriate to have only faculty deal with the grievance."

Associate Professor Walter R. Mebane, Government: "I'm a little perplexed about some of the features of this proposal and how we can act on it without knowing the status of the full policy. For example, point 17 says that, 'The Committee shall encourage the OEO to turn over...all...evidence in the investigatory files.' Should it occur that the revised policy does not involve the OEO in a substantive manner in the earlier steps, then this particular point would have no meaning. There are other features of the procedure that assume that other parts of the policy will remain in place. I wonder if it is appropriate to act at this time on these procedures without having a judgment about the entire policy."

The Speaker announced that there would be no action taken at this meeting. He explained that the issues were only up for discussion.

Professor Kuruvilla: "It is true that the policy might change and that we might change it in ways that would force the procedure to change as well, but it was important, we felt, to get a sense of where we are coming from in this respect. This is just for comments and criticisms and so on."

Professor Norton: "I would now like to speak for myself. I have a couple of comments and a question. I guess I will start with the comments. The first comment pertains to the last couple of sentences of Item 6. I have already expressed my views to the Committee on this, but I'll say it to the full Senate. I think that it is an extremely bad idea for the chair of the Committee to authorize whatever legal advisor the Committee appoints to run the hearings. I think that the chair of the faculty's Committee ought to run the meetings and that the legal advisor should be a legal advisor. The ability to chair the meeting should not be turned over to the legal advisor. I think that that is a very bad mistake. Even if the Committee added, in response to my original objection, the idea that the Committee, with a vote of the majority of the members present, might withdraw the authority from the legal advisor, and may overrule any decision made by the legal advisor, I think that is nuts. The faculty should run its own hearing and the legal advisor should be an advisor.

"My second comment has to do with Item 7 and something I feel very strongly about. This has to do with the ability of a complaining party to have the services of an attorney or an advisor. An advisor is no problem. I have objected, all the way along in these procedures, that a complaining party should not be abjected to a cross-examination by the charged party's attorney and would therefore be forced to pay for an attorney for him or herself. I believe, if this is something that a student or an assistant professor complainant against a full professor, sees this and says, 'Oh my God! If I bring a complaint, and there is a hearing where the charged party can opt into&endash;where I have no say about whether there is going to be a hearing or not&endash;and I'm going to go in there, and unless I pay for an attorney to protect me, I am going to be subjected to questioning by some high-powered attorney brought in by the charged party. I think that this is a big mistake. I think that this is going to lead complainants not to bring in complaints under this procedure, which, presumably, is not our point. Our point is to make these user-friendly for both sides. It is a very bad mistake for us to say that the University will not supply an attorney for a complainant should the complainant want one. Those are my comments and I feel strongly about both of them.

The question pertains to Section 2, 'Informal Procedures.' I don't see any point for informal proceedings. It seems to me that if a faculty member is going to opt for a hearing that the faculty member is going to want formal proceedings. Under what circumstances does the Committee envision that a faculty member, having just found informal proceedings with the OEO not satisfactory, is going to opt for informal proceedings from a faculty committee? I don't see that happening and I don't see why that is there."

Professor Kuruvilla: "I can quickly tell you what the Committee's thoughts were on both of those points. On the first one, there was largely a feeling that the Committee is composed of people who are more often than not lawyers, and this is a procedure that allows lawyers on both sides. It was the feeling that sometimes the chair would be comfortable having a legal advisor conduct the hearings, making it easier to make lots of decisions about whether something is appropriate or not, which might be something that he or she is not completely qualified to do. Hence, the legal advisor provision.

"The second is the issue on lawyers. The only reason that we have that paragraph in there is that we know that the University is unwilling to pay for hiring lawyers for the complainant as well as the charged party. So we're stuck, unless by writing a new policy, we can actually get the University to agree to something like that."

Professor Richard E. Schuler, Civil and Environmental Engineering and Economics: "I'd like to follow up first of all on Professor Norton's observation on the hiring of attorneys. I abhor a process that burdens parties on either side with the expense of hiring attorneys, but I think that what Professor Norton was suggesting was giving a tilt to the complainants. We saw in an earlier presentation on faculty salaries, that it is likely, in certain circumstances, that the accuser, the complainant, would have more resources. Without biasing the process, one would have to, if one were to include that provision, go to the extreme of providing counsel to all parties in order to be fair. That is a question of expense to the University.

