

A MEETING
OF THE UNIVERSITY FACULTY SENATE
WEDNESDAY, MARCH 14, 2018

1. CALL TO ORDER

Speaker Chris Schaffer: "Good afternoon, everyone. Let us get started. Charlie Walcott is out of town today, so I'm Chris Schaffer, the Associate Dean of Faculty, and I will be standing in as speaker today. So first, the minutes from the last faculty meeting were sent around. Asking if there's any objections or corrections to the minutes. Hearing none, the minutes will be entered into the record.

"First item is Dean of Faculty, Charlie Van Loan, with some announcements."

2. ANNOUNCEMENTS – DEAN CHARLES VAN LOAN: - SLIDES

Charlie Van Loan, Dean of Faculty: "There is one announcement, but it's a real important one, so you know the social science review, run out of the provost's office, has been going on for more than a year, and there are different stages. And last fall, three committees were formulated. They are all at different stages. One of them has finished, and that's the one that deals with organizational structure.

"This is very important, because it's going to present a couple different options about how the social sciences could possibly be rearranged on campus, very big and important topic. Anyway, that report's going to be released next week, and I'm quite sure there will be some component of the April senate meeting that will deal with that. There is a website for this whole initiative, and also a way of communicating with them, so that's my only announcement. "

Speaker Schaffer: "Next we'll have Dean of Faculty Charlie Van Loan and graduate student Anna Waymack, who are going to present the initial outcomes of the Consensual Relationships Policy Committee that they have co-chaired over the last six months or so."

3. CONSENSUAL RELATIONSHIPS POLICY COMMITTEE– DEAN CHARLES VAN LOAN AND ANNA WAYWACK SLIDES

PROPOSED POLICY
COMMITTEE WEBSITE

[Dean Van Loan](#): “Most of you know this has been going on. The committee started working in the fall, and it's charged by the president. We have a lot of stuff on our website. There is a rough draft of our policy. It is a five-pager. Don't think of that as the finished policy. It is verbose, because we had to explain concepts; but anyway, there's the full document there. We also have a one-page synopsis, because everybody's extremely busy, and then there are these slides.

“We have done a lot of homework. The committee's met for an hour and a half, eleven different times since November. We had a round of online commenting, revolving around ten questions that we thought were pretty important. That has been up since December. We have gotten lots of great comments on that.

“We have also looked at the comparable policies at 50 different schools, peer schools, to find out how other people handle things. Anna and I are making the rounds. This is our last stop. We have visited all the assemblies and talked about the topic. We have met with all the college HR people, because they are right in the middle of it, and so are the graduate field assistants, incidentally, because they see students and faculty from a unique point. We have met with lots of them.

“Coming up between now and the next senate meeting, we'll meet with every single DGS through the grad school, Graduate Women in Science, post-docs, and others. So we are really trying to understand this incredibly complex issue.”

Anna Waymack, Medieval Studies: “Our committee has representatives from each of the constituencies we could think of, more or less; several of your own faculty members, several administrators who are familiar with this issue, post-docs, which we are excited to have involved. From the graduate and professional students, we've spanned different groups, such as STEM, law, humanities, and we have shamelessly used student labor on this.

“We have made those students comb through those 50 peer institutions' policies to figure out what guidelines there are for different combinations of supervisor and supervisee. For the undergrads, we've had a bit of turnover. A few have gone abroad for the spring, but they have also been very vocal in this. And part of what we've wanted is an informed group throughout. They have all had reading to do.

“Another key part is that we didn't want any one group talking over another, and so we've tried to encourage the basic principles and language around parts

of this policy that impact particular constituencies specifically to come from those constituencies.”

[Dean Van Loan](#): “A key thing here, and I mentioned this back in September, when I first told you we were doing this; nobody owns this policy, nobody. Here is the paragraph on the u-grad scene. They don't own that. Everybody has a stake in this, so it's not a time to be possessive about certain corners of the policy. Everybody has the right to comment on everything else.

“Just a word before we get started, everybody knows this is an incredibly hot-button issue, where you feel strongly about it. It is very personal. It is even more than the calendar, I think, so it's very important to be respectful of other points of view. When I first got into this, I was a total novice, and I tried to read a couple books on it, so here's one that basically revolves around the right to romance, so to speak, and ties it into the 9th Amendment and things like that. That is one point of view that -- when you see our proposal, someone might object on those sorts of grounds.

“Another thing is sort of from the [Laura Kipnis](#), sort of Title IX overboard theory. She is a professor at Northwestern and, simply, when she wrote a Chronicle of Higher Education article, a very scholarly piece of work, she was called up on Title IX charges for creating a hostile environment.

“Anyway, there are a range of views out there, and they are all legitimate. I think when I look back on the 2015 senate transcript, where things went down, some people, you know, they hesitated to criticize the undergrad ban, feeling that they would come across as predators. We have just got to get away from all that stuff. There are legitimate reasons to oppose all parts of what we are going to propose, so we should all feel comfortable in talking that way.

