

**A MEETING
OF THE UNIVERSITY FACULTY SENATE
WEDNESDAY, SEPTEMBER 20, 2017**

1. CALL TO ORDER

[Charlie Van Loan, Dean of Faculty](#): “We should get started right away. The first thing is a formality. The senate has a speaker, and the speaker has to be approved. And we have a great candidate, Charlie Walcott. He is professor emeritus of neurobiology and behavior, currently the university ombudsman, so he is extremely fair and tactful. He was the dean of faculty, and you also ran the university assembly.

“So can we have a show of hands, everyone who's in favor? Okay, so you are on board, Charlie, and your first task is to introduce the president.”

[Speaker Charles Walcott](#): “I should make all the kind of usual announcements, you know, remind everybody to turn off their electronic devices. Senators have the priority in speaking. Identify yourself and what department you speak, and wait for the microphone, speak no more than two minutes. And we will announce the number of Good and Welfare speakers. None so far. It is my great pleasure to introduce the president.”

(APPLAUSE)

2. REMARKS AND Q&A WITH [PRESIDENT MARTHA POLLACK](#)

“Hi, everybody. “I am going to make a few comments, four or five minutes, then mostly have discussion. And when we get to discussion, I will stand down there. I don't really like talking from the lectern.

“I want to start with what I know is on everyone's mind, and that was the awful assault of one of our African-American students in Collegetown last week. You have all seen my letter to campus, so let me just repeat a few things: First, not just how much I deplore this kind of racist, bigoted, awful action, but how really deeply saddened I am to see this ugliness at Cornell.

“Second, I truly am committed to working diligently to addressing these issues and to taking strong and meaningful and serious steps to enable us to live up to our "any person" principle. I had a very productive meeting earlier today with the two copresidents of the Black Student Union. We have agreed to work together.

“The Black Student Union, united as a whole, then came and gave me a letter with some of -- I like to call it their ideas. They like to call it their demands; but actually, I think there's a lot of common ground on which we can build. But look, I can't do this alone. Racism and bigotry aren't unique to Cornell. They are a scourge in our nation now. It is a broad societal problem.

“I need everybody who wants this kind of change to work together, so I'm asking you, the faculty, to join me however you can. Whatever you can think of doing. You can start by simply reaching out to your students and to one another and checking in on them.

“One of the first things I said to these two young women who chair the Black Student Union is how are you doing? Are you taking care of yourselves? Are you eating, are you sleeping? I think everybody just needs our support at this moment.

“Another thing you can do during the Q&A period, if you have thoughts about what we should be looking for, what specifically we should be doing in the presidential task forces; I welcome your opinion on that. Before we go to the Q&A, I do want to report on a few happier things going on on campus.

“First, I want to thank everybody who participated in my inauguration last month, and I especially want to thank Charlie van Loan, who worked extraordinarily hard not just as a member of the steering committee, not just as the person who suggested we should have these quotes from prior presidents -- and it was Charlie, the other Michigan person who suggested they should come from Michigan presidents -- but also organized the faculty panel, so I want to publicly thank Charlie.

(APPLAUSE)

“And the faculty panel, thanks to the faculty who participated on it. It got rave reviews. Thanks to everybody who came. I appreciate the support.

“The other big celebration for Cornell recently, of course, was the opening of the Cornell Tech campus on Roosevelt Island. I think all you know that Cornell Tech has been operating for about four years out of a space donated by Google, but now it's open on Roosevelt Island.

“There are three buildings there. There's an academic building, which is entirely open floor plan. If you are a faculty member, it's quite a surprise to see. There is a mixed-use building with academic space, space for students who are building start-ups and for companies, and there's a wonderful residential building.

“There are currently just under 300 full-time Cornell Tech students, but many other students who visit the campus for a variety of reasons. The plan is to go up to about 850 by the end of the decade, and 1,800 or so ultimately. And alumni of the program are successfully doing what the program said they were going to do. We have had Cornell Tech alumni already create 38 start-ups, employing more than 200 people, the overwhelming majority of which are in New York City.

“As we continue to develop Cornell Tech, I also want to take some time for us to think about our New York strategy more broadly. I say this again and again and again. To me, Cornell Tech and New York – it is like I have two kids. When I had my second kid, I didn't stop loving my first kid. We would be nuts to abandon our commitment to our nurturing of the Ithaca campus. It is who we are, but I really firmly believe that we are going to be able to enhance the advantages of that wonderful rural campus we have by also moving into a great city at a time in which the world is increasingly urban and giving our students opportunities for hands-on experiences there.

“I am going to be fairly soon starting up a faculty committee to help me think broadly, just vision what would we like to do in New York City and how could it enhance what we do in Ithaca.

“I also want to say a wonderful word about our new first-year class, who many of you are teaching. As of the midsummer counts, the class was not only remarkably strong academically; it was also quite diverse. We are on a continuing trend of increasing diversity, so 12.9% of the class is first-generation in their family to attend college, and more than 25% are either underrepresented minorities or multi-race with at least one of those being underrepresented minorities.

“We are seeing increased interest in coming to Cornell. The number of applications is up yet again by 4%. Those exact numbers may change slightly from what we had mid-summer to the fall official count; but overall, it is really a terrific class that we have as first-year students at Cornell, and it's really exciting to see that.

“There are a number of other initiatives underway, continued progress on the provost's radical collaboration project, work coming out of the newly created center for teaching innovation, which is spearheading some of the educational verve that I talked about in my inauguration speech. I know that Charlie is working to flesh out a proposal for activities around reliable knowledge, which grows out of a resolution from this body last spring, and I look forward to supporting that. We will have opportunities to talk about all of that this year.

“I also want to mention that we're going to be undertaking a process of reviewing and streamlining some of our policies. Some of our policies over time have gotten very cumbersome. There are a lot of people doing a lot of needless work. There is a lot of unclarity in some of them that leads to all kinds of problems that we don't need to have.

“One I want to mention in particular is the consensual relations policy. I know that previous efforts to amend that and come up with something clear and strong have not been successful, but we need to have such a policy. We just can't continue without such a policy, so I am going to charge a group that includes, of course, faculty, but also graduate students, folks from HR, folks from general counsel and so on to get that done.

“I think those were all the announcements I have. Welcome to the new academic year. I am happy to be here, and I am going to cede the rest of my time to Q&A.

“Yes, and you'll say who you are.”

[Emeritus Professor Martin Hatch, Music](#): “I am an alternate to the Senate from Music, and I'm also a member of the university assembly. The UA had quite a gathering with the Black Students United yesterday, and I should say it's Black Students United, but it represents a very diverse segment of the university community; at least 250 community members were at the UA meeting but they certainly represented many more than that in the Cornell community.

“And we are facing a question having to do with the campus code of conduct, and it was an issue brought up in the Black Students United announcement. They announced that they were going to the UA meeting to discuss whether regulations concerning hate speech and speech codes could be added to the University Campus code of Conduct. I know you may have had some experience about that in the University of Michigan, but at least that's what I

read in the citations of the items on hate speech and speech codes in Wikipedia, but maybe that was not when you were at Michigan.”

[President Pollack](#): “Michigan hate speech code came and went before I got there, but I do know -- .”

