

DRAFT MEETING MINUTES TO BE APPROVED AT MAY 10, 2017 FACULTY SENATE MEETING

A MEETING OF THE UNIVERSITY FACULTY SENATE WEDNESDAY, APRIL 12, 2017

1. CALL TO ORDER

Speaker Alex Susskind: "Good afternoon, everybody. We would like to get started. Good afternoon.

"Before I bring up Charlie, we have a single consent item today that's approving the [March 8 minutes](#). So without objection, I will do so, and here is Charlie."

2. FACULTY MATTERS

Dean Charlie Van Loan: "So just a couple of quick announcements. Gannett has a new name now. They asked me to tell you that. It is now Cornell Health.

So we had those snow days maybe a couple of weeks ago, and turns I am on the Shutdown Committee so, I had a chance to look at the stuff up close. These

things are always very tough calls and, in retrospect, you can always say we should have done that. Anyway, I created an e-mail address called

snowdays@cornell, got 300 responses from people, mostly employees, but faculty as well.

"And it's very interesting, and I will assemble all those and itemize it, if necessary, for anyone that wants to read it, but here's one thing that sort of

happened. It is kind of a macho; let us keep the place open attitude. I think you can guess where it comes from, but here is one thing that sort of happened.

“On that particular day was there were 4,000 exams canceled. There were about 20 exams, 4,000 students, and there was no protocol for rescheduling. And it had to be done later, when the registrar's operation was back online, but that is a simple thing that we could have done in advance.

In other words, if you know these things are happening two days in advance, you could have a makeup plan all in place, and it would have been much smoother. That is a simple thing I think we can look at and try to improve. Of course, these things happen every ten years, but maybe not. It is an interesting sort of arena, if you read "The Sun" or follow the GPSA.

And recall two years ago when the faculty romantic relationship issue came here, that is now rejuvenated and moving forward. There will be a couple meetings in the near future that we will participate in and look to have some real forward motion on this very important topic.

“Turns out we have so much business that we'll have a meeting next week, but it will be kind of a special meeting. So first, we have an ongoing piece of legislation. Then the Academic Calendar Committee, which I am a co-chair, will roll out the proposals for discussion. It is going to be the usual thing; discuss in April, and then vote in May.

“There will be a report, and what we do in the senate will be parallel things in the other assemblies, and there may be some tweaking of our report. But in any case, that is drawing to a close. Just to remind you; this is advice to the provost. The provost makes the decision.

“We will have a recommendation, you will look at it, you'll talk to your departments about it, we'll vote, but that just becomes something that goes to Mike, and he has to make sense of all the recommendations. So that will start next week. Probably Monday or Tuesday, we will send out the PDF of the proposal, and you can then begin to think about it.

“Martha Pollack's first day on the job is next Monday. So at day 3, she has the chance to visit the senate. That will be fun. She is going to make some remarks at the end, then we will have a reception right outside the door, where you can meet her and whatever.

“We are meeting in the Statler Ballroom. So because we are in the 3:30 to 5:00 slot, versus 4:30 to 6:00 slot, it is a struggle to get rooms. We thought several months ago about using the Statler, but the price was kind of heavy, but we're going to do it this one time, see what it's like.

“That is all I have to say. Are there any questions about any of this? I think that is my last slide. Any questions? Reply to snowdays@cornell, if you did not do it. You become part of the report, if you do that. Okay.”

SPEAKER SUSSKIND: "So next we'll hear from Senior Provost Barb Knuth. She'll come up to talk about financial aid models."

3. [FINANCIAL AID](#) – BARB KNUTH, SENIOR VICE ROVOST

"Thanks a lot for the opportunity. I am not really talking about financial aid models per se. I am here to talk with you and get your input and questions and ideas about a report that came out of the Admissions and Financial Aid Working Group.

"So I guess I've heard from Charlie that the Faculty Senate is using the flip model. The document was posted for you, so I do not have slides. I am not going to talk in detailed terms about what was in that document, but just to lay out the situation, and then get your comments and questions and input.

"So the Admissions and Financial Working Group is now a standing committee. It includes members who are undergraduate students, who are staff or faculty. And in general, our charges are to monitor admissions policies at Cornell and to monitor over time financial aid policies and procedures at Cornell, both with the aim of maintaining high-quality undergraduate student body access and inclusion to a Cornell undergraduate education, and doing this all within the constraints of Cornell's resources.

"So the two issues we have been working on this year specifically for the Admissions and Financial Aid Working Group were charges given to us by

Provost Kotlikoff. One was to examine fairness, and this is the notion of considering the extent to which undergraduate financial aid programs fairly distribute resources across the economic diversity and across the student body that has demonstrated to have need.

“So fairness is the first issue, and then financial sustainability is the second issue.

And financial sustainability in the context that we were considering it was charged with evaluating options that Cornell could consider, should there be another major economic downturn like we had in the 2009 to 2012 or so period, and developing options for cost control from the financial aid budget.

And I should point out that the Admissions and Financial Aid Working Group was not charged with looking for other cost control options across the university; but in fact, there are other obvious streams of revenue and streams of cost that could be examined, should that be needed in case of an economic downturn.

“So the summary report that you have then lays out a couple of things. It lays out a set of recommendations that the working group is making very strongly, in terms of the fairness component of our charge. So we are recommending shifting the income bands for how our maximum loans in an annual financial aid package are set, so that we're widening those income bands, so a lower loan level.

“It would now be available to a slightly wider income band of family income, because those income bands have not been changed appreciably since they were created in about 2008/2009. So that is the fairness set of recommendations.

“And then in terms of the cost control, in the event of an economic downturn, we're not making recommendations, but we're laying out options again related strictly to the financial aid component of cost control. And we lay out some sense of desirability among the Admissions and Financial Aid Working Group: Low, medium and high, again, all predicated on this notion of an economic downturn and something needs to be done.

“And that something in this case would be through cost control of the financial aid budget; again, with the caveat that none of these options may in fact be implemented, one, if there's not a severe economic downturn like we experienced several years ago, or if the provost and university leadership would decide on different revenue or cost streams to achieve the cost control and not touch the financial aid policies and procedures that we have.

“So I included in the report a variety of data charts, some that are showing the expenditures on Cornell grant aid and how it was really just cascading upward, up until 2012, when a financial aid task force that I chaired also at that time was asked to come up with changes to the financial aid program to stabilize the grant aid expenditures. And in fact, those were implemented in fall 2013.

“And you will see that financial aid expenditures have essentially plateaued.

That particular task force identified changes to financial aid programs that have resulted in about \$21 million a year of reduced Cornell grant aid expenditures.

“There is also the second chart in there that shows that in the 2008 to 2013 or so time frame, we saw the kind of reversal of the percent of students who were unaided and the percent of students who were aided kind of reversing; coming together, hitting with the percent of unaided students, even a little bit less than the percent of aided students.

