

MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, September 10, 1997

The Dean of Faculty, Peter Stein called the meeting to order. He then called on Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty to serve as Speaker pro tem.

1. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "It is my pleasure to be here again, and it is always my intention to stay here until the end of the meeting. Unfortunately, I have to catch an airplane, so if there are any questions on the agenda that you anticipate asking about later, by all means, ask them now."

Professor Elizabeth Earle, Plant Breeding and Biometry: "I've been hearing that the costs of Project 2000 have been going up and up. I was wondering if there was any upper bound contemplated on this exercise or is it just going to rise out of sight?"

Provost Randel: "There certainly is an upper bound that can be computed. It can be said that the real money budget of Project 2000 has not been increased until this day. There has been pressure steadily and there has been reallocation in that budget, but we are, at this point, sticking to the cash budget authorized initially. Much of the special strain around that has to do with a major part of that expense in people's time. We have had some difficulty in securing the 'volunteer' labor that is needed to complete some parts of the project. That situation has improved somewhat recently. If you read the *Chronicle of Higher Education*, you look at these big ads for PeopleSoft and you see the growing list of universities that are going to projects of this kind. We, having been early in this activity, developed the core of people that were pretty good at implementing this effort, with the result that they are being hired away and we are under constant threat. Our consultants, Andersen Consulting, has been experiencing the same thing, namely, they are having trouble hanging on to people. This has put pressure on having people available to do the job. So far, we have not changed the dollar amount in actual cash money that we are spending, to this day."

Professor Sally McConnell-Ginet, Linguistics: "A related issue, there are all sorts of jobs that are being computerized in the University and where responsibility for implementing that is being transferred from departments to individuals. A good example of that is the Staff Directory, where we're each being asked to provide information about where we reside. It turns out that I can't do it from my computer, because I don't have enough memory to download the new fancy version. But, it brings up the issue of are we going to get the mechanical and technical support to help implement these various programs."

Provost Randel: "One of the aspects of the entire program will be the need for upgrading desktop machines of many people. That is a need that we face anyway, with or without this project. I think that we will not in fact be able to centrally fund new machines for everyone. There is not a level playing field out there now. In Arts & Sciences some years ago, we discovered, not surprisingly, that a lot of people didn't have machines that were capable of being plugged into the network, after we just spent hundreds of thousands of dollars bringing network connections to everybody's offices, so some college funds were provided for those upgrades. I think one will have to go on a case-by-case basis, perhaps at some time, there will be a central fund. But, in the meantime, departments will have to provide the funding on their own."

Professor Terrence Fine, Electrical Engineering: "Can you tell us where we are on the Sexual Harassment Procedures?"

Provost Randel: "There was a meeting about a week ago with the Policy Advisory Group, which is a group of people from across the University who meet to steer the process of putting things into the form that makes them consistent with all the other policies in the University. What we are working with there is the document that the Senate passed last spring, with some changes of the kind that I described in my memo of May 12. We had a further meeting this morning about what appears to be a contradiction within the procedures. There will be further meetings of the Policy Advisory Group and it is my devout wish, that by the end of this month, the matter will be settled and the new policy can be promulgated, and I think you will find that the Senate's views in this are virtually wholly incorporated. I've been in close contact with Dean Stein about the matter all along. Certainly, the procedures that the Senate developed for its own committee will be verbatim.

Maybe I should volunteer something, since readers of the *Daily Sun* will have seen this morning's story about a \$6 million shortfall in the General Purpose Fund in the current year. As usual, with all newspapers, including the *New York Times*, if you have any direct personal knowledge of a story reported there, you realize that there are certain parts of the reporting that are not quite accurate. You try to extrapolate from all the other stuff in the newspaper that you don't know anything about, and you wonder why you buy the newspaper.

"The story is in some number of respects perfectly true. What is perhaps slightly misleading about it is the degree to which it looks as though we are going to go around putting our hands in peoples' pockets and getting money back to fill this hole. The problem, if you didn't read it, or in case you did, is we concluded negotiations about this overhead rate this summer, which ended in the federal government insisting on reducing our rate by several points. This alone will cause a problem of about \$3 million less in recoveries than we had been planning in this year. Similarly, we begin the first year in which we feel the effects in the Theory Center in the decline of research volume, and that might be about \$1 million less than we anticipated when we originally made this year's budget. We have experienced a further decline in graduate student enrollment, it would appear. We are trying to make a good estimate at the moment, but one can't know with certainty how many graduate students are here and how much tuition they are paying, but there has been a decline in Ph. D. enrollments in recent years, and would appear to have gone further this year, and that might be another \$1 million of unanticipated revenue loss.