[Emeritus Professor Hatch](#): “I should have checked that out. I didn't know it was that long ago. But, I wanted to ask you, in keeping with what you have said about needing everybody to join with you, whether or not the administration could assist the U.A.'s Codes and Judicial Committee in developing a platform for a campus-wide discussion of whether hate speech can be regulated in the campus code of conduct -- fielding or floating the issue, and what the possible legal limits and consequences might be.”

“I would like to suggest that, as participants in this campus-wide discussion, we enlist law professors and law students, as well as representatives from the university council's office, because as you know, any code additions or amendments that the UA passes have to go through the university council's office. I would like to suggest that we have large number of educational forums around the campus. Thank you.”

[President Pollack](#): “So let me repeat for this group what I have been saying to students in different fora about this issue and where I think we go with this. Four points.

“First of all, as I have said in a number of venues, I, myself, am a pretty strong free speech advocate. And I think it's kind of funny I think free speech has been coopted by a part of the political spectrum that isn't my own politics. One of the main reason I'm a free speech advocate is because I care deeply about social justice; and my reading of American history is that every time we've tried to suppress speech in this country, it has been to the detriment of the poor against the weak. So that's point number one.

“Point two, I think there is enormous misunderstanding, however, about what is and is not protected speech. Harassment is not protected speech. Threats are not protected speech. Assuming that this kid in Collegetown is found to have done what we believe he had done, that's not protected speech. I can't stand six feet from you and hurl a racial epithet at you and throw a punch at you. That is not even before the punch. That is number two.

“Number three, all that said, and as I said in my inauguration speech, the lines are messy, the lines are blurry. Discussion about the lines is a healthy activity for a university. I personally have never seen a hate speech code that works. I have never seen a way to define all and only hate speech, such that you don't fall into this same trap of catching the very people you are trying to protect.

“I will tell you in the 18 months in which the Michigan code was in effect, there were no cases -- maybe initially lodged, but no cases carried out against white students. There were 20 against black students. So I think if we are going to do this, we have to do it very carefully, very thoughtfully.

I don't actually believe at this moment that there is a way to do it without abridging free speech rights. That said, and I have told this to the students, I'm old enough and smart enough to know that I don't know everything. I am talking to them about wanting to listen thoughtfully and carefully to those whose views are different from their own; in this case, views of people who have different views than me about free speech, and I think we have to engage them in dialogue about that.

“As far as process, what I have been thinking -- I'm having a meeting later this afternoon with a bunch of students to get their ideas on these presidential task force. I am thinking we ought to have a subcommittee of the presidential task force, which is specifically looking at conduct, speech and the code. That is how I'm thinking we'll pull that off.”

[Senator Eric Cheyfitz](#), American Indian Indigenous Studies Program: “I directed the Mellon Mays Undergraduate Fellowship Program for seven years, and the post-doc diversity seminar as well for a couple of years. So I know something about diversity, and since I want to talk about that, I thought I'd mention those things as well. Thanks for coming.

“I just want to, if I can, read something briefly, just to set the stage, then we can talk. While you are quite rightly pointing to the need for strengthening diversity initiatives, these initiatives are being undermined by the lack of support for the programs and departments that are engaged in teaching the courses grounded in the dynamics of diversity, particularly in the College of Arts and Sciences, which is paying the price for Cornell's debt and its budget model.

“So two quick examples. We had a protest last year by students engaged in what are called ethnic studies programs in FGSS over the lack of support for these

programs. The dean met with these students and, at the end of that meeting, the students walked out. I did get a call from the dean the next day to talk about the problems, and we did talk.

“At the same time, these problems are not being fixed. We just lost two senior African-Americanists in English. And in exchange for those two senior losses -- one of them might come back, but I doubt it, given the circumstances -- we got one junior hire. I can only tell you, when you bring in a junior African-Americanist and there is no support or mentorship in the department for that, that the chances of keeping that person are slim to none, so I would appreciate if you would address some of these issues.”

[President Pollack](#): “Yeah, and there's a lot in there. I am not going to be able to address all of them. Let me start with the issue of faculty diversity. I think it is a very serious problem for us. And well, we haven't announced this yet, but I will go ahead and announce it. We are in the process of putting together a faculty -- we need new ideas, we need creative ideas here, so a faculty task force. There is a very distinguished faculty member of color who has agreed to chair it, and we are going -- it's a very hard problem, because every self-respecting university is fighting for these faculty, but we need to figure out new ways to keep them there, so we are going to move forward with that.

“The ethnic studies program, look, the -- I hope the faculty senate wants me to say this. I don't own the curriculum. It is not for me to tell the faculty what the curriculum are. The faculty have to set the curriculum, so you need to be working for that and advocating that. I feel like it would be a trouncing of your rights for me to go in and talk about that.”

[Senator Cheyfitz](#): “I realize you don't control the curriculum, but you do have a pretty prominent position here and some bully pulpit; let's put it that way. The other thing is that nothing has seemed to work out, given the way Arts and Sciences is being run by the dean and the provost in terms of money coming into Arts and Sciences.”

[President Pollack](#): “Well, that's a different issue.”

[Senator Cheyfitz](#): “We can't hire faculty and we can't retain faculty without funds.”

[Senator Cynthia Bowman](#), Law School: "I have written about forms of sexual harassment as being unprotected speech. And I also brought the issue up in my role as a representative of the faculty at lunch today, and I want to speak I guess in support of your position against legislating any form of hate speech code.

"It appears to me that the types of incidents are covered by the harassment and assault provisions that we already have in our campus code, and that to get to something new and to define it as content-based speech would lead to an enormous amount of disagreement and dissent about the issue that I don't think we want to have."

[President Pollack](#): "Thank you. Again, that is where I am intellectually. And I'm not an attorney, but I've done a lot of reading and thinking about that. There is an enormous generational difference. There was an article in the "Washington Post" just yesterday, which if you didn't see it, I encourage you to look at, about a new study -- I'm sorry. Out of the Brookings that surveyed college-age students, and an enormous number of college students, A, they are just wrong, believe that hate speech is not protected by the 1st Amendment; but two, don't think hate speech should be protected by the 1st Amendment. In fact, this is the most shocking thing, 20% of these students said that they think if someone says something hateful, then violence is an appropriate response.

"So I don't disagree with you. If I were just sort -- if I were the kind of person who just said this is what we're going to do, that's what I would say. We will not have a hate speech code; but A, I do think we have to model exactly what we are telling these students we want them to do. I want to listen to their perspectives, I want to hear their perspectives. I want to be open to what they have to say.

"Anything else? You can go to anyone who's raising their hand."

[Senator John Brady](#), Food Science. "Hi. I want to thank you for the letter that you sent out to the whole student body. And in lieu of this discussion, which obviously is going to be very difficult, about hate speech versus free speech, would it be possible to send out a broader letter to the whole student body emphasizing the value of each individual and the importance of respecting everybody that's here and their right to be here and their opinions."

[President Pollack](#): "Yeah, I mean -- here's what I don't want to get into. I don't want to get into call and response. I don't want to send out too many statements. First of all, they become watered down.

“Secondly, sometimes if -- a kid getting assaulted demands a response. Some other things, which may still be hateful, but you just call attention to them and make it worse. And third, it's such a big campus, and if I respond to this event over here and forget about that event over there, then rightly so, that group is offended.