“That is really what contributed to some of the very, very severe financial pressures that were experienced through the financial aid component of Cornell's budget during that very serious economic downturn. And that's the kind of event that we're talking about, should that happen again, why those set of options in terms of the levers that could be adjusted are important for that second component of our charge.

“And then the first component, again, is the recommendations regarding fairly distributing financial aid resources across the economic diversity of Cornell's undergraduate population. So I think I will stop there, because you did have the report, and I will ask for any questions or input that you want to give.

“Also, I will note that in the recommendations for fairness part, we're still debating, and I would appreciate your input, in terms of if any of those

recommendations are to be implemented, would they be implemented only for newly admitted students going forward or would they be admitted for continuing students.

“The revenue source for paying for the more generous expansion of income bands for our loan maximums is proposed here in the recommendations as being paid for by reducing the generosity of a particular element of our financial aid program.

“So that full funding wouldn't be available until we could implement that over a full four years of enrollment; whereas with new students coming in, they could be and, if this would be implemented, would be privy to the additional benefit, which is an additional grant aid expenditure.

“So there's the challenge that we can't fully implement over all four years of enrolled students, unless we're waiting until we have all four years where we can make this slight cutback on expenditures of grant aid resources. So we can talk more about that, if you'd like to comment on implementation timing or your support for or negative feelings towards any of these recommendations or options.”

Senator Yuval Grossman, Senator: “When I was reading the recommendation, it said that some URM parents’ reduction. And its general question, because I was sure that financial aid is done only according to financial situation. So can you

elaborate a little bit how much demographic taking into consideration and not a financial situation?"

Vice Provost Knuth: "As you picked up, with students who come from underrepresented minority populations, what we do is to start at the baseline of what a financial aid package would look like. And then what we do is to take into account a more generous assumption for the percent of family income of parent contribution, so the percent of parent income that would be maximum in terms of what we would assume as parent contribution. So there is that difference for underrepresented minority populations."

Senator Grossman: "Clearly not a good idea. I think we should be very clear about that financial aid should be based only on financial situation, and we should not take other consideration into account. So I really hope this would be avoided."

Vice Provost Knuth: "Thanks for the comment."

Senator Jerry Stedinger, Civil Engineering: "I would think when there's a change in policy, if it's a more generous one, we would share it with everybody. If it was more stingy, we would not cut back on anybody already in the system. Is that not the way we approach it?"

Vice Provost Knuth: "That is the basic way to approach it, but the dilemma is that if your source of funding -- the more generous is to do the cutback. We can

only cut back on new students. So therefore, the question is do we only give the more generous to the new students as well, or do we give the more generous to new and continuing.

"Then we have to find another financial source to pay for those continuing more generous policies until we have a full four years of enrolled less-generous people. So it is a decision, but yes, we would not --."

Senator Stedinger: "It is like curriculum, right? You don't make it tougher on anybody, but you let people opt in."

Vice Provost Knuth: "But in this case, we make the decision of you can't opt in to the more generous, or we are going to make the more generous available to everybody. And that's a question that we're struggling with."

Senator Stedinger: "Thank you."

Vice Provost Knuth: "Sure."

Senator Dan Brown, Animal Science: "This is a big thing that I will never know as much about it as you are, but it seems like you have a contingency plan, if there's a reduction in income for Cornell, in which you would cut back on financial aid."

Vice Provost Knuth: "Well, again, just to be clear, what we were asked was to identify options; not that we will, but options that could be used, but with the understanding that there are other chunks of money, other buckets of money

there as well. So a decision could be made not to cut back on financial aid expenditures, but to cut back on some other expenditures.”

Senator Brown: “Okay. One option suggested from time to time is if there is a financial crisis, whether it is self-inflicted, like many of ours have been, or whether it is from greater market forces.

“As a show of solidarity with faculty and staff and financial aid, I wonder if one of the options you're considering is, say, capping administrative investment officer salaries, \$150,000 a year, \$200,000 a year, until the crisis passes, which would not only provide considerable funds, but it also would show students and the community that during this time of crisis, you could have shared pain, and also it would be a tremendous incentive to solve the crisis.”

Vice Provost Knuth: “Again, the charge to the working group was to focus on the financial aid budget. That is certainly one of those pots of money that is out there that could be considered; but again, that was not our charge, and we have made that clear, the bounds on the options that we are putting forward. But absolutely, that is a very fair point. Thank you.”

Speaker Susskind: “Well, without further questions, we'll move forward. Risa Lieberwitz is going to present a resolution on academic freedom.”

4. [RESOLUTION](#) ON ACADEMIC FREEDOM – [RESOLUTION STATEMENT](#)- RISA LIEBERWITZ, ILR

“Thanks. So you have had with the materials that you got from the meeting the resolution that we are presenting today. And the plan is to vote on it next month at the May Faculty Senate meeting.

“So it is a resolution endorsing the statement on academic freedom. And you also had with the material accompanying the resolution; you had the actual statement on academic freedom. I am not going to go through the entire statement, of course, but we thought it would be useful to explain the reasons for having this statement on academic freedom that was drafted and the reasons for presenting it to the senate.

“As you saw in the resolution, there are six senators who are cosponsors on this, so I'm presenting on behalf of the cosponsors. The immediate impetus for having a statement on academic freedom and for asking the senate to endorse it has to do with the political climate that we find ourselves in, and given the stress that people have felt in academia and elsewhere, but here we are focusing on academia.

“Following the election of Donald Trump, there's been a concern with the unleashing of some real attacks on academics, as well as other kinds of attacks that have been increased, a chilling effect on individuals in universities in higher

ed generally, and that would include faculty, as well as staff and students. So that was our impetus for thinking about the statement on academic freedom.

“So to some extent, there's absolutely nothing controversial about this, and that's good news. As we point out in the resolution, Cornell has a long-standing commitment to academic freedom and free speech.

“This is certainly something we all agree on, it's central to the university and what we do in the university; but that given the current political climate, we thought that it was a good idea to call on Cornell administration to reaffirm many of the basic principles that we accept and to reaffirm that they are not only broad principles, but that they are rights and freedoms that apply broadly to all faculty, staff and students.

“And then we thought it was a good idea at this moment to ask Cornell administration, to call on Cornell administration to commit to working with the various governance bodies to look at the statements that we have in our policies on academic freedom and to see whether they need to be revised in some way, reviewed and revised to strengthen and to ensure that we have sufficiently brought academic freedom and free speech.

“So that's the heart of the matter. What I have here are a few slides. I won't spend a long time on them, but thought it might be useful to hit some of the key points in the statement. So the first one, we call on Cornell to reaffirm the

current statement that was adopted by the university faculty in 1960 on the principles of academic freedom and responsibility.