“On the timeline here, we are in period now of, say, about a month of public commenting on the stuff that's on the web. You can post your comments. Every assembly in the senate will do the following: They will vote on the final version of this policy. And stapled to that vote tally will be comments, in any way, shape or form.

“If the senate or students want to have a resolution, fine. If they want to staple together a bunch of paragraphs of reactions, fine. Those five things go to Martha by May 1, together with our final report. Our final report will try to make sense

of what all the assemblies and the senate say. Then, it's Martha and the lawyers."

Ms. Waymack: "So looking at authority and subordinate pairs, what's emerged largely is not so much a concern about consent as a concern about academic integrity, about having everything above board, about not having unfair work environments where there's favoritism, about not having doubt, from the student perspective, cast on our degrees. So we have been trying to figure out how to manage those conflicts of interest with different combinations of authority figures and subordinates, knowing at times graduate students, and even undergrads, can be the authority figure."

[Dean Van Loan](#): "The driver behind this, as you all know, is really the grad and faculty, but we pay attention to -- there are 15 possibilities there."

Ms. Waymack: "So we had something kind of odd happen with all the undergrads on our committee. They came in as a group and were, I believe, nearly unanimous at first that they did not wish to be treated differently from graduate or professional students. And then they started doing a bunch of reading and, on their own, every single one of them turned around and came back to us, after several meetings, again, on their own -- we were trying to stay out of this and hear from them uninfluenced -- came back and said that actually they wanted an undergrad/faculty ban on relationships.

"A lot of our peer institutions base this on age, so we are in the minority of Ivy Leagues that don't have an undergrad/faculty ban. Our undergrads strongly did not want to base this on age. That was infantilizing, they felt, and that wasn't what brought them to this conclusion.

"Instead, it's that, unlike graduate and professional students, unlike post-docs, they don't necessarily come here for a specific course of study. They are coming here for an undergraduate degree, and that is meant to be more wide-ranging. That is meant to have more flexibility; that they may change majors multiple times. I heard from one who changed majors four times. I am a little worried for them, but they don't want a scenario in which they cannot take courses or be fairly graded in a required course, in some program that they want to transfer into, just because they have, perhaps, an ex-partner with a bad breakup, or even a good breakup, the concern of favoritism.

“And they did seem to feel that if we were somewhere where maybe there were more universities available, maybe a five-college consortium or something, it would be nice if we could make this work by having an exchange that you could go take that course somewhere else. We are mostly in Ithaca, and that didn't seem feasible.

“When we ran this by the Women's Resource Center board, there was a variation in the different responses; but the overall consensus was that, since we couldn't financially provide that sort of special teaching for students who might need it, on account of a past or current relationship, that a ban was the next best option.”

[Dean Van Loan](#): “The only Ivies that don't do this are Colombia and Penn; but Stanford, Chicago, Northwestern, Rice, they all have a prohibition on u-grad/faculty. A lot of them talk about undergrads as just not being mature enough and so on, the age. Rice is pretty good. They tied, like we are trying to tie, it to a principle. For them, and us, too, it's sort of conflict of interest.

“There are all these different ratios, and the question then is if it's not banned, then you have this issue about whether one has the capability of affecting the academic or professional well-being of the other. So for example, if you are an undergrad, there's a list, a sample list of the kinds of authorities that could have this power over you.

“Postgraduates, same sort of thing. Graduate students, now, we are back in the arena where all this is really coming from. All those people, and you could add to that list, these authority figures could have a serious impact on the student's academic well-being.”

Ms. Waymack: “Academic well-being, but also looking forward, professional reputation. We have heard from a number of people who have been in consensual relationships, especially ones listed above, and have had it negatively impact how they were seen in their fields, whether that's going at into professional fields from the Business School, the Vet School, the Law School, or in academia, where you get the rumors of oh, she only got the degree because she was sleeping with so-and-so. So that is some of what we are trying to avoid.

“Favoritism in labs, again, trying to avoid. These are the people who tend to control our funding. And when that is so very much up in the air in later years of study, that's not somewhere we want any suspicion of favoritism.”

[Dean Van Loan](#): “So how do you oversee this? How do you decide whether someone has academic authority? A big section of the report, and all the main issues are covered, but the details are to be worked out. Anyway, let's talk about disclosure and recusal.

“Here is a setting: So two people in a field, the professor is way over here, not supervising or whatever, and the professor has to make that known, has to disclose that to somebody, let's say the DGS. Then what happens -- and I'm sure you have probably seen these sorts of things around. So fields, for example, determine support, they determine your academic progress. In those settings, in those meetings, the professor should not be in the room, so to speak. And this has to be made clear.

“There is a blue box there, and this is a hot-button thing here, so we have to be able to bring up issues outside of a department, outside of a field, outside of a college, because there are all too many cases across the country, in here, where things get swept under the rug because there are not enough eyes looking at things.