"My real question to the chair of the Committee had to do with Item 26. What I find truly regrettable are the divulgence of confidential information. On the other hand, requiring the participants to sign a statement seems to me to be a fairly innocuous proceeding unless there are formal sanctions associated with the violation. Do you contemplate such formal sanctions?"

Professor Kuruvilla: "No. We don't. We had it there because that was the only logical place we could put it to insure that there was some sort of confidentiality, but none of the confidentiality issues, either on point 26 or point 7, are really enforceable."

Associate Professor Risa Lieberwitz, ILR: "I also had a question about confidentiality. I'm not so sure that it is not enforceable. I don't like the idea of having people forced to be gagged based on what happened, so I'm not so much in favor of a confidentiality pledge in general. One concern that I have is that if someone were to breach the confidentiality, in particular, if it is a faculty member, then that person might in fact have some fear of having some kind of disciplinary action brought. So it is not clear to me that it is not enforceable in some way. So it seems to me that one of the accompanying aspects of having proceedings is that people might talk about them. That is the nature of people talking about issues that are in the public interest. It may just be that people would like things to be confidential, but they may not end up being confidential, and so you might just have to leave it alone. Also this may have something to do with what Mary Beth Norton brought up about encouraging people to pursue certain processes. Because if you require people to sign a confidentiality pledge, they might just go to court. I wonder if you could consider those."

Professor Kuruvilla: "I might just add that under the University procedures, when we drafted this document, the policy actually says that the AFPS Committee has to conduct a confidential inquiry. In order to be consistent with the policy we have to take into account the confidentiality issues, knowing full well that some of them are enforceable but might have other problems. If we are going to change the entire policy, that is something that we will have to think about."

Professor Lieberwitz: "That doesn't mean, if you conduct things in a confidential way, that there has to be a requirement that the individuals affected by it are gagged in terms of what they have to say."

Professor Mebane: "Regarding this question of attorneys. Could you interpret for me point 14 that says that 'The University shall provide an attorney whose sole responsibility...shall be to support the findings and recommendations of the investigation report. This attorney shall be entitled...to cross-examine witnesses.' My impression is that this is a

grievance hearing, so the only possible content of the investigation report would be a finding that the charged party was guilty as accused, and, so, in effect, this University-appointed attorney would be acting on behalf of the complainant."

Professor Kuruvilla: "The background to that is as follows. This committee is actually supposed to be making a judgment as to whether sexual harassment actually took place or did not take place. The OEO is the report on which we are acting. The OEO's report is what the faculty member is grieving against. If we have to have a hearing that examines the grievance, it is necessary that someone acts as a prosecutor, someone who will defend the OEO report because that is the report that the faculty member's lawyer is going to argue against. In this particular case the OEO has refused to stand in defense of its own report or act as a prosecutor. Therefore, we need somebody else to do that because this committee is acting as judge here, and cannot be prosecutor and judge at the same time. So, the only other option, the only other party in the case, is the University. The University has to provide an attorney to defend the OEO's report. If the OEO is willing to do that, then we will not need to have the University there at all."

Professor Terrence L. Fine, Electrical Engineering: "This is not a question. It is more of a plea. We have now been sent by a vote of no dissent this thing to spend another two months or so on. Most of us do not welcome spending more time on this. We have spent quite a bit of time on this, even though it may seem perfunctory to somebody else. When we come back with this thing, I doubt that we will have a document that is going to get unanimous consent and support. I hope that you have thought about this. You have given us a task to do. It is not easy. There are at least three entities in this thing, from what I've heard. There is a complainant, there is the person who is being complained against, and there is the University. They have somewhat different positions and I'm not sure they can be reconciled. We have heard strong arguments on all sides and I don't think that we're going to come back with something that nobody is going to find objections to. I hope that you think about that, so by the time that we come back to you, we won't have wasted the two months on this issue. We're going to do the best we can, but it is not an easy issue. It is not going to be something that you're not going to find objections to."

Professor Rabkin: "I thought that this committee did a terrific job. *This* year's committee did a terrific job on what they put on. I would ask that you would try and do the same procedure. That is, circulate a draft so that people can comment on it and you can then try and incorporate that into the draft before you bring it to the Senate."

The meeting was adjourned at six o'clock.

Respectfully submitted,

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