“This has a broad definition of academic freedom applying to teaching, research, intramural speech, extramural speech. It should cover everybody. I have it right here. At least most of it is up on this slide. It is a pretty good statement; but in line with the review and revise, it is likely that we could come up with some ideas of how to clarify certain aspects of academic freedom and how to think about revising this to make it even clearer.

“Another aspect of the statement of academic freedom that we drafted also emphasizes that it's important for everybody in the Cornell community to have easy access to the statements and principles and policies on academic freedom.

“It is actually not easy to find this. You have to look quite hard in the faculty handbook, and it is not in what I consider an intuitively obvious place. So there are ways we can make sure people are well apprised of academic freedom policies that exist.

“We also have the Cornell Code of Conduct, and that has some very good language about faculty being protected by academic freedom, as well as all members of the Cornell community being protected by freedom of speech. And we think it is particularly important now to have a commitment from the

administration and the board of trustees to resist any pressures to limit academic freedom, to censor faculty or to censure them for their speech.

“We would like to reaffirm that academic freedom relates to freedom in terms of discussions about hiring and promotion, that there shouldn't be retaliation or any sort of discrimination based on people's positions in terms of political views, as well as their various identities they may hold.

“I think that I've covered everything that is basically on this one, but we also have some other aspects in this statement about asking Cornell to commit from refraining and monitoring student organizations or political groups, et cetera, and to commit to supporting Cornell programs that focus on the study of minority communities or disadvantaged communities and to commit legal resources and expertise from the counsel's office to defend faculty in these areas of academic freedom and freedom of speech, and to work with the various student and faculty and staff organizations to review and revise, as appropriate.

“There is one other piece that we also include in here. I want to mention it; that the Number 2 here is we ask Cornell to commit to policies that may include things like a policy to prohibit and penalize unauthorized recording or taping of classes, because of our concern with the nature of the climate we find ourselves in right now.

“So that is the statement in a nutshell, and I'll go back to the resolution, so it's up here, and welcome your questions.”

Senator Grossman: “I completely agree the issue of freedom of speech is extremely important. I feel like most people here are most on the left side of the political spectrum, to mention what's happened with the speaker that the Republican brought in, and then because there was one event that people had been shot -- shot him up.

“And it doesn't matter if I agree or disagree with the speaker. It is extremely important everybody can come to speak. In my personal opinion, it is everybody is everybody. And then there was the other issue that they asked the Republican to pay for security, and I would be very happy if we will actually make it clear that we believe that everybody should come to speak -- to impose any security -- .”

Senator Lieberwitz: “Yeah. Well, we're -- I certainly agree with you, and I think that the current policies that Cornell has and the policies we're asking for reaffirmation to, as well as a commitment to look further, all of those are based on the notion that academic freedom doesn't belong to just one political position.

“It is broad in terms of a notion of promoting a positive value of academic freedom and free speech, as well as an antidiscrimination value with regard to stating that, regardless of political position on a political spectrum, one has

academic freedom and freedom of speech. So the example you gave is an example where there could be, in practice, perhaps some better practices to make sure that everybody is able to exercise their academic freedom.

“In terms of reaffirming policies and committing to policies, at some level there's always going to be, after the reaffirmation and commitment, interpretation of exactly what does it mean in practice. And hopefully the institutional processes that we have to look at questions that come up that might be in controversy will be able to be applied using those basic principles.”

Senator Rhonda Gilmore, Design and Environmental Analysis: “Hi. I am concerned by the portion of this that talks about the recording of lectures and the recording of things. How would that be monitored? How would it be disciplined? I think in our current technological world, there is absolutely no way to prevent this or to monitor it or to somehow mete out consequences for that, so I am concerned about that inclusion. I think that's very difficult and seems almost antithetical to freedom of speech.”

Senator Lieberwitz: “Yeah, you know, I think that your point is well-taken in terms of it perhaps being something that's debatable. So is this a good idea, number one. The view that the drafters had in putting this in had to do with the unauthorized recording or taping of classes.

“So in general, I think that most of us follow that practice of expecting that if students are going to tape classes, that they will ask if that's all right. And then a faculty member would be free to authorize it and say that is fine, sure, go ahead. I certainly have done that when students want to tape it. It is fine with me.

“Our concern had to do with the issue of surveillance and monitoring, particularly in a climate where there is a chilling effect from being monitored and being under surveillance. So that is the reason for looking at that particularly now.

“Of course, you're correct, that actually knowing if it's happening may be very difficult, it might be difficult now, although my expectations are that people ask, I don't know, and none of us do. But I appreciate your raising the point, and it is something that between now and May, that we can consider.

“I guess one question is whether to put this as something that should be done, as opposed to something that should be considered in revisions. It seems to me that we could agree that it's a good idea to have guidelines that pertain to academic freedom and academic responsibility in a climate of growing political monitoring and intimidation, and then one of the things we could consider is whether this would be a policy that would be appropriate, if we are going to review and revise policies.”

Senator Bruce Levitt, Performing and Media Arts: "A former member of the university counsel's office pointed out to me once that public speech critical of the university can be prosecuted or faculty in the private colleges, the endowed colleges, can be sued because the endowed colleges are private employers; where employees of the state colleges cannot, because federal law doesn't permit that. It might be interesting to see if the university would be willing to put in the freedom of speech policies the notion that they would not take advantage of that federal differentiation."

Senator Lieberwitz: "Yeah, well, so just to be clear in terms of what you're referring to, if one were to make a 1st Amendment claim to say I was retaliated against in some way because of my 1st Amendment rights of speech, then I would have to show some sort of governmental action against me. And the governmental action that you are referring to has to do with a public university. "So as your public employer, if you are working in a public university, you can claim 1st Amendment rights, and that could end up in a lawsuit dealing with 1st Amendment questions.

"If you are in a private university, because you don't have that governmental action in a similar situation, you cannot make a 1st Amendment claim against a private university, which to take your point forward, makes it even more important for us to make sure our internal policies and the commitments that

Cornell has now, we're asking them to reaffirm and we're asking them to commit to strengthening academic freedom and free speech through reviews and revisions.

"Those are particularly important because that's what we are relying on. We are relying on this as a commitment that we can hold Cornell to in its policies. And that is also true for the public universities as well, because the way that the U.S. Supreme Court and other lower courts have interpreted 1st Amendment rights of public employees is narrower than one might think and one might hope.

"So it's particularly important for us, because we don't have the 1st Amendment claims, but it is important for private and public universities in general to commit to their own policies that faculty, students and staff can rely on and can hold them to internally and externally.

"Okay, thanks a lot. And certainly, if people do have other comments or issues, we would be very happy to receive them. You can certainly send them to me and/or all of those cosponsors. Thanks."