“So I think the point you're making is one that I hope was at least implicit in what I was saying, and I can make it more explicit in another statement; but I'm not ready quite yet to just issue another statement, lest my voice just get too diluted.

“He is in my department.”

[Senator Ken Birman](#), Computer Science: “Martha, I want to echo -- thank you so much for the letters you sent. I think they've been very positive. Eric raised a question of budget, and since people aren't pursuing this other line further, I wonder if we could ask you to give us kind of a quick glimpse into the budget situation with the new budget. And also, we read that Harvard's endowment has done poorly in the last year. Ours did. Where do we stand?”

[President Pollack](#): “So our endowment actually did reasonably well this year. We have been doing terribly, we have a new -- I'm not an expert in this, but people whose opinions I value tell me -- expert Chief Investment Officer Ken Miranda came to us from the IMF -- we aren't going to be at the top of the heap, but you wouldn't expect us to be at the top of the heap because when he comes in, he inherits a portfolio of investments. Unless he pulls the Band-Aid off and dumps all the bad ones and starts from scratch, it's going to take some time to climb up.

“Harvard, in contrast, was also in a pretty bad situation. Not maybe quite as bad as us, but they were in a bad situation. They hired a new chief investment officer. He took the route instead of incrementable changes of pulling the Band-Aid off. So it isn't an entire surprise they did so badly this year.

“We will see in the long run which is the better bet. I tend to like stability. I tend to think that this sort of incrementally getting better will help us a lot, help us with our bond ratings and so on. But to my understanding, and I'm not a finance person, that's my understanding of what's going on at Harvard.

“As to the budget model, I think there is a confusion about what happened when we went to the new Cornell budget model, and I think it's important that people understand that. I came here from a university that had an RCM, responsibility center management model, which is what we have here, which for the most part, you ascribe costs to units, then you give them their tuition and their indirect costs for recovery and their gifts and so on; but then you keep a piece of that money centrally for the provost to redistribute, both to incentivize cross-disciplinary programs, to incentivize new programs and, for example, say in the case of the Arts College, where you might recognize there are some programs that you absolutely have to have, you can't be a university without them, but will never have sufficient enrollment to pay for themselves, you can subsidize that.

“So you ascribe responsibility, but you cross-subsidize. Personally, I think it -- when I was a dean there -- as a provost, it's a lot easier not to have that when you're the provost. Because if you do it the other way, you get to decide where the money goes. Now it's much more formulaic.

“But I think what you do with that model is you incentivize deans to be creative, to take risks. You can really take a risk in this model because if you win, you win; and if you lose, we're not going to close the Arts College or CIS or something. You have some back-stop. I think over time, it leads to much stronger, much more innovative programs.

“Now, here's the problem at Cornell: At the time at which it was implemented, independent of the change to budget models, the central administration had not been collecting the money they needed to run their operations. So we don't generate tuition in the center, we don't have indirect cost recovery, people don't give gifts by and large to support the central administration.

“And so there was a huge deficit. Not in the balance sheet overall, but there was a huge debt-central deficit that had to be closed. So at the same time as the budget model was shifted, they also started allocating out costs to recover this, so that over time we'd be healthy again.

“Even had we not shifted to this new budget model, the units would be feeling squeezed, unless we had been financially wonton and not fix this, but I think because it happened at the same time, it feels as if it was the budget model that did that. And I think it's important that people understand that.

“Thank you all. I have got to go meet with the students to talk about the task force, but I really appreciate your time.”

(APPLAUSE)

[Speaker Walcott](#): “Joel Malina.”

3. GUIDELINES FOR POLITICAL CAMPAIGN ACTIVITY ON CAMPUS – [JOEL MALINA](#), VICE PRESIDENT FOR UNIVERSITY RELATIONS

- a. [Proposed policy](#)
- b. [Comparison with policies from 1970 and 2008.](#)

“Thank you both. Good afternoon. Thank you all for the opportunity to speak to you about a draft policy which we expect the board of trustees to consider at their October meeting. I wanted to give all of you a chance to review it and ask questions, to the extent there are questions.

“When we get to the questions, I’m joined by [Diane Miller](#), the director of our office of federal relations in Washington, D.C. and has been intimately involved with this process over the last number of months.

“I know that Charlie presented some significant amount of background. Let me just cover a little bit about what this is and why we are proposing making this change. Back in 1970, the board of trustees had adopted what’s known as a statement of policy, which they called the university and the political process. This was prompted back by rising political activism on our campus. This was the Vietnam era.

“Though that policy has remained in effect, it has never been incorporated into the university policy library, and my office and Diane’s office often get questions about whether a particular political activity is permissible or if certain conduct crosses a line, what is that line. And so we thought it made sense to take a fresh look at this 1970-era policy and to put it in a format that would make it more accessible to our university community.

“Now, why is having a policy like this important? IRS laws and regulations explicitly prohibit non-profit organizations like Cornell from any involvement in political campaign activity. As an institution, that means that we can’t explicitly support or endorse, promote or oppose candidates who are running for office at

any level of government; federal, state, local. To do so would risk losing our tax-exempt status.

“And people are paying attention. Not new, but this continues. Reporters are regularly combing the Federal Election Commission databases, looking for stories about political giving. There is a whole cottage industry out there that looks for scandals or issues to pose as scandals to criticize universities, particularly those institutions in the Ivy League, as taking advantage of taxpayers.

“I know that you have seen the policy, so I'm not going to go through it line by line, but I do want to note just four elements, and then we'll open it up for questions. Number one, nothing in this policy prevents you, as a private citizen, from getting involved in a political campaign in any capacity. You just can't use university resources.

“Now, what does that include? That includes things like Cornell email addresses, office supplies, an official social media account, or do anything that would give the impression that you are speaking for or are acting on behalf of the university.

“Now, when you write a check to a candidate, if you are so inclined, you are asked to disclose where you work. This information is reported to the Federal Election Commission and is publicly available, and that's okay. Nothing in this policy impacts that. Though often, as a side note, we do often have to correct the misimpression that those contributions have come from the university and not from individual employees.

“If you publicly endorse a candidate, let's say, in a published letter to the editor in "The Ithaca Journal," you can use your title as a Cornell faculty member, but you need to add a disclaimer that you're not speaking on behalf of the university. You also can't hold a fund-raiser in your office. You can't endorse a candidate with your department's Twitter account, for instance.

“Number two, political campaign activity -- and this is important -- isn't the same as political policy or issue advocacy. Cornell, as an institution, can and often takes positions on political policies and issues, legislation, regulations that directly impact our education, research and public engagement missions.

“Now, as faculty, beyond where Cornell may or may not take an official position, you're experts in many policy areas, and we not only encourage, but are very pleased when you offer general support for issues, whether it's the peer review process, academic freedom. In those cases, we hope you'll use your expertise to shape policy. None of this will impact that. But again, it's important that you clarify in those instances that you're not speaking on behalf of the university.

“Number three, registered independent student organizations, the Cornell Republicans, the Cornell Democrats, for example, they're allowed some latitude to sponsor political campaign events or make endorsements, but they have to disclose that they're legally separate from the university and they have to include prominent disclaimers that Cornell University isn't participating in the political campaigns or endorsing or opposing candidates. And that suggested language that could be used by those organizations is included in the body of the draft policy.