"A few other things have happened, environmental health and safety concerns, when accounted for bring the total to around \$6 million. We have committed ourselves on all sides of the house, to not go to units, colleges, and ask for reductions in their operating budgets. So, everyone will continue operating this year on budgets that had been planned almost a year ago. And we will address this \$6 million problem through various one-time funds that are available. This is beginning to sound like the State of New York. The University does maintain a contingency in the annual budget against just such developments and there are other reserves that we can draw upon without affecting other planned activity in this year. Those will come from a variety of quarters, but I think that in the operating units no one who has been saving money scrupulously for some particular planned project is going to have that jerked out from under them and, in any case, we are certainly not asking anyone to reduce their planned operating budget. So we will complete this year in balance, as we have completed every year for the past 20 or so, and I don't think that it will cause any particular hardships. It has to be said that we will experience this decline in overhead recoveries this year, but since the rate has gone down, we will experience it ever after unless the volume rises to the point of making up the difference or, and don't count on this, if we are able to reverse the trend in our rate. A lower rate is good news and bad news, but we will have to accommodate for that in future years.

"We are hoping that in the next few weeks to have revised our projections over the next several years, so that we can begin to disseminate to operating units and colleges what the budget for the next academic year and the two years beyond that are likely to look like. We continue to emphasize in this process the need for enhanced compensation for faculty and staff. The pressure on the staff side can only be said to have grown since we last met to talk about this, partly by virtue of the fact that we have people being hired away in a competitive market. We steadily have to think about whether we are doing enough there. Thank you. I'm sorry to have to leave. You are entitled to know where I go, the Executive Committee of the Board of Trustees is meeting in New York tomorrow morning, all day."

2. REMARKS FROM THE DEAN

Peter C. Stein, Dean of Faculty: "Consider this the opening talk. It is a little funny coming second, but I would like to welcome you all to another year of the Senate. Kathy and I had a brisk e-mail exchange about what to call this. I thought we could make it sound really good by numbering them with Roman numerals like Super Bowls. But there was a dispute as to whether this was Senate II or Senate III or Senate 2 1/2, due to the usual problem in academia, when you call a new year, do you call it in September or January. So, anyway, it is either Senate II or Senate III or Senate 2 1/2.

"Last year's Senate was just chock full of things that are to my mind controversial and important, and I see no letup as I look at the agenda. People are always telling me that we are in a time of change. People have been telling me that since I first came to Cornell 40 years ago and, in general, those statements seemed not to be true. Looking back, things stayed pretty much the same. Rather than drastic change, we saw fluctuations around a relatively constant line. My sense is maybe I've just been beat into the ground, but my sense is that this time it's true. We really are in for some fundamental change. It is fair to say that the institutions or the concepts that have been the bedrock of our society are all under attack.

You hear it all the time: tenure is under attack, the notion of the department being the core of the intellectual work of the University, the notion of research as being a fundamental thing that we do, the whole academic freedom you hear being discussed as if it has gone too far and is out of bounds, the independence or the entrepreneurialism of the faculty is under attack. Those things together describe in my mind what universities have been like. Those things are all being seriously examined. I don't think that all of them will go, but I do think that in the next few years, we are going to see substantial changes in the way that we think about the way in which we go about our business.

"There are a number of initiatives that will come before this body, one in particular is the report of the Research Futures Group, which really is a substantial change in the way we carry out our scholarly business and I think it is something that we want to look at very closely. The question of how we make our appointments: Are appointments totally within the purview of the department or is there a wider group that is going to control that? How do we make tenure decisions? The train is already moving, and it is no longer a question of whether or not we want to get on the train, because we are on the train. The question is, do we want to ride on the train or do we want to drive the train? The time when we can say 'no, no, no, let's just pull the emergency cord and stop all of this' has passed. I think that a number of items will come before us that will look unpleasant the first time you look at them and we have to be very serious about looking at them, and see if we can craft a way that the faculty can play the dominant role that I believe we must in an era of substantial change.

"With that, I would like to show a couple of transparencies on faculty salaries. I sent you all a copy of a report that I made to the Board of Trustees about the dismal state of faculty salaries at Cornell. Since that report was first written, another year has passed and the data for the next year has come in. I'd like to show you that data, in a somewhat different form than it is presented in the report that I sent you. I have plotted the years 1986-1996. It is the same period, and what I have plotted on the other side is the increase in the average full professor's salary in the endowed units at Cornell compared to this comparison group that I have always used, which are 17 major private research institutions ([Figure 1](#)). As you can see, for all of these years, with the exception of 1989-90, the raise pool at Cornell has been significantly below the raise pool at other peer institutions. When I gave the talk to the Trustees, I hadn't seen this last piece of data. It is possible to look at this data and draw very different conclusions from it. One conclusion is, we are doing very well, our slope there is better than the slope of our peer institutions, so we have momentum. You may also interpret this data more pessimistically, and recognize that this is our second best year in the past 11, in that we fell behind our peer institutions, less in those two years than in any other year. But, the fact remains that in 1996, we were still worse off than our peer institutions than we were in 1995. I will leave it to you to draw your own conclusions as to whether it is good or bad. On the one hand, it is better than it was in the past, but on the other, we have fallen still further behind our peer institutions.