Speaker Susskind: "And you can always comment on the faculty web page as well, on the dean of faculty web page. So we can move on to our next agenda item, which is the resolution on judicial administrative procedures. We have Richard Benschel. And you have other folks coming up with you? Matthew Evangelista, Robert Howarth and Bruce Levitt as well listing on here."

5. RESOLUTION ON JUDICIAL ADMINISTRATOR PROCEDURES –

RICHARD BENSEL, GOVERNMENT

“So I have some brief, sort of formal comments, and then I will ask the cosponsors if they want to add anything to what I present.

“Just over a year ago, there was a student protest in which students put up posters, inserted a display on a computer just prior to a meeting of the university trustees. Justin Baum, a Cornell police officer, subsequently interrogated one of the students, Daniel Marshall, prior to the determination of charges by the office of judicial administrator.

“In that interrogation, Baum told Marshall that he could be charged with breaking and entering, a Class D felony, for which he might serve a prison sentence of several years. Here is just part of that interrogation. Baum is doing the talking: "Let me put it on the table. You ready for this? All right, there are no JA charges pending. You ready? "There are criminal charges pending, all right? I have the ability to charge you with two misdemeanors and a felony; burglary, unlawful use of a computer and criminal trespass. I do not want to charge you with a burglary, because it will ruin your life. If you don't cooperate, I'm probably going to walk into one of your classes, walk you out in handcuffs,

take you to the sheriff's department, process you and put you in front of a judge, and he's going to decide if you go to jail."

"The ostensible reason for the felony charge was that Daniel Marshall had broken into a locked room. As he and others pointed out, that was patently false. If the room had been locked, the locks would have been broken, and they were perfectly intact. Despite the patent falsity of the charge, the chief of the Cornell Police gave public interviews in which she repeated there had been a breaking and entering.

"There is absolutely no question that these false allegations, along with the tenor of Marshall's interrogation, violate the ethical standards of truth-telling and free exchange of information that should characterize any university community.

"There are several similarities between the Marshall and McBride cases. Both involved protests against university policies. Both involved actions that were harmless exercises in free speech, and both involve trumped-up charges intended to intimidate students.

"Here is just one example of the latter. In the McBride case, the senior vice provost filed what she thought was a complaint with the OJA. When she attempted to withdraw that complaint, the OJA turned it into a, quote, incident report, and then said it could not be withdrawn. As a result, McBride faces a

proceeding, which was initiated by a senior administration official, who no longer takes responsibility for the allegation.

“The substantive issue in the McBride case is whether a verbal order by a senior administration official in an informally organized working group binds all the participants to confidentiality. Let me repeat that. The substantive issue in the McBride case is whether a verbal order by a senior administration official in an informally organized working group binds all the participants to confidentiality.

“In the recent unionizing election involving graduate students, a similar order was given by the same administration official, in which faculty were ordered to, quote, refrain from sending letters or e-mails to students advising them on joining or not joining the union or the benefits or disadvantages of being in a union.

“The night before the election, this same administration official sent out an e-mail message to all graduate students, stating in part that the university budget is limited and that if the graduate students were to unionize, it is possible there would be significant increased costs that could lead to a reduced number of graduate students at Cornell.

“This message clearly contravened the order that was formally delivered in writing to all faculty, including the senior administration official, who both wrote the order and then violated it. This was a much more serious violation of

the code of conduct than what the central administration has charged Mitch McBride with doing.

“Next month, we're going to vote on this resolution, and I hope it passes. As you all know, it is only a very, very small step in readdressing the balance between the central administration and the rights and liberties of our students. Whether or not it passes, I urge the faculty senate to become a more open, deliberative body, in which the airing of issues such as these becomes our normal practice.

“So now, our cosponsors, and if you want to add anything to what I have just said.

“Are there questions? Comments?”

Senator Grossman: “I kind of disagree with you on many points. Particularly the thing that really bothers me is the fact that you said it is unharmed that a student get into an office and touch a computer. This is completely wrong. And I do not want anybody ever to come to my office and touch my computer, okay.

“And if we are giving the student the feeling that they are allowed to do it and if the administration was doing wrong, it's clearly who was wrong here is the student. He should not have done it. And I want to emphasize that in the senate meeting, when we had this, I was the only one who was actually standing up and said that this heresy is completely wrong.

“And I still believe that it is completely wrong. I will never go and touch any one’s computer. And he should not have done it, period. And the fact that you kind of indirectly say oh, you know, it is what the Cornell Police did is wrong, what he did is really wrong and he should have said, I know, I apologize.

“And I completely agree with the issue, okay. It is not that I disagree with the issue. The heresy was completely and is still a very bad idea, and I really hope that we at the senate will not get the student the feeling that's okay to do such things.”

Senator Bensel: “There are two responses. One is all protest involves some cost. The costs have to be proportional to the protest. There is a certain notion that public order is important and so forth.

“On the harm issue, I’m not privy to Daniel Marshall’s proceedings, so I don’t know what harm was alleged. I do know that in the Mitch McBride case, the office of judicial administrator says there was no harm. So we pressed the issue, and they said well, some people have told us there is likely to be harm.

“And I said who are these people.

“And it turned out, though they did not admit it exactly, turned out to be the very people who were prosecuting McBride. Likely to be harmed is not something you take and prosecute a student for. If there had been harm, okay, something proportional, but there was no harm. This was a case of whistle-

blowing, whistle blowing about an issue that we are all very much interested in.

That would be my response.”

Senator Tim Devoogd, Psychology: “I have been part of the University Hearing Board for a number of years, and I think that we can separate issues of free speech and actions of the judicial administrator from this particular resolution.

This resolution does not address that.

“And if we look just at this resolution, it's not necessary. There is a default currently for hearings to be private, as many people know, but there already is a mechanism for hearings to be public, if that is in the interest of the respondent and if a group independent of the judicial administrator assesses that and says that, it is all right. So regardless of how anyone feels about the larger issues of free speech, this resolution is not necessary.”

Senator Bense: “I would hope that it's not. I am reading from the motion by the officer judicial administrator that either they do not understand what you just said or -- obviously, they did not understand what you just said. They said: For the aforementioned reasons above, the OJA opposes respondent's request for a public hearing. That was the motion. And request you, as permitted under the code, to deny respondent's request based on the intimidation grounds' progress.

“The resolution still stands against requests like that. I mean, this is a bigger problem. We are not going to straighten out the OJA. We are not going to make

it an independent or somehow neutral arbiter between central administration claims against students and the students themselves.

“That is not going to happen; but what we can do and what I think is necessary to do, the only reason I would, contrary to what you said, I would argue another point, is that it is necessary to raise these issues. This is the way the OJA thinks.”

Debbie Cherney, Animal Science: “The last line, the way it's stated there is that defendant requested something be open in public. It could be anything. Even if there are, instances where that being open and public could do harm to other people, that may not want to be in the open and public. So I kind of have to disagree with the way that's written, at least.”