“Finally, the IRS has issued guidance, which is referenced in the policy, that gives non-profits some latitude to sponsor nonpartisan voter education and registration activities. The policy specifies that student organizations that want to use university space for political campaign events -- and again, those are events where they are specifically advocating support for or opposition to a candidate running for office -- the policy specifies that if they are using university space for those issues, they have to go through established channels, using the event registration form.

“And this process requires advance notice of three weeks. The Cornell Police do a security assessment, Risk Management determines the appropriate level of liability insurance, if necessary, and other advance work to address logistical issues. The organizers of such campaign events are responsible for all charges and can't be reimbursed from university funds, including from student activity fees.

“Again, these events have to include prominent disclosures that the university is not sponsoring the event or endorsing a candidate. I want to note the campus code of conduct does allow outdoor picketing, marches, rallies and other demonstrations to take place, without requiring a university permit.

“The distinction for this political campaign policy is with the use of university resources. So for instance, if resources such as added security would be

necessary to support an outdoor political campaign activity, then the event would be subject to the registration requirements, as I've previously noted.

"And this is really the only way that we can be sure that none of the added costs are paid for with university funds, which again, is a question of whether we're able to say we're complying with IRS regulations.

"So with that overview, I'd be happy to take questions. And again, thank you for the opportunity to speak to you about this today. Any questions?

"Yes, in the back."

[Senator Matthew Evangelista, Government](#): "The only provision that concerns me is the one on use of email addresses, because I have only one, and I've had the same one for 21 years, and it ends with Cornell.edu, so I receive dozens of political campaign solicitations and the like, seems like every day, probably every week at least.

"And it so happens I'm also a political scientist, so I could argue that it's relevant to my work to know what's going on out there with political campaigns and so forth. But if I weren't, what should I be doing or what should I do otherwise?"

[Vice President Malina](#): "Sure. And I'll clarify and look to Diane. You are absolutely able to continue receiving any political emails. I get a lot as well, and the question is whether you are responding to them from your Cornell email address or forwarding them to others with an intent to solicit support for the cause. So receiving is not at all problematic."

[Senator Evangelista](#): "What if I click onto the web site? It looks like an issue I would want to support, or a candidate, and it asks for my email address and I have only one."

[Vice President Malina](#): "That is a question for Diane, has that been considered?"

[Diane Miller](#): "Yeah, this is probably the issue that comes up the most frequently and, again, it comes down to whether you are advocating and if anybody out there could then assume that the university is devoting its resources to supporting, opposing a candidate for elected office. And so there's some leeway, but if it comes down to you're asking if you are giving your support, using your email address, maybe it's time to get a Gmail."

[Vice President Malina](#): “Yes, Charlie, feel free to moderate.”

Unidentified Speaker: Along the same lines, what about political views in general, using your email for, say, contacting your local Congressperson and saying you're a real bonehead for voting yes on this particular issue or not.”

[Vice President Malina](#): “Yeah, that's fine. That falls under political advocacy, which isn't impacted by this at all. This is purely in the context of a campaign environment.”

[Senator Birman](#): “I just want to press you on this question of email addresses, because it strikes me as bizarre. Is there case law to support the position you are taking? Is this actually established U.S. law, or are we inventing a policy that you must not use your Cornell e-mail address? I am sorry. Ken Birman.”

[Diane Miller](#): “We are not inventing this policy. The policy is very explicit, is that you cannot use university resources, resources of a non-profit institution to support political campaign activity.”

[Senator Birman](#): “But is there law that establishes that our email addresses are university resources?”

[Diane Miller](#): “There is a policy on the use of technology at the university and what you can and cannot do with your technology that's incorporated by a reference into this. And so that's part of it, but -- .”

[Vice President Malina](#): “With regard to your specific question on case law, I don't know the answer. I could certainly ask it; but this is activity that, again, has been specified as problematic since the '70s. So again, I understand many people haven't been following it, which is one of the reasons we're establishing it in the formal body of our policies.”

[Senator John Weiss](#), History Department: “I end up being kind of a universal advisor to student organizations this year. The ski and snowboarding club doesn't give me much problem, but there's another organization that is deliberately designed to bring together Cornell Democrats and Cornell Republicans, undergraduates, together to have dialogues.

“Okay, they have registered, I've run into this OrgSynch thing, try to deal with that, which is sometimes a little difficult and misleading; but basically, what I'm

concerned about, they have established themselves as an independent organization. That is the way they should define themselves, okay, but then the question is a matter of becoming a conduit.

“So because they are getting support from outside organizations, in this case, the American Enterprise Institute, which is not known to be strong on the liberal side, unless you take 19th Century definition of liberal. So I'm interested in is there going to be a kind of conduit problem for an organization like that or not? They got outside money, that's it, no problem.”

[Vice President Malina](#): “There shouldn't be a problem with this draft policy. What would need to be done in terms of those groups is there would be some steps they would need to take, if they are sponsoring a partisan political event, where the purpose is to support Candidate X. They would just need to make sure that there were those clear indications that it's not done with university funds.

“So again, we are not prohibiting any activity, just establishing what they would need to do to draw that line. Yes, I'd be happy to call, unless Charlie, whatever works.”

[Senator Cheyfitz](#): “What about posting political issues on your Facebook page that may advocate for a particular cause or candidate?”

[Vice President Malina](#): “If it's your personal Facebook page, it is fine.”

[Senator Cheyfitz](#): “Even though it has a Cornell email address? Like Matt, that's my sole email address.”

[Vice President Malina](#): “If it's your personal Facebook account, it has no impact on this. If it was your department's, not that your department has a Facebook account, but that would be where the line would be problematic. Diane, is that correct?”

[Senator Cheyfitz](#): “And what about charitable organizations that do have a political cause, but are under federal rules, charitable?”

[Vice President Malina](#): “That is fine. This is only about supporting political candidates in the context of a campaign.

“Charlie's telling me we are running out of time. Please, send me an email if there are additional questions. This is not going to be reviewed by the board until third week of October, and I do want to make sure all of your questions are responded to. So thank you again for the agenda time and for all you do.”

(APPLAUSE)

[SPEAKER WALCOTT](#): Okay, you're up, Charlie.

4. A PROPOSED NEW PROCESS FOR AWARDING EMERITUS/A STATUS, [CHARLES VAN LOAN, DEAN OF FACULTY](#)

- a. [Posted Legislation](#)
- b. [Background](#)
- c. [Slides](#)”

[Dean Van Loan](#): “Okay, so this is about the process of becoming emeritus, and why are we talking to you about this now. Last year, we had a committee that looked entirely at everything having to do with turning emeritus; the process, fringe benefits and so on. And we put together a proposal, which is now pending legislation.

“So the goal here is to inform you about that, and there's a 60-day period, then we'll vote on it in November. It has been, over the last year, especially in the spring, I talked to all the chairs, all the deans, had numerous discussions with the CAPE group, our emeritus association. We have run it by the two -- one is a CAPP, because there's a title aspect to it, and then the Professional Status of the Faculty, because this is a very important event in this faculty member's life.

“Here is the committee. It was very broad-based. We had active faculty, emeritus faculty, people from human resources all looking at this. There are two parts, and let me first talk about the title part. So here's the schematic of what it is now and what the proposal is.