"The point for the statutory institutions is interesting. They have a much more erratic behavior than the endowed units. What is interesting is that when you add it all up, if you add it all up in 1995, it turns out that the difference, where you are vs. where you were, is the same in the statutory units as compared to their peers as in the endowed units as compared to their peers. But, this was a disastrous year for the statutory units; they fell considerably behind. And we are of course, pleased, that an agreement was reached with the State University of New York to provide a substantial pool, and we hope that that agreement will change the situation in the statutory units. It is always important to remember that this is a competitive situation, whether that agreement will be good depends very much on what they will do at Madison and Davis and so on. So, we won't really know whether we have gained or lost until we see the data from the other groups.

"If I just take Cornell endowed vs. Cornell statutory (Figure 2), a lot of people think that the salaries in the statutory units have deteriorated with respect to the endowed salaries. That is not true, there has been a slight decrease, but with the erratic up and down behavior of the statutory raise pool, and in the end, there is not a very large difference in the behavior of the endowed units and the statutory units in that time.

"The last thing I want to talk about is a subject that was much discussed in the press over the summer time was the salaries of our administrators. There was an article in the *Ithaca Journal* that you may have seen, which said that our administrators received a 17.5% raise over the past year. A lot of people called me about that and I thought that it was worth pursuing. Where that data comes from is that the IRS requires us to file the salaries of our top administrators and make that a public document, and that document is public for this year, last year, and the year before. I got copies of that data, I fiddled with it, and it turns out that there is not a unique answer. I tried to look at in such a way that maximized it, and I couldn't come up with 17.5%, the best I could do was about 10-11%.

"Since this was a year of change, we run into several problems, for instance, we had Rhodes, and now we have Rawlings.

Do we take the Rhodes salary over the Rawlings salary or not? We also have Fred Rogers, Fred replaced Jay Morley, and Fred Rogers' job wasn't filled. So, do we compare Fred Rogers' salary as Sr. Vice-President to Morley's salary? What do you do with the fact that the treasurer's position wasn't filled? By doing that, you can make those numbers change from 11% to -1% depending on how you look at the data.

"After looking at this data for a while, I started to look at what I thought people would be most interested in. Take your typical top administrator and compare his raise with the typical faculty member's raise. This may not be the question on your mind, but I thought it was the most pertinent question. I calculated the median raise for the top 15 continuing administrators and I calculated the median raise for continuing endowed faculty members. I plotted it on this graph (Figure 2) and I think the message is clear: the average top administrator has roughly a 50% greater raise than the average faculty member.

"You can dispute the way that I took this data, you can drive the numbers down a little farther, but, administrative raises always remain higher than faculty raises. Is this a fluke or not? It is hard to say, you take one year, and you don't know, particularly when you have a group as small as 15, it could be a fluke. I think it is interesting. This may be reflective of what our colleague Bob Frank talks about as the 'Winner-take-all' theory that dominates American politics, that the spread between the top and the bottom in all sectors of our economy is growing all the time, or maybe it's a fluke. I thought it was interesting to take this same data for the past 11 years and see if indeed it was a fluke, or if indeed we see a trend. I asked for the data—the data was public some time ago—my request was refused. I received a letter that said that no good could come to Cornell by making these comparisons, and that the data has been used irresponsibly and it would be irresponsible to allow people to use the data irresponsibly. So, I am unable to tell you if the data is a fluke or if it is reflective of a greater trend. That concludes my remarks."

3. ELECTION OF SPEAKER AND APPROVAL OF A REPORT ON COMMITTEE APPOINTMENTS FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Speaker Rasmussen, Chair, Nominations and Elections Committee: "The election of a speaker is required annually by our legislation. However, our legislation does not specify how many candidates we have to put forward during this election. The Nominations and Elections Committee has considered this information, and particularly the way in which the past two elections have been conducted, which as you recall asked us to make a decision rather rapidly on not a whole lot of information, which wasn't a very satisfactory thing to do. So, what the Nominations and Elections Committee is proposing is that we have a contested election every three years. This year not being one of those years, we are going to put up one candidate, John Pollak, who was our Speaker last year. That will be our slate, and we are going to open up the floor for nominations. Do I hear any nominations from the floor? If not, I will call for a vote asking John Pollak to continue as our Speaker. All in favor, please say 'aye'. All opposed. The motion carries.

"The next item is the actions of the Nominations and Elections Committee. These were so numerous that we decided not to make a transparency but, rather, made a three page handout that you picked up on your way in the door (below). These are the actions taken by the Nominations and Elections Committee since May. As is our custom, I ask for your approval of these. All in favor, please say 'aye'. All opposed. That motion also carries."