Senator Bense: “And it's very, very hard to figure out how to state something like this, so it covers all eventualities. What we are looking at is cases where a student is being charged with a senior administration official, and the senior administration official requests, with OJA, requests a closed hearing. That is what we are addressing.

“I tried to think of cases where this might be appropriate, and there is one, and that's where if a senior administration official had witnesses who were, say, undergraduates, who were necessary to testify for their side of the case. Yeah, that is one of the cases that might be open. I am not sure what the others are.

"This is a request. This is not -- we cannot do anything. So it is a request. And I do not want to say normally, because if you say normally, I do not think that will work with the OJA. I think it has to be stronger than that, but I do understand your point."

Senator Lieberwitz: "I had sort of a similar question, and it might be useful if you could outline what is the current process for having an open and public hearing. What are the provisions, eluded to before, and you also eluded to, Richard? What are the current processes and how would this change, how would it alter the current processes? Because I think that what people are asking has to do more with well, trying to get more of a sense of what this is trying to do.

"I mean, in general, I think the move towards openness is a good thing when you have hearings, but it's a little thin in terms of understanding just how it will change what we have now to where you are seeking to go, and was just asked, are there exceptions to that."

Senator Bense: "Tim is better at this than I am, but I think what he was outlining was in fact the correct position that the default position is that it be open, it be an open hearing. I think generally, for all cases, not just cases we see with senior administration officials, what happens -- but let me back up. That, I think, Tim can do this better than I.

“What is at stake here, though -- I put together this resolution, hoping it would be as uncontroversial as possible, because it is the other issues that we need on the table. We need those other issues that students at Cornell face, and people have brought this up over and over again in private. They face procedures and an orientation towards the central administration that seems implacably hostile, both in fair play, openness, appropriateness, propriety of punishment and so forth and so on.

“Those issues and that kind of behavior, we need to air. We did not do it last year. We did not do it with the Daniel Marshall case, because we had a whole lot of other things we were doing at that time. We should have. And by the time that the Daniel Marshall case could have come up before us, the university had withdrawn the charges, and Marshall was sworn to secrecy as a part of that bargain.

“What I want to see us do, if we pass the resolution or not, what I want to see us do is not be afraid or hesitant about bringing these issues before our body. If we are going to have our conscience and a soul in this university, you will not find it in the central administration. The only place you are going to find it is here.

“That is the reason why this resolution is important. That is the reason why I have imposed myself upon you in those e-mail messages and these comments

today. I think it's very, very important, right or wrong, that these issues be on our table."

[Unidentified Speaker]: "Well, I was going to say something else, but I first want to respond to I'm embarrassed that you attacked the integrity of the administration the way you just did. It seems to me that's not constructive, but what I wanted to do is say this seems like an overreaction to one unfortunate incident, which clearly there was confusion on the part of the police by how they were informed, whether or not this was a freedom of speech issue or breaking and entering.

"And breaking and entering is breaking and entering. And it does not require breaking the door. I was really turned off when you indicated the door was not broken, so it was not breaking and entering. I hate to say this, but I have friends who are very good at getting through locks without breaking doors and its still breaking and entering, whether or not they broke the door. So I would hope we would find something better to do with our time than insulting administrators and passing resolutions like this."

Senator Bensch: "Don't mean to insult administrators. I mean to describe them. That is the reply. It is breaking and entering. They said breaking the locks. That was the charge that Baum and the police chief were making. I do not know the

technical legal definition of breaking and entering, but they said the locks were broken.

“What I'm citing today is not whether that was right or wrong or the action was right or wrong. The central administration made false claims in that interrogation and then in public interviews. That is what I am saying. Those kinds of false claims have no place, either in central administration, student relations; they have no place in a free and open university. That is what I'm saying.”

Senator Dan Brown, Animal Science: “Just had a quick question or comment.

The University Assembly, last I heard, has jurisdiction over the code of conduct, over how the procedures work in the offices of judicial administration, and they are involved in everything else.

“Now, I have lost track of how many responsibilities and authorities have been stripped from University Assembly. There has been huge diminution in shared governance in the last five, ten years; but on this particular issue, as well as transportation and Gannett Center and all those things, the president and originally the trustees gave the University Assembly independent legislative authority over these sorts of issues, and the administration couldn't make a change without university assembly's permission, or vice versa. The president could set aside university's decisions.

“And so I know that the trustees stripped the University Assembly of their authority over transportation and parking, but I haven't seen anything where they have stripped the University Assembly of their authority over the campus code of conduct. Successful administrations have run roughshod over the authority the trustees gave to the university assembly, independent of the president, not under the president.

“So maybe if you were to go check out to see if the University Assembly still has authority over the code of conduct, as they did when I was on it, and the university had to ask the University Assembly's permission to make changes, find out what the deal is there, if it still has authority and maybe address that to the University Assembly, rather than here, where we don't really have direct authority over -- .”

Senator Bense: “Again, I think these are issues that the faculty senate should be aware of and that should be public and should be publicly discussed. You are right; we cannot do anything about this, but it is not the -- as I pointed out with the union election example, it is not the code of conduct that is a problem. The problem is the conduct of senior administration officials, and that is the problem.

“So you can't have, for example, a senior administration official issue a written message to all of us that we cannot send an e-mail message out to graduate students commenting on the election, and then have that senior administration

official do that very exact thing. That is not a problem for the writing in the code of conduct. That is a wrong of a very different sort. And I would argue, the only way we find out about those things is when we talk about them.”

Senator Brown: “I think that's fine, but if the senior administrative official has violated the code of conduct, they are just as subject to the judicial system as anybody else. And perhaps if you found out that they have done something wrong, take it before the JA also.”

Senator Bense: “Like I said in my message, good luck with that. I can't go to the OJA and tell them to do this, because they will not do it.”

Senator John Weiss, Weiss, History Department: “I got the mic, so I guess I can talk. I am merely interested in sort of clarification on what is happening, as someone who is reading into this whole affair rather quickly. First, of course, I did react not particularly favorably to McBride's particular moves. Never been particularly proud of the way academics, as opposed to medical types or military types, handle confidentiality. And I did not think his argument about this was just an informal verbal order or whatever particularly impressed me, but as I was reading it, therefore, I was not particularly favorable to McBride. But when I saw the actions of the administrative official, one withdrawing his accusation and then someone else saying okay, well, let us get him. We have to get him. It looks to me that is what he said, so let us do it another way through an OJA procedure,

that sort of got my back up. And I would like some sort of confirmation of whether there is some sort of precedent for that kind of procedure.