“Right now, associate professors and full professors are eligible for emeritus status after ten years of meritorious service. Both of those ranks converge on a single rank after you retire, which is professor emeritus. Incidentally, women have the right to be referred to as a professor emerita, so when you see the slash, it's talking about two things at once.

“The proposal now is to have emeritus as a modifier, and that modifies your last position, the position when you retire. You say well, why is that. And the reason is, and I looked all over the university, all the ten colleges, looked at -- problems come my way when these things don't work out, and there are corners of the university that have trouble with associate professors given emeritus status.

“There is anecdotal evidence that I see. If you look at the stats, over 90% of full professors seek emeritus status. About half of the associate professors do, so there might be a writing on the wall thing. The idea is to have emeritus as a modifier.

“What is a modifier? You are certainly familiar with visiting, courtesy, adjunct and acting. Those are the four modifiers that are around right now. A modifier comes equipped with a rule: What can you modify? For example, you can have adjunct professors, associate professors and assistant professors. You cannot be an adjunct clinical professor, because that's not in the rule. That is how modifiers work.

“The proposal, again, is that we have a new modifier, and that it can modify these two positions. And if you want -- the way of thinking about it, if you were associate professor emeritus, it means you rendered meritorious service in that capacity.

“Side note: We aren't proposing now to have, for example, senior lecturer emeritus; but if this goes through, then that is a vehicle for awarding emeritus status to other titles, like professor of the practice or whatever. Right now, it's just these two titles that we are proposal be modified.

“The second half of this -- so that's the title half. The other half is the process, and it's a three-paragraph thing that sits in the faculty handbook, and it sort of looks like this: You retire after ten years of service. You talk to your chair, there is a department vote, and then that dossier is forwarded to the dean and then to the provost.

“The language is very vague. When I first started looking at this two summers ago, I looked -- I went around to all ten colleges. There are ten different versions of this. You might say well, this is great, Cornell's decentralized, this is wonderful, but it sends a message. It is ad hoc. A lot of stuff goes wrong, and

it's a way of saying the university doesn't pay enough attention to this. The idea is to, quote, clean this up. Let me just tell you three ways we propose.

“First, instead of just saying meritorious service, look, we are talking about careers here, not how many papers you published in the last month. It is careers, and we contribute in a zillion different ways, so explicit mentioning of those ways. No one is telling the department how to weight those. We are just saying think about them. So that's an expansion of the language there, to explicitly mention the different ways professors contribute.

“Voting. Again, across the ten colleges, I detected seven different schemes. And again, out there are 90 chairs. Chances are, half of them have never seen an emeritus case, and here it is coming their way. Just the lack of clarity makes it awkward. This is a real tricky transition for a faculty member. You want clarity in the process, so that you can pay attention to the emotional side of the whole thing.

“So we're proposing this: That if a professor comes up for emeritus status, you retire. Retirement is the HR event. This is an academic event. And who votes? The professors vote and the emeritus vote. If an associate professor comes up, it's tenured faculty and the emeritus.

“So clarity here on who votes. Some places, it's just all the department. Some exclude the emeritus, some include it. This is just what we decided in the end is the best scheme. There's no appeal process. Again, it hardly ever happens; but again, not having an appeal process sends the signal that you're on your own.

“We have built in a very light appeal process. If either the department or the dean is negative, you have a chance to have things reviewed. Basically, it would involve my office and the provost's office, just enough to say we are paying attention to the process and you do have the chance to reply, if things don't work out well. Doesn't happen much, but it does happen.

“Here is where we are, up there on the top. This legislation's posted. There are two resolutions; one about the modifier and one about the voting, and that's going to sit there for 60 days. Then we'll vote on it, then it goes to the provost, and it has to go to the trustees because we are talking about the bylaws. It's the modifier. To add that fifth modifier requires trustees, so I would sort of say early next -- if everything goes right, early in the spring we should be all set. I've checked with HR and everything is all set to go. It is just that we have this.

"So questions about this?"

"Yeah."

[Senator Brady](#): "Could you be more explicit, when you said that certain units had a problem with this common title, exactly what problem were they having? They just felt that the associate professors didn't deserve it, or -- ."

[Dean Van Loan](#): "Quick answer would be yes, but the point here is that -- well, people have second thoughts about that, not that it always leads to a stoppage or a negative decision, but we're saying let's get this off the table, that you affix the modifier to your title when you retire."

UNIDENTIFIED SPEAKER: "My question is: would that have any impact on the existing emeriti?"

[Dean Van Loan](#): "No."

[Senator Mike Fontaine, Classics](#). "I asked my colleagues about this, and not just in my department, but the consensus is this is a fairly cruel thing to be instituting; that is to say, as soon as we allow associate professor emeritus, that will be the new normal, rather than promoting somebody up to professor emeritus at the last moment. And I just wonder how much that came up in the committee. I saw it wasn't packed with faculty on the committee."

[Dean Van Loan](#): "Right, so again, remember two things: There are instances of professors being blocked for this reason, so that's a collegiality thing. Then I mentioned, if you look at the stats, only about half the associate professors seek this out, so somehow there is writing -- I would say there's writing on the wall.

"The third thing I would sort of say is this; that again, we are looking at careers, and there's many, many ways you could contribute over the course of those 30 or 40 years. And to me, if you're an associate professor and are a great teacher, a great -- this is so clear to me that this is meritorious service.

"I would also say this, which is out there; if I go to a conference, when I was 30 years old, I would say I'm a professor at Cornell, not an associate professor. You are a professor emeritus. It's not like it's a scarlet letter or something like that, so I feel -- we feel that this solves a problem and that in terms of acknowledging the contributions that people make, that it squares with that, but it is a good point.

"I think Penn, and we looked at all the other schools. People do this. Some places, it's automatic. That is another option. You can get assistant professor emeritus at Dartmouth. It is all over the place. I have no idea what that means, but it's all over the place."

[Senator Cheyfitz](#): "Could you just enumerate what the benefits of this are? I mean, that would seem to have some importance."

[Dean Van Loan](#): "Yeah, so the idea is to -- the age group, my age group keeps expanding. If you look at the histograms, more people are retiring later, and that's fine. No one's saying you're 65, go away, or that we only hire under 30s, but behind the scenes here is to make this process smooth and attractive."

"And deep down, it's all about young people. It's about hiring young people and not having people hesitate so much about retirement, making retirement and emeritus status a very attractive thing, so I would say that's the subtext."

[Senator Cheyfitz](#): "Any material benefits?"

[Dean Van Loan](#): "Yes, we have a list -- there's free parking. That is always the -- there's also, for the first five years, you get a 2K educational allowance. There are a whole host of -- I could go to any athletic event without paying a ticket. So we list out all the fringe benefits."

"Surprisingly, when we started out, we went around the table, we couldn't distinguish between benefits for emeriti and people who just retired. Just bringing clarity to that we felt was helpful."

[Professor Tad Brennan](#), Philosophy: "I share some of Mike's concerns about the implicit snobbery of this, and the only problem that you have identified is that some departments are reluctant to confer emeritus status on people if they are associate professors."

"So I agree that it might be better to grant people the title of associate professor emeritus rather than turn them down for the status of professor emeritus. That seems less cruel, but why not simply institute new voting procedures which say when you are considering granting the emeritus status, you should norm that decision, you should make that judgment based on whether they provided meritory service at the level appropriate to their rank. If they did, then they all

get the same title of professor emeritus. That way, associate professors would also get the same title of professor emeritus, but they would receive it on the basis of their service as associate professors.”