4. DISCUSSION OF A RESOLUTION ON SENATE PROCEDURES

Dean Stein: "Last year, after the first few Senate Meetings, when it was never clear whether a motion could properly be introduced on the floor or not, the UFC decided to propose to the Senate a policy that John Abowd christened the 'no surprise policy'. It said that motions could only come before the Senate if they had been distributed a week in advance and amendments to that motion, a day in advance. The theory behind it is that you represent constituencies, and so you have some time to think about these amendments and motions and even discuss them with your constituencies. There is an escape clause that could be used if the body felt that a particular amendment was of such import that it should be excused from this particular rule. The other part of this was what support does a motion need to get on the floor. The UFC proposed that the support of six people should be required to get an amendment to the floor. That set of procedures also said that they should be reviewed after a year of operation, and we have a suggestion from Professor Fine that suggested that we regularize something that we used to have in the Senate but we stopped doing, and that is the Good and Welfare section which allows any faculty member to speak to any subject that they think is of interest to the faculty. So, I move these procedures for adoption."

WHEREAS, the Faculty Senate, in September 1996, adopted rules of procedure to facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, the UFC was charged with evaluating those procedures in the summer of 1997 and the UFC has completed its task,

THEREFORE, BE IT RESOLVED, that the UFC recommends that the Senate amend the procedures as follows:

(deletions underlined, additions in bold)

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure for the 1996-7 academic year.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any six members of the Senate (six because it corresponds to a majority of the UFC) or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

4. The order of business of every meeting will include a brief "General Good and Welfare" section, where remarks (but not motions) on any subject of interest to the faculty will be in order. Faculty members must inform the Speaker of their intention to address the Senate prior to the start of the meeting. In the absence of prospective speakers, the Speaker will re-allocate the reserved time to other agenda items.

Professor Fine: "In my amendment, I would like to change the number of Senators required to make a motion from six to four, and that integrates with the Good and Welfare provision. What I have in mind here is that we ought to give serious consideration to a motion that comes before the body, but my feeling is that the threshold is too high. Six supporters is asking for as many as three large departments or six small departments to get together before you can have a motion. It is not quite comparable to the UFC. The UFC sits down in a room together, somebody makes a suggestion and they could vote on it. Standing here, or outside, we don't have that kind of access to immediate support. In fact, when I wanted to make the Good and Welfare motion, I had to hunt around for people to support it, some people didn't answer my e-mail. I finally showed it to Dean Stein. He took it to the UFC, they decided to run with it, they made a few changes that are fine with me, but it is just an example of the difficulty there is in bringing a motion to the floor under the current set of rules. By lowering the number from six to four, you still need the support of two large departments or four small departments, not a trivial number. Also, the general Good and Welfare portion is a good time for somebody who is contemplating a motion to stand up and explain why they have a concern and announce themselves as a rallying point for people who share that concern. Then they can get together, write a motion and bring that back to the meeting. So, the two things support each other, it supports the 'no surprise' clause, and it makes it a little easier for members of this body to propose motions."

Speaker Rasmussen: "This amendment has been seconded and is now on the floor. So what we want to discuss right now is Professor Fine's amendment to reduce from six to four, the number of Senators required to bring a motion to discussion on the floor."

Professor John Abowd, ILR: "I am a member of the UFC, but no longer a voting member of this body. I don't think that

many of you have been to a UFC meeting, but Peter keeps us very busy and, basically, there is always too much for the agenda, especially in the fall when we have the reports of joint faculty administration committees coming in and we have to put those reports before the Senate so that you can see the work of those committees. I'd like to keep it at six, if you have six people in the Senate who want a motion, it gets on. If you can't find six, it's not going to pass. It ought to be incumbent upon the mover to find at least six supporters or persuade the UFC, either way, six people will be in favor of the motion."

Professor Howard Howland, Neurobiology and Behavior: "I agree with Professor Fine that the threshold is very high. As our Dean told us, we are in a time of change and sometimes we have to act rapidly. I take Professor Abowd's point, but sometimes it is not whether or not an amendment passes, but what is really important is the discussion that makes people think about the issues that really matter."

Associate Professor Kerry Cook, Soil, Crop, and Atmospheric Sciences: "I am in favor of leaving the number at six, for reasons connected with the number of the people on the UFC, and also because asking for 5% of the people to support bringing a motion is not unreasonable, it is done all the time in our political system. Also I take John's point that we have to be careful of how much is on the Senate agenda, we have to be careful about how much we consider so that anything we consider, we consider fully."

Speaker Rasmussen: "The question has been called. All those in favor of the Fine Amendment to reduce the number from six to four, say 'aye'. All those opposed. I think I am going to have to ask you to stand. All those in favor, please stand. All those opposed, please stand. The amendment (below) passed.

(deletions underlined, additions in bold)

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any six **four** members of the Senate (six because it corresponds to a majority of the UFC) or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

"Is there any discussion of the main motion?"

Professor Fine: "Just to give credit where credit is due, when I discussed the issue of allowing people the opportunity to speak with my wife, she is the one who referred me to the general Good and Welfare provision."

Professor Philip Nicholson, Astronomy: "Striking out the last sentence in paragraph one that says, 'motions would not be in order,' does that mean to say that motions will be in order in the new business period or is the Good and Welfare section replacing the new business section?"