“Then, when I saw, and this is one where perhaps as a precedent, that McBride was deprived of a counsel's help acting as counsel, he could come there in some other capacity, as a friend or something, maybe I've read the wrong background document, but seems to me that's pretty clearly something to get one's back up and to get the senate's back up about, so I'd like some clarification of that, sir.”

Senator Bense: “Tim could be better at this than I am. As far as I can tell, the denial of counsel -- the hearing is next week. It is on April 19th. It is at 4:30. I think the room is in Day Hall, 163. I think that is right, but the denial of counsel is technically correct.

“What you're looking at, though, in combination with the anonymity or the attempted anonymity of the senior administrative student officials who were prosecuting Mitch with the attempt to close the hearing, and then to deny the counsel the right to speak in the hearing, you were setting him up, all alone. I mean, that is what the OJA would prefer, against the entire apparatus, administration of Cornell University.

“I find that ludicrous. There isn't anything in that that speaks to the problems of -- and I do think there are problems of freedom of speech and expression and so

forth and so on, but it is ludicrous to conduct central administration student relations in an environment like that.”

UNIDENTIFIED SPEAKER: (Off mic.)

6. **BUDGET MODEL INCENTIVES AND DISINCENTIVES** – PAUL

STREETER, VICE PRESIDENT, DIVISION OF BUDGET AND PLANNING

“Thank you. So just want to give a little context before getting into, I think, some more interesting elements that you will probably have some comment on. Just want to give you a little context around our central budget history.

“So we've talked a lot in the past about budget deficits. This is what our central budget deficit was for campus for the last number of years. For the year we're in right now, which is 2017, we came into this year with resolving that deficit; but just as context, because there have been so many changes from the budget model that get conflated between budget model and budget deficit.

“We wanted to at least put into context this deficit is independent of the budget model that was implemented in 2014, and I'll talk about some elements of that in just a second, but this deficit existed independent of that budget model change and needed to be resolved. As we have made changes in budget models, I think at times those changes kind of get conflated with being deficit-causing actions. We had a deficit independent of the budget model, and that is what this is just showing you.

Provost Kotlikoff: "What the central cause of that budget deficit -- well, let me just say that the magnitude of that deficit almost perfectly aligns with the magnitude of additional investment in financial aid that the institution undertook in a major effort to increase access to Cornell."

Vice President Streeter: "I would have commented on the capital investment we made and the amount of debt we took on as well in that late -- first decade, the 2000 period. So that deficit has been resolved. You saw that come down. It has happened over a couple of years.

"Just real generally, these are the major budget actions that were taken. Started with Provost Fuchs, and then Interim Provost Katz back in 2016. We did do a budget cut, meaning we actually reduced the amount of resources the provost provided to units. The average was about 1.7% on colleges and 2% cut in administration.

"We also did an action in which we grabbed the revenue, for lack of a better word; we looked at the amount of tuition revenue that now flows to the colleges, amount of investment income, net of debt against salary improvement kind of cost. We looked at that net recourse change, and we swapped, if you will, with the colleges. We said you are getting this amount of resource. We have got to pull back provost support.

“And that was about a \$20 million action. I do not characterize that as a reduction. I characterize that as leaving everyone kind of revenue-neutral in that one year. So definitely did not promote growth, but it was a revenue capture strategy to resolve the deficit.

“And then in '17, as Mike came on board, we looked at how we're paying for certain costs and we changed the model of how we're paying for that. And then we did what we called we subvented college. Subvention is another word for the amount of support the provost was providing to individual colleges. We changed that subvention to what we were doing was called a net zero basis.

“So what we didn't want to do is put any college on deficit in that measure, and we moved subvention up for several units in order to keep them in a positive position, and that positive position was based on actual results, not budget results. Actual results are always better than budget, or typically better than budget, and we would have that history.

“So we looked at actual results, and we set everyone's subvention, so they were at a net zero position. For some, we took subvention away. If our calculus and working with the deans, we concluded that they actually were getting more subvention than necessary, we took it away. And for those who were not getting enough, we put more in. But the net of all that was we gained about \$18 million towards resolving that deficit.

“And the other piece of it was a cost constraint strategy, kind of the first step in this realm that Mike took in his role as provost, is we did not provide any funding to central administration for the current year to fund their salary program. So we expected folks to implement salary improvement programs in central administration, but there was no funding provided. So in effect, that was a cost savings to the colleges in the way the model works.

“Before I move on, because I really want to then go on to talk about undergraduate tuition model, which is what I think Charlie -- I want to make sure I focus on; but before I do any questions on this, just real quick, so let me go on to the undergraduate tuition model and maybe clarify, explain and clarify, if necessary, how the money actually flows now around undergraduate tuition.

“So for the undergraduate tuition pool, we pool all undergraduate tuition money on campus. First order to think about, the students paying all that money first comes to the provost's office. We actually then take a piece of the state appropriations that we receive from New York State, and we put that into the tuition pool so that to recognize that there's a tuition difference between resident students in the contract colleges, what they are billed for tuition, versus all other students. On a gross basis, it is about a \$16,000 gap in tuition.

“We look at that gap, we look at it net of financial aid, and we take a piece of the state appropriations and put it in undergraduate tuition pool. So we create a tuition pool in which the value per student is the same for everyone on campus.

“Once we establish that pool and we take financial aid out of it, we socialize the financial aid cost across everyone, that net tuition remainder gets split. And this is how it is split: 90% of that goes back to the colleges, 10% goes to the provost and what we call a university support pool tax. It provides the money that then the provost uses to invest back in the colleges, either in the form of subvention or in terms of specific university initiatives that the provost is working with the deans on.

“So 10% comes off and goes to the provost, and then in turn goes back into the colleges in a different form. 90% of the tuition flows out to the colleges, based on a set of metrics. 40% of that tuition flows out based on the college of enrollment.

“So wherever that student is enrolled, 40% of the tuition goes based on each college's proportionate share of enrollment. 60% goes out based on each college's share of instruction, and the teaching metric or instruction metric is based on a combination of course enrollments and course credits. We look at both, just because credit hours are different by college.

“So we looked at both enrollments and credit hours, do a six-semester average of both of them. So this is looking over three calendar years of teaching results and

each college's proportionate share of that metric. So we are trying to recognize where students are enrolling and recognize there is a set of activity that is just foundational to the enrollment, as well as having a metric that follows where the teaching is occurring and to recognize that we think revenue should follow that.

“So that's the way the model works. When we first implemented the model in 2014, this metric was a 25/75 split; weighted 25% towards enrollment, 75% for the same kind of teaching metric. The metrics have not changed. The weighting changed a little bit.

After the first year, Provost Fuchs decided to readjust this metric to the 40/60 basis. And as we did that, colleges were held harmless in that. We looked at that, what was not 25/75, what would it be, 40/60.