[Dean Van Loan](#): “What you say sounds reasonable, but out there, just from what I see and the statistics, it's not exactly -- that would not necessarily happen.

“Well, I didn't want to bring that up.”

[Professor Brennan](#): “But that seems like the basic problem here; not that we need a new policy, but just that there's a lot of snobbish jerks among our colleagues.”

[Dean Van Loan](#): “This is online for 60 days, and I'm not kidding. There are places for you to leave comments. This is a proposal. The reason we have these 60-day things is just for this. Now you know about it, you can lodge a comment, everyone can see it. And maybe we have to reshape it, but there it is.”

UNIDENTIFIED SPEAKER: “I just have a quick question. Is this something that the provost turns down at all? Like when a department votes -- .”

[Dean Van Loan](#): “Oh, if it goes to the two levels -- no. To my knowledge, that's never happened.”

[Senator Simone Pinet](#): “Couldn't we just make it automatic?”

[Dean Van Loan](#): “I think Harvard, it is automatic. You retire, it's all over. So there's one -- I didn't mean that. You become emeritus automatically. So that sounds attractive, and the low overhead solves all these sorts of problems.

“However, and getting back to the remark about -- there are jerks, okay. It is conceivable; suppose you were promoted for full professor and you just blow off your classes for 30 years, you never do any service, you never -- that stuff does happen.

“So I think you want to have a very routine, unintimidating approval process. But also, I think it's a way of celebrating someone's career. You are sort of saying wow, we looked at your career and we think it was great. So I think if you make it too automatic, it is like there you go. But pausing and talking about a person's career in the context of your department, I think, is valuable, for young people,

for young professors, as well as the rest of us. So that's kind of why most places, it's not automatic. That is some of the reasons."

[Senator Brady](#): "I mean, if you're not doing your job for 30 years, tenure is not an excuse not to do your job, so shouldn't that person have been disciplined or even dismissed?"

[Dean Van Loan](#): "Like "The Naked City," there's 1,600 stories out there. They are not all beautiful. Stuff happens, and you say well, bye-bye, you can't just say that, all right? You want to inspire people to work greatly up until they retire, so I think it's a small way of doing that.

"But these are good points about the associate professor thing there, and I really hope we get some comments up there to look at that. But there is a problem that has to be solved, and if you can come up with a better way, that'd be great.

"This is not typical, so here's the next -- so the subject here to revisit the consensual relationships policy, and there are two parts to this presentation. So first, Anna Waymack is going to give a graduate student perspective, and then I will come back and make a proposed process for dealing with it."

5. [TOWARDS AND IMPROVED FACULTY-STUDENT CONSENSUAL RELATIONSHIPS POLICY](#)

- a. [Graduate Student Perspective \(A. Waymack \)](#)
- b. [Proposed Process \(C. Van Loan\)](#)

[Anna Waymack, Grad. Stud. Med. Studies](#): "I am a fifth year in Medieval Studies, and I have some extremely well-developed thoughts on why you should feel no pressure to retire and should instead give grad students help saving for retirement, but I'm here on behalf of the GPSA to talk about our consensual relationship policy, or really lack thereof.

"Quick notes, you should be aware that we are live tweeting this for the benefit of grads who cannot attend, and that I am going to give Charlie a copy of my remarks later, in case people have difficulty hearing.

"I want to quickly locate where we are in what has been a very long process. This may look familiar. You voted on it two years ago. So you discussed proposals from the Academic Freedom and Professional Status of the Faculty Committee and voted against banning undergrad/faculty relationships, against

the suggested implementation of guidelines for disclosing relationships and emphatically against the provision for any kind of consequences for unethical relationships with students.

“In this discussion, several of you expressed concern about infantilizing grad students and professional students by restricting our agency and removing our ability to consent. So we are grateful for your concerns and ask that from now on, you recognize us when we speak through GPSA on behalf of the grad and professional students; because to truly exercise the agency that you hope to preserve for us, we kind of have to share in the decision-making process and have the ability to speak for ourselves, rather than be spoken for.

“It is for this reason that we have no proposals here concerning undergraduates, because we don't want to speak over them. We would rather solicit input from them. Here is the timeline thus far. Our current policy, and I think I might have the date wrong. It is either '95 or '96, which you'll note is two decades ago. The discussion we are having today is the result of the GPSA's second attempt to have the faculty senate, a body that has immense power over policies affecting professors, revisit this issues.

“Our discussions in GPSA centered on the ethical, academic and professional ramifications of supervisor/supervisee relationships. These ramifications ripple beyond the parties involved. Questions arise about fair treatment in labs, allocation of funding, who gets which opportunities for co-authoring projects, and whether a hierarchy arises within a grad cohort because of one member's sexual access to a faculty member.

“When information spreads, as it kind of does, that a faculty member is known for relationships with their students, all of their students experience repercussions, regardless of whether or not they, themselves had a sexual relationship with that professor.

“Did you sleep with him? It is very hard to disprove that question, no matter what the truth is. These repercussions follow students throughout their careers, even if they managed to get careers. Any letters of rec become suspect and, unfortunately, I can promise you that I know of entirely consensual cases where sex was exchanged for a letter of recommendation.

“There are also repercussions to the program's standing in the field and its recruitment efforts. We attend grad school for knowledge, not for relationships.

Separately, there are some tricky nuances of consent to deal with. I am guessing most of you have heard by now about the news out of Rochester. Most of you have heard about Cornell's messy Physics tender case. Many of you will have heard something about Yale or Berkeley or so on. There has been a lot lately. We have more and more of these cases of faculty/grad coercion hitting the news, though the problem has been around for decades.

“And some of it could be avoided. We know that there's a dynamic in which men overestimate sexual interest from women. We also know that while faculty often see us as junior or future peers, which thank you, we are not. Our committees have immense control over our lives and careers. Hi to my committee member somewhere in the audience.

“And so if you combine this difference in how we perceive the power dynamic with the phenomenon of overestimating interest, you can see how we run into trouble very quickly and why we sometimes discuss this issue of supervisor/supervisee consensual relationships on a spectrum with harassment and assault.

“Thirty-eight percent of female and 23% of male grad students report being harassed by faculty or staff, but we're not saying that all of those faculty and staff members knew that their advances were unwelcome. No one wants these situations. They are bad for all of us. We are working to prevent them.

“We also know that many of you have had these relationships work out, and we're happy for you; but we've been gaining an increasingly nuanced understanding of consent and power dynamics since the ground-breaking activism in 2013 around Title IX by Clark, Pino, Brodsky and Bolger. If any of you have seen "The Hunting Ground," they are featured in that, and lots of the recent legislation. It is in light of this better understanding that we are asking you to write a new policy.

“We ask that you consider the worst breakup you ever saw and how many relationships you have seen end in breakups. Humans are messy. We have some stats on the nonconsensual incidents, but no good studies on the endings of consensual relationships and whether the junior party is able to remain in academia. We know enough now to insist that the respective parties wait until the power dynamics have been addressed, even if that is no fun. And I want to be clear that, since we teach undergrads, what we are asking for applies to grad and professional students too. My freshman seminar students are off-limits.