Dean Stein: "The Good and Welfare section is just going to replace the new business period. There can't really be any new business anyway since in order to have a motion, one must have it put on the agenda first and submit it a week in advance."

Speaker Rasmussen: "Any further discussion on the amendment? If there is none, I would like to call for a vote on the motion as amended. All in favor, say aye. All those opposed. The amendment carries."

WHEREAS, the Faculty Senate, in September 1996, adopted rules of procedure to facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, the UFC was charged with evaluating those procedures in the summer of 1997 and the UFC has completed its task,

THEREFORE, BE IT RESOLVED, that the UFC recommends that the Senate amend the procedures as follows:

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any four members of the Senate or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

4. The order of business of every meeting will include a brief "General Good and Welfare" section, where remarks (but not motions) on any subject of interest to the faculty will be in order. Faculty members must inform the Speaker of their intention to address the Senate prior to the start of the meeting. In the absence of prospective speakers, the Speaker will re-allocate the reserved time to other agenda items.

5. DISCUSSION OF A RESOLUTION ON THE TRANSITION REPORT

Dean Stein: "We promised the administration that we would get back to them with a response about the transition report, we had an open discussion at our last meeting in May, and we just left it on the floor then. It is a complicated motion with something like 20 or 24 parts to it. It really is too complicated to discuss it section by section openly on the floor. So, the UFC thought the right way to deal with it was to separate it into classes, for example, those classes that we thought were ripe for approval or those things that we thought should be considered a little more in depth. We made our separation, and then put it in a format where people could change that around, add other things into the pot that should be considered, so that is on the floor and I think there is an amendment on the floor to change one of those categorizations."

WHEREAS, the "Provost's Committee on the Transition from Faculty to Emeritus Status", jointly appointed by the administration and the faculty, has issued a preliminary report with a series of recommendations, and

WHEREAS, the administration has sought the Senate's advice on those recommendations prior to implementation,

BE IT RESOLVED,

1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, D-4 to D-6, and E-2;

2. That the Senate supports the notion (i.e. recommendation D-7) of formal participation in the Senate by the Association of Cornell University Emeritus Professors (ACUEP), and instructs the UFC to work with the ACUEP to accomplish that goal;

3. That the Senate is not prepared to endorse recommendations B-3, B-4, C-1, D-3, and E-1 and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.

4. That AFPS report to the Senate in a timely fashion on the results of those discussions.

BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any recommendations until such time as the Senate has acted on the AFPS report.

Speaker Rasmussen: "We will now go immediately to that amendment. Professor Lesser."

Professor William Lesser, Agricultural, Resource, and Managerial Economics: "Our amendment is really rather a small one,

and that is it moves item E2, which deals with review of requests for permission for sabbatic leave, and moves it from what we will discuss today and refers it back to committee within other groups. Our purpose in doing that is because in wording, in regards to E2, sabbatic leaves are almost identical with what it already says and already will be required to do by the Faculty Handbook. So it seems to restate current power requirements and the purpose of its being there is not very clear."

(deletions underlined, additions in bold)

1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, **and** D-4 to D-6, and E-2;

3. That the Senate is not prepared to endorse recommendations B-3,

B-4, C-1, D-3, and E-1, **E-2** and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.

Rationale:

The wording of E-2 is almost identical to the requirements for applying for and awarding a grant of leave under 3.2, Sabbatic Leave, in the Faculty Handbook. The restating of existing procedures is at minimum cumbersome and at worst conducive to an understanding that a fundamental change is being made in a basic component of our employment agreement.

Speaker Rasmussen: "We have a second. This motion is now in order, and the floor is open for discussion. Is there any discussion on this amendment? Seeing that there is no discussion, we will now move to a vote on this amendment. All those in favor of this amendment, say 'aye'. All opposed. The amendment carries.

"We will now go back to the resolution put forth by the UFC, and the floor is now open for discussion on that resolution."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, JGSM: "I support the motion, but I'd like to make a few comments so that support is not misinterpreted. My training is as an economist, and I think that all of the important issues that are dealt with in the report on transition status would be solved if there were a closer alignment between productivity and pay for all faculty at all times. Instead of an economic response, what we are going to create is a bureaucratic monster where one-policy-fits-all created in Day Hall is going to be applied everywhere. I imagine that in some fields there is a strong correlation between age and productivity, and I'm sure that in some fields there is a strong negative correlation. I think some of the most perceptive comments that I've read on this topic are in Bob Cooke's report. He says at one point that 'the report assumes but does not establish that faculty age is reasonably correlated with productivity.' In another place, he says that the report presents a 'negative image of the faculty while attempting to get them to behave altruistically.' Bob points out that there are some real potential problems. But they announced this on a macro level. I hope that in sending all of the sensitive issues back to a committee, that they figure out ways to respond by adjusting the pay scales so that it isn't just by age. The age policy wasn't that bad, but we don't have a choice about whether to keep that. The question is whether we are going to make it worse by a very bureaucratic response, or perhaps better by a more sensitive response. In relation, I have to mention a comment by my friend Al Silverman, who is so drastically against the fact that salaries may decline even relatively as a result of some type of performance. In the Johnson School, we already do that. It happens, not necessarily in the base salary, but all sorts of people get paid extra for all kinds of special activities of one sort or another. Although it is of course subject to abuse, I think that any policy that we could have could be subject to abuse. I think it is at least worth seriously considering, I don't know what the situations are in other departments, but I don't think that we ought to assume that every pay raise ought to go on forever. It has not been a big problem in the past because inflation allows you to judge relative salaries. We may not be having so much inflation and it will take tough decisions by administrators. But, I would rather see the central administration analyzing whether people are adjusting salaries properly rather than creating these very bureaucratic rules."