“This is a zero-sum game in terms of the amount of money we are distributing, so as you make that change, some colleges lose some money from that. Other colleges win. We adjusted subvention accordingly, so it was a neutral position for every college across that change.

“So right now, since 2015, we have been operating on a 40% enrollment, 60% teaching metric, and we continue to use that today. What many don't realize is we actually froze that metric as we came into this year, based on the 2016 level, and we froze it for a couple of reasons, largely to kind of deal with some perceptions, allow the system to kind of stabilize with the concern that behaviors

were starting to emerge that were incented by this 40% to 60% split of enrollment.

“So therefore, if someone thought they could teach more, they would derive more tuition, they might make a decision around teaching that might not be in the best academic interest of the students or the university as a whole. And we were concerned with that being a disincentive by freezing the metric. We removed the possibility that that would actually result in any kind of income flow.

“So we froze the metric. The deans all knew this and their business folks knew this. Not sure how many people in here realize we froze it. We froze it for the other reason that I will show you the data in a second, that the sensitivity year-to-year in that teaching metric was more than we thought was appropriate.

“So over time, if you just let this metric run, the resources do change, based on that teaching metric. It is a three-year average, but it still will change. And I will show you that data, how it was actually changing. Keep in mind a 1% change in that data is about a \$4 million revenue item.

“So if teaching in College of Arts and Sciences went off by 1% change year to year, that's a \$4 million item. In these first couple of years of the model, because of the way we were working to hold units harmless and kind of manage this

transition into the new model, we were protecting for that; but coming out of '16, we really wanted to get out of that business.

“And in doing so, we really thought we needed to freeze this metric and then re-examine it. We have not started the re-examination, and that's part of what I think brought us today, is that's something we are going to launch, Mike's going to launch a review of that starting later this spring, with the notion we will unfreeze this metric for fiscal '19. So a year from now, we will unfreeze it, to start July 1 of 2018.

“So we have time to rethink this metric and make sure that it doesn't put inappropriate incentives or disincentives in the system that the budget model follows what academic priorities and desires should be and are that we set the budget model to follow those, not to drive those.

“I mentioned this teaching distribution metric. These are the actual metrics for the five years that we have been operating under this budget model now, fifth year coming up here. And I will just let you study that table a little bit, but I do want to call your attention to the row on Arts and Sciences, because that is the most dramatic shift downward. That is tallied off here.

“Keep in mind my comment about what a 1% value is. It is well over \$4 million, pushing \$5 million now. And you can see that in Arts, it has been tailing off. In CIS, it has been increasing. And that, I think, many are probably familiar with, in

terms of the way course enrollments have gone in CIS, but I'll let you study this for a second.

"I am showing you the actual data that the metrics show. For the last two years, though, we have been using the fiscal '16 data only. So this is what we distribute revenue on right now. We do not distribute it in '17; we did not use this column. And in '18, we are not using this column. We are staying here.

"So the notion or the concern that there are incentives or disincentives around folks standing up certain kinds of courses or attracting different enrollments, that's been neutralized for the last couple years, but we do want to revisit that and reestablish how we do these metrics.

"So the unfreezing option, we really see three, kind of in broad brush. There is nuance underneath each of these, but we can unfreeze it and adjust subvention accordingly, as these changes happen. That would not be responsive to where student demand is, and over time we think -- I guess the question to ask, how responsive should this be to student demand. That is a question we need to ask and answer.

"Unfreeze, don't adjust subvention. That is very responsive to student demand. Then three, possibly move to more of a hybrid system of funding, fine-tune this a little bit, so there's more stability in the year-to-year change and year-to-year both reward and risk on it, but allow it over time to be responsive to student

demand. So that's kind of the general realm, and I think I'd turn it to Mike for more comment or questions."

Provost Mike Kotlikoff: "So maybe I can -- I should talk here. Thanks. So maybe I can give the senate a little sense of what I am thinking, and that is that right now, we have a system in which the entire tuition flow to colleges is really dependent on teaching activity. And one thing that I would like to look at with Paul is maybe thinking a little bit more about moving towards a hybrid system in which colleges have a base funding level and some component that basically responds to activity.

"The effect of that would mean that the entire tuition flow or revenue flow to a college from tuition would not be at risk simply by activity changes, and it would modulate a little bit of the arguably perverse incentives around tuition flows, while also providing or responding to the fact that different colleges are financially in different positions.

"So that's the conversation we're going to have around unfreezing. And we have been, I think, pretty transparent about the fact that we have this budget model, we've frozen the tuition to not put stress on individual colleges related to these changes in student activity, but also the fact that over time, we're going to have to respond to the fact that CIS keeps going up and we need to provide more revenue to teach those students, for example.

“So with that, why don't we open it up? Be glad to take any questions.”

Professor Mark Wysocki, Earth & Atmospheric Sciences: “I am a faculty member in Earth and Atmospheric Sciences, but I'm also a chair of the CALS Faculty Senate. And I am here today to address something about tuition dealing with summer school tuition and how it has changed so dramatically that we were not aware of these changes to occur.

“And it has greatly impacted our ability to teach courses and be willing to teach courses, since the revenue from tuition was being used to support salaries for faculty, salaries for undergraduate teaching, as well as for lab, buying equipment and so forth. And it has been greatly reduced.

“And just as an example, Microbiology in one year lost \$98,000, and the following year a \$96,000 reduction. And not to have been kind of told that ahead of time, that is a big shock, but we feel that we need to address this, and that's why I'm here, is we would like this issue to be discussed and see if we have a little bit better way of having input into how these decisions are made and how the money is partitioned out from the summer school.

“And the reason for this is we are now dropping courses that will no longer be taught, because there's no longer an incentive for the financial reward from that, and that means a reduction for students who use summer school to take these

courses so that they can either help with reducing their loads during the semester for courses, but also in maybe graduating early.

“It also reduces the, shall we say, the visibility of CALS faculty during the summertime, but it also hurts the departments a great deal in terms of their using this money, which we're not going to other colleges to ask for. We are trying to generate this on our own, so that we can support our undergraduate teaching and faculty and teaching assistants.

“So this seems to be for the fall and spring semester. Is there anything in here that talks about summer school tuition?”

Provost Kotlikoff: “Right, so that's basically what I was going to say. I think we are, again, conflating two different issues. There is nothing that we did in this budget model that affects the flow of tuition revenue or revenue acquired from summer courses to the colleges. What I think you are perhaps experiencing are college-based decisions about revenue flows that basically were responses to the budget definite, not the budget model.

“So we continue to run into this situation in which colleges have made a number of choices around budget constraints. Much of this budget constraint comes from our increased investment in financial aid, which resulted in decreased revenues to the colleges, because we were discounting tuition substantially more

than previously, and those changes in revenues to the colleges were handled in a number of different ways.