“I am turning this over for a few minutes to your colleague, Ellen Harrison, so that you can hear first-hand about one experience with these situations.”

Ellen Harrison: ““Good afternoon. I would like to share with you some experiences that I think illustrate the difficulty of interpreting consent, when the power differential exists as it does between students and faculty. Nearly 50 years ago, I was an undergraduate geology major at Boston University. I had a sexual relationship with the chairman of that department. I was seduced by the flattering attention of this powerful, charismatic man. I felt special, though in hindsight, I'm sure I was not the first, nor the last.

“In addition to the seduction of power, perhaps the intrigue of secret meetings in hotels was also alluring to me at that age, though it is now something that fuels my disgust. That affair has been the event in my life over which I have felt the most shame, something about which I have felt such shame that I told no one about it, until this last year. And those of you who know me know that I tend -- I'm not shy, and I tended towards too much information.

“I knew this man's lovely wife, I knew his sweet 11-year-old daughter, and I had a boyfriend. I have asked myself how could I have done this. Obviously, the proposition was so compelling that I betrayed these people and was complicit in this affair.

“Because an 18-year-old is of age to give legal consent does not mean that an 18-year-old is mature enough to make a good decision regarding saying yes to a respected person in a position of power to whom she looks up. Recent interviews with two other women have shown other ways that consent is a critical problem.

“A brand new graduate student at Cornell was at a gathering in their first week or two at a restaurant with a group of students and faculty. The faculty member next to her put his hand on her knee. Not knowing him or the power that he might have over her, she ended up acquiescing to sex.

“Another Cornell grad student entered into a romantic and sexual relationship with her professor. The student requested that the professor report it to the appropriate dean, but he did not. When this graduate student eventually broke it off, the professor retaliated, severely damaging her professional reputation.

“Among the things we need to keep in mind is that sexual and romantic relations impact not only participants, but the whole educational community. Of course others in her research group and department were aware that something was going on, and thus the relationship between the student and the professor affected the climate of the research group and the department.

“Cornell's responsibility is to create and maintain a safe and beneficial academic environment, and that was compromised by that relationship.

“I hope that these three very different cases that I've described demonstrate to you that given the power differential between students and faculty, consent is not straightforward. Thank you.”

(APPLAUSE)

[Anna Waymack](#): “Thank you. Okay, so we are asking for the following: An avenue of timely disclosure, so as to mitigate, as much as possible, the ethical and professional ramifications for not just the student, but for the entire community; a safety net, whereby once the relationship is disclosed, a point person actively reaches out to the student to mitigate the risk of nonconsensual relationships.

“While it is not our topic today, the stats at that far end of the spectrum are completely horrifying, and this is one small piece. We will need to do a lot more work on the topic of harassment and assault in the future.

“Finally, we're asking for consequences for non-disclosure. And yes, I'm aware that you all voted very, very heavily against that. We are asking you to reconsider, since such situations are more likely to conceal unethical or nonconsensual relationships.

“We know that we are in a small town. We know that we are working in close quarters and it gets complicated, and so we've worked to articulate the power dynamics we see as raising so much potential for conflict that they should be off-limits. People who would be reasonably expected to write letters of recommendation, advisors, PIs, committees, people who control grades, funding, academic progress and employment, so DGSs, and career opportunities.

“We have created a separate category to allow for escape clauses. This category is for disclosure and would include relationships that might become ethically

contentious, so as to counter the professional issues. It would also include preexisting relationships.

“And finally, if you're in plant biology and want to date a law student, like I don't care. We are just worried about power dynamics and conflicts of interest, and those wouldn't apply there. We are explicitly not asking to ban all faculty/grad relationships.

“Speaking in closing personally, rather than on behalf of the GPSA, I am tired, I am tired of hearing the stories you don't. I am tired of hearing from those who have to drop out, those who can't ask their advisor for a rec because it's ethically compromising. I am tired of hearing the stories from my generation, I'm tired of hearing them from my father's generation and from hearing them even from the generation before that. We have not done anything to fix this problem.

“And so I want to express my exhaustion, my disappointment and my anger that the faculty senate has not yet taken it upon itself to address the clear, systemic, urgent problem of faculty-on-student harassment, where students cannot; and that even when discussing consensual relationships, there's been a reluctance to listen to the voices of us grads and professional students.

“You have been able to ignore us and to ignore the fact that you've been ignoring us for two years now. Think about that, as you think about whether or not we students are truly free to consent. Thank you.”

(APPLAUSE)

[Dean Van Loan](#): “Thank you, Anna, and the GPSA in general. We have been talking over the summer, and I want to tell you about how we'd like to go about addressing these things. If you recall last time, two years ago, I think it was the dean of faculty, the dean of students, a Title IX person and others drafted a policy that went into our Academic Freedom and Professional Status of the Faculty Committee. And they reviewed it, and then it was presented October and November 2015.

“That was a fine process, but I think one of the messages, though, is if we repeat that, it looks too much the faculty own this issue, coming up through a senate process and whatever. Sure, you can have students on board and have people sit in, experts in Human Resources and so on, but I think we need a process that's at the absolute highest level, the university level.

“You heard Martha an hour ago say that she wants to sponsor this group, so here is a makeup of what this committee would sort of look like. So you would have certainly faculty, most definitely we need representation from non-tenured faculty and post-docs. And incidentally, through a quirk of whatever, they sit in the employees' assembly. Then we have the GPSA, the graduate students and undergraduates.

“And remember, when we say faculty, faculty in the large, it could be a graduate's TA, it could be an undergraduate grader in a computer science course, for example. So flexible thoughts there. So we need representation across the board. And those constituencies would be in charge of picking their folks.

“You can count the boxes or whatever. The committee already is large, but think in terms of flexible systems of alternates and whatever. It really doesn't matter who comes to these meetings, as long as they report back. This is all about communication. If you go to a meeting, then you have a responsibility to relate it back to your constituents.

“But then, of course, we need people from the counsel office, the Title IX office, Human Resources, the graduate school, my office and the dean of students' office. Again, the idea is not to have folks as consultants, but right there. Otherwise, you waste time. If you don't have the people on the right side, then you can do a whole bunch of things only to discover that it's, say, unworkable. So everybody involved all along the way.

“And total transparency. None of this go off in a room, draft a policy and come out and fight over it. You begin by asking what do you think about X, Y and Z. Over the summer, I looked at 60 of these policies at all the AAU schools. You can go to our web site and look at them yourself. Every one of them has something to say about stuff in the blue boxes. So if you want to find ten comments from policies on undergraduates, you can go and look at that.

“So Step 1 is asking the community to tell us your thoughts about this stuff. And you can see what other schools have done. You don't have to start from ground zero. Then, and you can see a rough timeline across there, obviously, you have to draft some concrete policy. Yes, everything's related, but they do have parts, and so some production of that policy by the full committee.

“And then floating that out there for another period of public comment, like we did with the calendar, where you post stuff on specific questions; it's

anonymous, if you want it to be anonymous, all along the way. And then, of course, you have to come up with some finished policy that has to be voted on, and we would do something with the assemblies. In the end, then, it ends up on the president's desk.

“The end game, you might say it's a little fuzzy, but this is a fuzzy business. I have no idea what this is going to look like in April, but we'll figure it out. I'm personally confident that if we approach this as a research problem, a problem, learn as much as you can about it. There are 1,600 of us and thousands of students all looking at this. I am totally confident that we can figure it out. And other schools seem to have figured it out, too, so why can't we and why can't we do it better than anyone.