Professor Tob deBoer, Mechanical and Aerospace Engineering: "I am struck by two aspects of the report. The first one is the punitive character of the report and the other one is the apparent attempt to go against the age discrimination legislation. Even the version before us, C2, makes specific references to the ages 65 to 70 and E2 makes specific reference to ages 68 and 65. I'm not quite sure if that is legal, but certainly it is against the spirit of age discrimination and it seems to

me that we should look for other ways of solving this acknowledged problem. One of the interesting suggestions was a new rank of Senior Professor. I think that the approach should be reconsidered to solve our acknowledged problem, while working to abolish age discrimination."

Professor Locksley Edmondson, Africana Studies and Research Center: "I just want to follow up on the previous comment. Not only about the punitive approach, but I do not think it sits very well when an attempt to implement a policy begins to imply that people who may disagree are irresponsible. I am speaking in particular about paragraph D4 which I've read six times, and I am trying to figure out if it really means what it says. The type of language used in that paragraph is repugnant, on such a sensitive issue, it is incumbent upon people to incorporate language that will not be taken as offensive by people. The other point, I am a little confused about is paragraph C2. What happens after 70? I am not quite sure if this policy is compulsory."

Ronald Ehrenberg, Vice-President of Academic Programs, Planning, and Budgeting: "I am the designated administrator to take the 6 a.m. flight tomorrow morning. I also received salary increases in the past two years of 2.2 and 2.9%, so it has been very interesting for me. I would also like to say that if you look at the salary data for assistant and associate professors, you would see that Cornell fared substantially better than for full professors and in the last year, was ahead of peer institutions. The only point I would like to make here is that you do not have an administration proposal before you, you have a joint administration-faculty proposal before you. All of the faculty members were appointed by the Senate. So, the administration, including the Provost has not taken a position on this. Secondly, I can assure you that there is no possibility of even thinking of bringing forward a proposal that would recommend stopping retirement contributions or cutting down our flexibility on faculty salaries based upon reactions from the Senate, Academic Leadership Council, and other places. So that is just not on the table. Thirdly, to Professor Edmondson's point, is that we are looking for a system that will provide incentives for older faculty members to step aside, not because they are less productive than their younger colleagues, but because it is necessary for a University to shave a constant inflow of younger people in order to survive. The reason for putting a cap on the eligibility age for phased retirement is that if you leave it open, that may encourage people to stay longer as opposed to staying shorter. We will investigate the full legality of all proposals that mention age before any decision is made."

Assistant Professor Anna Marie Smith, Government: "I just want to make two points. With this kind of report, junior faculty and senior faculty are seen as contestants for a shrinking set of resources, and we need to anticipate that, and remind ourselves that we are colleagues and we should avoid that kind of stuff. Secondly, I would like to direct your attention to item E1, section B. That is the section that says 'The University's contributions to an endowed faculty member's retirement account will cease at the end of the 37th academic year after his or her initial date of hire.' I think we need a lot more argument to persuade me, and I'm sure a lot of my junior colleagues, that this is a good thing. Think of a junior faculty member that was fortunate enough to have been hired at Cornell straight out of graduate school, and stays loyally in his or her department until retirement. Why should we be penalized in this way? Especially since those of us who aren't moving from job to job to job aren't seeing any massive pay raises. I don't see the logic there."

Vice-President Ehrenberg: "Just to repeat my earlier point, that isn't going to be included in the report."

Professor Donald Farley, Electrical Engineering: "I have been reading through A1-A6, and they seem really sort of motherly, the University should set up a way to find out all sorts of information about retirement. Does anyone have any information on how much something like this is going to cost? Keeping in mind Peter's other report that the biggest increase in spending has been hiring non-teaching staff. I think most of us kind of understand this stuff fairly well. I can envision that we have to hire five people to handle this, and I was just wondering how much money A1-A6 is going to cost?"

Dean Stein: "Just to answer you, I don't think we have that information."

"While I have the floor, I want to respond to what Vice-President Ehrenberg said about these not being part of the report. I think we have to take this with something of a grain of salt. This is a committee, you're the chair of the committee, but it is a large committee, and they may take a different view of that. This is an official report that was tabled by that committee, and we are the Senate that represent the Faculty view and until we have another report, we have to treat this as a serious document that was tabled by that committee as their idea of what we ought to do. If we don't believe that certain of those provisions should be enacted, we have a duty to the faculty to say so, even if you don't feel that the committee will adopt them in its report."