"So I'm not aware of any change in summer sessions that specifically results in the lack of return of revenue to the faculty or some policy change within colleges, but I see Barb wants to make a comment. Okay."

Paul Streeter: "So Mike, there was a change. So I am not going to be as conversant on it as you are probably aware, because I just did not study it recently. There was a change in how summer session -- again, no change in net spending or net resources, but the flow of resources changed.

"I think this was a more significant change on the endowed side than on the contract side, the way resources flowed, but it's had a significant impact on how the experiences were funded. So I think it would be better if we could go off-line and talk about it, but I do think there was a change that does impact how individual departments are experiencing it. And I hesitate to go too detailed, because I'll probably screw it up, how the costs of running summer session are recovered in the model now."

Professor Wysocki: "Well, just to be clear, it was reduced from an 85% given back to the faculty, to 23% of the tuition. So that is a huge drop that we were not aware was coming. And that impacts us a great deal now."

Vice President Streeter: "So I think just to mix the two comments together, I don't think that community change with summer sessions in terms of the resource flow define 23% to the department. I think that is a college decision, but the amount of money that changed between summer sessions and the college, I believe, changed. Perhaps I'm wrong, but that's what I was thinking."

Professor Wysocki: "They basically told me they're taking 40% off the top, then another 40% afterwards, and that's summer school. That is before even -- so there's a big cut from summer, not from the colleges."

Provost Kotlikoff: "Why don't we come back with a discussion of summer session, which is, I think, as Paul notes, it may relate to the change in allocated cost distribution, which is how the cost of summer sessions -- what you can imagine a situation in which the costs were not put against the revenue and the nets were something different relative to if the costs were then netted out against the revenue."

"But why don't we come back and address that. So I would commit to the senate that we'll come back and give you a report on summer sessions funding."

Senator Matthew Evangelista, Government: "My question relates to the presentation. I am Matthew Evangelista in the Government Department. I remember some years ago, when I chaired my department, the physicist Peter Lepage was the dean of Arts and Sciences, and he presented us comparative

statistics relative to our peer institutions in the Ivy League and the major state universities.

“And he always stressed that the College of Arts and Sciences at Cornell is much smaller, relatively speaking, than any of our peers. And I noticed on the chart that the resources have declined substantially. I wonder, was that an unanticipated result of the budget model, or was it a policy decision to shrink the college?”

Provost Kotlikoff: “No, certainly not the latter, Matthew. So one thing, when you look here at the teaching distribution, is this what you are saying is resources? So this is not resources, but teaching. So one thing that has happened over time is students who are in Arts and Sciences are taking more courses outside of Arts and Sciences; principally, in Computer and Information Sciences.

“One of the things that the budget model has done has really allowed a university-wide undergraduate education. You will recall in the past, when I first came to Cornell, there was a statutory side and an endowed side, and there were revenue flows.

“There were something called accessory instruction that went along with students taking courses outside of the contract colleges. There were limits to certain courses or amounts of courses that students could take from one part of the institution to another.

“One of the merits of the budget model is that that goes away. Everybody now comes in, as Paul mentioned, paying the same tuition, some from the state, if it is from the contract colleges. So revenue comes in, but it allows a marketplace of ideas for courses, and you are seeing some of the shift here over time.

“To your other point, Matthew, about the size of Arts and Sciences, I think it is true certainly that in those peer institutions in which where the breadth is less, the number of colleges are less and the overlap of disciplines or the spread of disciplines between Arts and Sciences and other colleges is less, you would find a relatively larger Arts and Sciences college and department sizes, attended department sizes.

“So I think that's true, but it has nothing to do with the budget model. It's part of Cornell.”

Senator Evangelista: “But it is correct, I thought I heard Mr. Streeter say these proportions do represent real money frozen for FY 16.”

Provost Kotlikoff: “Correct. Do you want to respond, Paul?”

Vice President Streeter: “So if you follow this column here, we take 60% of the tuition and we distribute it based on this proportion. So as these proportions change, it influences the amount of resource flow to the unit. We have frozen it here, as of a couple years ago.

“So if we just left it unfrozen with no change in the metric, we would have this.

We left it here for the reasons of not having a change in resource flow. But this is all proportional. The pot goes up each year, because we increase tuition and, in the recent years, financial aid has actually been decreasing relative to the total tuition. So the pot's growing, and this is a share of that larger pot.”

Provost Kotlikoff: “Right, and this does not necessarily reflect a reduction in resources to Arts and Sciences, if that's your concern, because we also fix this as part of subvention in a way in which we balance all the colleges to net even revenue. Now, there were reductions associated with the colleges as the deficit was resolved, and that was to all colleges, but this was essentially balanced across colleges.”

Senator Lieberwitz: “I really appreciated the presentation. And those numbers were extremely important, because the discussion seems to have crystallized the question, at least one question here of whether the distribution allocation of funds should be based on kind of a market model in terms of where the students go.

“Are they voting with their feet kind of thing, or are there other principles upon which we want to base those questions; not just oh, the students are responding to the need to go take computer science, as opposed to something else that drives our decisions about education and how we should fund it?

“And I think that's a very important question. It is one we obviously need to talk about more. Cannot do it today, since we are out of time, but I wanted to ask that question of how do we go about addressing it, because both of you have talked about the we. You know, we need to discuss that.

“And so who is the we? And how will the budget committee from the senate be involved, the colleges, et cetera? Is this a broader discussion that can be had about these underlying principles?”

Provost Kotlikoff: “So two points. Let me first address your predicate or your assumption, Risa. So I do not think it is correct to say that the current model is only based on the demand of students, because it is 60/40. The 40% in enrollment, that enrollment is a historical enrollment we have not altered, so that really reflects the size and scope of Cornell's individual colleges.

“To get to your fundamental question, this is something that I've discussed at every faculty senate meeting that I've talked with, discussed with individuals in the UFC. We have had a number of discussions about it, discussed it with the Finance Committee on a number of occasions, and gotten a lot of feedback, and talked about it with the deans.

“And this is not a new conversation. It was a conversation that was virtually endless with the deans, with Kent Fuchs around the adjustment and move to a new budget. So we will continue to have those discussions.

"I think this part of unfreezing is a very important point. And it's important, I think, for all of us to understand that these changes have to be done in an institutional way in which we don't disadvantage or create disruptions within individual colleges and still enable those colleges to create the best kind of educational process on the undergraduate side that they can, as well as their other goals of research and outreach.

"So we'll continue to have these conversations. I will continue to talk about it with the Budget Committee and with the UFC, and I would love to get input about particularly around what sorts of nuances we can provide; but it is a complicated situation that requires a significant amount of information about how the budget works.

"Thank you very much."

Speaker Susskind: "I want to thank the Provost and Vice President Streeter. So we are a little bit over today, and I want to thank everyone for sticking around.

Without further ado, we'll adjourn."