“So right now, the policy is a three-paragraph thing in the middle of the faculty handbook, which isn't anything to brag out, but there it is. What we have to do is elevate this to the status of 6.4. Look, the policy library, it's okay. Nothing to maybe brag about; however, if we elevate it to that level, what you are saying is the university has looked at this, it has a certain level of authority to it. And there's a real process for doing this. So that is the end game, is the production of a policy.

“Now, as was mentioned, the tricky connections between harassment and this and, for sure, as we go through the consensual side, harassment issues come up. We will think of better ways of improving 6.4, but 6.4 is also the subject of a review by other folks as well. So a separate policy, don't bury it inside 6.4. A separate policy that is a statement. Other universities do this, and we can do it, too, better, I would say, than anyone.

“So we have time -- Anna, I want you to come up, and we are very happy to answer questions. I guess the big take-away here is do you accept the idea of this strategy. It's a university-level thing, and it will go this route. We have the AFPS committee, and all along the way, those purple faculty will keep that committee totally informed. And then you will follow us all along the way. It is not like going off and drafting something and coming back.”

[Anna Waymack](#): “Quick correction. I think that the 6.4 review is completed. Maybe I'm wrong.”

[Dean Van Loan](#): “Well, these are all living documents. It is endless, really.

"We can use this mic, and someone can --."

[Senator Ted Clark, Microbiology and Immunology](#): "So personally, I'm totally in favor of this process. I think it's a great move forward. I did have a question, though. In terms of disclosure, what would that involve?"

[Anna Waymack](#): "So we are aware that one of the sticking points is that you don't want it to be your chairs or your deans. We don't really care who it is. Dean of students has been floated, HR has been floated. What we want is for there to be some record, so that if issues arise later, there's a paper trail; so that someone knows to reach out to the subordinate in the relationship and check that it's consensual and check that they have access to resources."

[Senator Clark](#): "And would the responsibility for disclosure be on the faculty or the -- ."

[Anna Waymack](#): "So I wrote most of our resolution and, explicitly, the responsibility for disclosure is on the member of the relationship in the position of power, which could, again, at times be the graduate student. I want to be very, very clear that we have already bound ourselves as much as we can to the standard of conduct, except that unlike you, we cannot self-legislate."

[Senator Birman](#): "Just a quick question. So there's a standard of privacy that protects people, and there are people who might not want to be outed in various ways. I am wondering if you thought about -- I completely support any policy that acts to prevent abuse or to punish people who are abusive in any way, but how do you balance that against the need to protect privacy, and in particular legally protected privacy, because we have legal protections in the United States."

[Anna Waymack](#): "If I may, I'm going to turn this over to Nathaniel Stetson, who is the law student who also helped write this."

Nathaniel Stetson, Student: "Hi. So you've actually tapped into one of my personal pet peeves about the free speech debate, so like with free speech, I would point out that while there is some kind of a constitutional right to privacy, Cornell isn't really implicated by that. So it's important to keep in mind that we do have legal protections in the United States, but those aren't really Cornell's business to enforce.

“Nonetheless, you make a very good point about privacy, and especially the privacy of people of vulnerable demographics, and that is why I think it is important that whichever person or office is designated as the reporting entity be an entity that already is bound by some kind of confidentiality. I personally lean towards creating some kind of specific individual office within the Title IX office, but I am personally confident and I think those of us who worked on the policy are confident we can choose somebody who already personally and professionally is bound by some pretty strict confidentiality rules.”

[Dean Van Loan](#): “This is great to bring up these things, but these are all worthy of huge conversations over the next six months, so it's great that we bring these up; but remember, again, like research, we are going to learn about something, then we are going to package it up, assimilate it, talk about it at a large level, so there's no snap answers, of course, right now or any other time.:

[Senator Evangelista](#): “I just wanted to mention that I think that -- well, first of all, to thank the speakers for presenting on this difficult subject. I was a member of the senate when we had the discussion last time, and I think it might be worth reading that transcript, because I think one thing that you would find is -- .”

[Anna Waymack](#): “I have. Our resolution had quotes from it.”

[Senator Evangelista](#): “Okay. The reason I mention it, I think there were substantive concerns about the policy, some people who had principle objections to doing anything at all. The representatives from my department weren't within that group. We actually have a policy in the Government Department of about 40 years now that seems to work pretty well, and it emphasizes these issues of discrepancy in power and so forth.

“What I remember of the resolutions, especially the last one that got such a lopsided vote, is that it was really poorly worded, and that we were constrained for time with our two-minute time limit, with the amount of time we had for the discussion. And as I recall -- you probably know better, since you have read it more recently -- the discretion was given, I think, to the chair of the department to punish the transgression or the non-disclosure, and that is problematic in so many ways; that even if we support the principle of punishment for non-disclosure, it was very hard to support that particular wording.

“So I applaud the process that Charlie laid out, but there are a lot of participants in it, so I would say add one more participant, an outstanding writer and editor,

and then give us enough time in the process to make sure that all of the concerns are aired, so we're not pressed for time to vote in a way that won't represent the spirit of our attitude towards the issue, but will be more a function of the concern about the poorly worded document."

[Dean Van Loan](#): "I just want to say something. We have looked -- I looked at it this morning and went through the transcript. About 15 of you spoke. Let me just run down very quickly concerns that came up. These are topics that we have to address. For example, will a policy chill the overall environment? Will it promote secrecy? Redefine the radius of a professor's influence, not just persons in your class.

"These are things that came up two years ago: Why should the faculty be the disclosures? Why a separate thing for undergraduates? Is there symmetry in punishment for people who levy frivolous charges? Are we undoing the hard-fought work over the last 20 or 30 years for women's rights and the ability to speak for yourself, so to speak.

"What about underreporting? Are we trying to change human nature in a way that's impossible? What about selective enforcement? And we know that 5% of these things have happy endings.

"So these are all things -- we aren't starting from ground zero. There was a discussion. As Matt says, it was extremely abbreviated, and Dan brought up iClicker problems. These things -- and furthermore, that senate meeting, the first half was on harassment; the second half on this. They are related, but for people who are seeing this for the first time, they conflate it and it was not a happy scene. So there were all kinds of flaws.

"We can overcome all this stuff. It is a six-month -- whatever that is. It is a long process, and you will know about it all along the way."

[Speaker Walcott](#): "Thank you all very much."

(APPLAUSE)

[Anna Waymack](#): "Thank you."

6. ANNOUNCEMENTS AND SHORT TOPICS, DEAN CHARLIE VAN LOAN

- a. New calendar, faculty handbook project, 2016 Work-Life Survey, Elections

Dean Van Loan: "This could actually be skipped, and I know Rosh Hashanah starts in an hour or so. Sorry about that, but let me just quickly step -- now it's dead. Maybe we'll just end here. It is dead. So let's just end early. We will pick some of these things up in October. I was just going to talk about work on the Calendar Committee is continuing into the fall in terms of implementation.

"We have a plan for renovating the faculty handbook, which is ongoing. We have issues about the work/life study and the release of data and other things. You can read about it, but we'll pick these up in earnest in October. Thanks."

Meeting Adjourned.