Professor Howland: "Like many people in the room, I'm disturbed by some of these references to specific ages. It seems very unphysiological to me, but I'm worried because, the wording in the report says that the 'the Senate is not prepared to endorse recommendations. . .' and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty; and then we hear from Vice-President Ehrenberg that we have to have something decided by our next meeting. That is kind of a narrow throat so to speak to put all of our sentiments into. Are there members from the committee here? How will they take our recommendations? I'm really asking, what should we do?"

Dean Stein: "I think Vice-President Ehrenberg is right, we can't dilly-dally about this. We can't wait another month to call a meeting and start to think about this. We ought to proceed with due deliberate speed. We did that with the Sexual Harassment procedures, which were also complicated, but the administration wanted to act. The committee worked very long and hard, they met over Christmas break, and brought something back to us and it wasn't easy. I think that this is the same sort of thing; it is serious, it's important and they need our response. On the other hand, we cannot have a gun put to our head; we will move as quickly as we can. I think it would be unwise of the administration to implement it because we were not able to come to a conclusion in that particular time scale.

"I made a terrible mistake earlier, I was supposed to ask for unanimous consent from the body to change that motion, because we wrote it poorly. We wrote this, and even those things we approved, we asked them not to do anything about. That seems silly, and so I'd like unanimous consent to pass wording that restricts the things that we are asking the administration not to do anything about to those items that we are asking our committee to consider."

The UFC proposed amending the last paragraph of the resolution to clarify that it only applies to paragraph 3. The paragraph would then read as follows:

(deletions underlined, additions in bold)

BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any **of the** recommendations **listed in paragraph 3 above** until such time as the Senate has acted on the AFPS report.

Speaker Rasmussen: "Is there discussion of the motion on the floor?"

Vice-President Ehrenberg: "I seem to have difficulty expressing myself. I said if the Senate would like to influence the final report of the committee, we need your recommendations by the next meeting because the committee has to submit its final report to the Provost by November 1. But it is the intention that if the final report differs significantly from the draft you have before you, that it will come back to the Senate, and then the Senate will have its opportunity to tell the Provost its reactions to the report then. But, we will have to coordinate with Dean Stein, because it will be a very rapid process."

Speaker Rasmussen: "We have a motion on the floor that requires the unanimous consent of the body."

Professor deBoer: "I object."

Speaker Rasmussen: "OK, so we cannot have the unanimous consent of the body, we still have an amendment on the floor, and it is open to discussion."

Professor Howland: "The amendment we are considering to change this report is something of a surprise and it doesn't change the resolution significantly. We have heard in the discussion several objections to portions of the report that were going to be approved by the amendment. I don't think we should pass this amendment."

Professor Fine: "By the procedures we just adopted two minutes ago, the Speaker could rule substantive amendments out of order. This is substantive, and then the body could overrule by majority vote."

Dean Stein: "This was circulated."

Professor Fine: "When?"

Dean Stein: "A day in advance by e-mail"

Professor Fine: "I never received the information."

Professor David Gries, Computer Science: "The whole transition report should be acted upon by the administration as a whole. To tell them that they can go and act on part of it now and part of it later, just doesn't make any sense. They should be able to consider the whole package."

Vice-President Ehrenberg: "Just to try to facilitate this discussion, we have no intention of implementing anything until the Provost gets the final report of the committee and the reaction of the Senate, which we hope to have by January 1."

Dean Stein: "Well in that case, the mover will certainly vote against the amendment. I thought I heard a concern that it didn't make any sense for us to approve things and then say don't implement them, and I saw the logic in it. So if that won't help, I think we should defeat the amendment."

Speaker Rasmussen: "The question has been called. All those in favor of ceasing discussion on the amendment, say aye. All those opposed. The motion carries. We will now move to a vote on the amendment. All those in favor of the motion, please say aye. All those opposed. The motion is defeated."

"We are now back to the main motion, and we are running out of time for discussion."

Professor deBoer: "I move to refer this matter to the Committee on Academic Freedom and Professional Status of the Faculty."

Speaker Rasmussen: "There is a motion on the floor to commit the resolution to the Committee on Academic Freedom and Professional Status of the Faculty. Is there any discussion?"

Dean Stein: "Point of order. I would like to understand the significance of the motion because if it passes I will have to implement it (laughter). What you are asking is that the whole Transition Report be referred to this committee without any detailed instructions from this body. Is that the point of your motion?"

Professor de Boer: "I would hope that the Committee would take into account the discussion of this body."

Dean Stein: "Yes, but there will be no vote on any matter."

Professor deBoer: "I hope that they will come back with a report that will be better received."

Professor Douglas Haith, Agricultural and Biological Engineering: "I'm having a little trouble following all of this, but this really seems to me to be evading the issue. To have a detailed committee report here and then to send it back to another committee seems to me to be avoiding the issue."

Professor Abowd: "When we formed this body, the Faculty Senate, we took a position that we would share responsibility for committees with the administration and appoint by a procedure our representatives to those committees. I believe that we have an obligation to deal with the substantive issues of the report and to give the Vice-President and our colleagues a substantive vote, and not to send the whole thing back to committee. That is neither in the spirit or in my view the operating rule of our committees now. We have the substance. This is our second meeting. Everyone now knows what this is all about, and we should go ahead to a vote on this topic."

Associate Professor Alan McAdams, JGSM: "I thoroughly disagree. I sit here and I feel the tension in this room. This report, as it is written, is causing that tension. I believe it would be a real mistake, unless you want this voted down, to do anything other than refer this to another committee and let the faculty review it again and come together with the whole administration."

Speaker Rasmussen: "If there is no further discussion, I would like to move to a vote on the motion to commit the entire Transition Report to the Committee on Academic Freedom and Professional Status of the Faculty. All those in favor, please say aye. All those opposed. The motion carries."

"Now, I would like to call on Professor David Wyatt, Chair of the University Faculty Library Board."

6. REPORT FROM THE LIBRARY BOARD

Professor David Wyatt, John Stambaugh Professor of History: "The Library Board over the past couple of months has been concerned with quite a wide range of issues, but the one that, at least in the short run, has proven the most contentious has been the so-called re-organization of the library. In many respects, this could be viewed as an internal administrative matter in which the faculty would not be justified in taking any particular interest. But, in the discussion of this issue, many people were upset, worried, and confused, about what this might mean for matters that are very dear, very important to the hearts of all of us, namely, the quality of the library, the excellent staff we have and our relations with them, the conduct of research and of learning in this University.

"This particularly involves the regrouping of Cornell's many separate libraries into two large groups. One, a group of all the science libraries, and the other, a group of libraries devoted to humanities and social sciences. For purposes of argument this took fairly natural lines, with the exception of the Medical School, which is generally affiliated with, but not a member of the sciences group, and the Law School, which is generally affiliated with, but not a member of the social sciences group. In pursuit of this particular set of objectives, issues were made about statutory and endowed sections of the library. There were worries expressed on both sides of this divide that one side was trying to steal money under the table from the other. There were fears expressed in some parts of the University that the autonomy and the special quality of the relationship between the libraries and their deans, faculty, and students might be affected by this. Very early on, as the issue was raised, people began to talk about this, and as a result, library staff, the administration, the faculty, some students, the library boards, the users groups of various libraries, all to some degree were involved.

"The plan which ultimately came out and took effect September 1 of this year, is a result of that conversation, which represents one of the more positive aspects of the way collegial decision making, discussion, and argument can take place. There are people present who were very much involved in that discussion, most particularly, the head of the Cornell University Library, Dr. Sarah Thomas, Ross Atkinson, who I saw enter the room just a few minutes ago, and Jerry Combs, who was involved particularly in the discussions in the Agriculture School and Human Ecology. My understanding now is that everyone is satisfied with the plan we have now.

"Finally, let me just allude to what is down the pike, and make a general pitch to the faculty about what I, on the Library Board, see as what is important about the relationship between the faculty and the library. Over the course of the next year, years, or even decades, we are going to have a whole array of serious, difficult, and of course expensive issues to confront: Questions of the digital library, electronic publishing, questions as mundane as what the implication of libraries moving to a 'Wintel' or a 'Windex' platform as opposed to a Mac platform will mean; questions of inter-library collaboration, cooperation, and consortia; issues of preservation and conservation; and issues of collection development in an age of declining resources. The issue that is upon us right now, and is not being discussed as much as I think it should be discussed is the move of another million volumes to the apple orchards. It is very important that people complain, talk about it now, and express their views. I'm sure that the Library Board would react very positively to your input on this matter.

"Beyond that, I can only ask if you have any questions?"

Speaker Rasmussen: "Are there any questions for Professor Wyatt? Seeing none, the meeting is adjourned."

Adjourned at 6 p.m.

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty

REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

ACADEMIC FREEDOM AND PROFESSIONAL STATUS COMMITTEE

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Lily Kahng, Law

Robert Langhans, CALS

Maurice Neufeld, ILR

Henry Shue, A&S

Kenneth Strike, CALS - Chair

ACADEMIC PROGRAMS AND POLICIES COMMITTEE

Paul Hyams, A&S

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Carlo Montemagno, CALS - Chair

AFFIRMATIVE ACTION COMMITTEE

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COMMITTEE ON EDUCATIONAL POLICY

Penny Becker, A&S

W. Keith Bryant, H.E.

John McMurry, A&S - Chair Fall '97

David Stipanuk, Hotel

FACULTY ADVISORY COMMITTEE ON ADMISSIONS AND FINANCIAL AID

Gerald Feigenson, A&S - Chair

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