“So we have a placeholder name for this, which is simply called the 6.X office. We don't know how big it is or whatever, but it has the role of being aware of these sorts of situations. You might be uncomfortable going to the DGS for certain reasons. So there has to have choice in these sorts of arenas.”

Ms. Waymack: “This is something that came through a lot of discussions with students, and seemed to be different perceptions than faculty, where you all would be surprised, for the most part, how much students in certain departments will worry about going to the chair or the DGS, because we know all you all have known each other for ages and are friends or social circles, and we are much more temporary. And so there was a strong sense from students that having an external option for disclosure was necessary.”

[Dean Van Loan](#): “Now I'm a grad TA, I'm helping you run a big course as an undergrad in the class that I have a relationship with. I should tell you about that. So I won't teach that section or I won't grade these papers. So this is another level of recusal. Again, very natural. You don't want to think of a recusal plan as a 10-pager. It is probably typically just a couple of lines, but it makes it clear.

“This is so important to have clarity in this arena, because when things get fuzzy, I don't know what to do, then stuff happens. Again, we feel that we owe you some framework for how enforcement takes place. Lots of details and so on; but, again, we have to think hard about this, to pull off this kind of a structure respecting privacy, confidentiality and so on.

“So in this policy, this is not harassment. The way you violate this policy is you're in a prohibited relationship, say, with an undergrad, or something went awry with the disclosure, recusal plan and you follow through about how those things are resolved. So for example, if you are in a relationship with an undergraduate, then there's sanctions. They always end up on some dean's desk.

“If it's simply you forgot to disclose or whatever, that's another sort of thing, but there's a fork in the road there too. Was harm rendered because you didn't disclose? That is one thing. Or maybe we can sort of solve this thing locally. You want to have it so things don't immediately go to the dean.

“I looked back on 2015. That was kind of the worry. You have a cup of coffee with a student after the seminar, you got to tell the dean. It can't rise to the top levels; because if it does, people are going to be reluctant to disclose and so on.

“We will come back to all these sorts of things, but now we want to wrap up with a discussion of three, what we think -- well, outstanding issues or things we really need to be fully informed from all the assemblies and you. So here's the first one.”

Ms. Waymack: “Concern about chilling the friendly environments in departments, in fields, because a lot of us enjoy friendships in our departments, enjoy collaborations. I have enjoyed a class where we met every week at a bar. That was great. So how do we keep space for that sort of collaborative environment and collegial environment, while also saying that you should avoid certain romantic and sexual relationships?”

“And on this front, on the flip side, we hope that actually this will help in some ways, that if you now have a faculty member inviting you over to their house to talk about your work, it's actually going to be to talking about your work, and there's a more clear-cut line of when things are not okay.”

[Dean Van Loan](#): “On the u-grad front, this other question is do we have to be that restrictive? Can we be less restrictive? Can we do something where -- the

authority thing. So I'm a student in this corner of the university, here's a faculty way over here; that's okay.

“So you might think okay, that sounds pretty good, but then the question is who's going to decide that's okay, and how are you going to manage that? Anna already brought up the thing about alternative instruction. And ask yourself this question: How many faculty are going to be forthcoming about a relationship with a u-grad, compared to a graduate student? So this is very much on the table, but if you feel that we should have something less than a ban, you sort of have to tell us how is it going to work. That is a critical sort of thing.

“Dual to this is the grad thing. There is quite a bit of sentiment out there -- well, you should speak to that.”

Ms. Waymack: “Informally, it looks like from the Graduate and Professional Student Assembly, that that body, by about two-thirds, favors a ban, not just on committee member grad student, DGS and department chair and what not, but the entire field. This is something that we are going to have to seriously discuss, and I hope that discussion happens here.

“It is difficult, because that's where we see most of the people we encounter while we're working on our dissertations; like what is a social life? One of the points that has been raised, and many of you may have seen the letter to “The Cornell Sun” this winter, being a graduate student in the Harvey Weinstein world, when grads come in, they don't know who they are going to work with, and you don't want to preemptively rule out certain faculty members and certain subfields of study because they have had a relationship with that person.

“Our logic for not doing a grad/faculty entire ban, as opposed to undergrad/faculty is because grads are on a much more narrow trajectory. Medieval studies, if I want to take a course in the Hotel School, and it turns out I can't because I had a relationship with the professor, that's kind of just too bad for me. That is not integral to what I was accepted to Cornell to do.

“And then beyond that, people in the same field serve as both formal and informal references, much, much more than people in outside fields, so those are some of the questions going into this broader issue. We would appreciate feedback.”

[Dean Van Loan](#): “That is it. So we have a nice 20 or 25 minutes for Q&A.”

Ms. Waymack: "Have at it."

[Speaker Schaffer](#): "If I could just remind everyone to please give your name and affiliation at the start of your question. So questions and comments for these folks?"

[Senator Thomas Björkman](#), Horticulture: "I think focusing on the power relationship was very helpful. I tested this with my faculty to see what their response was and, overwhelmingly, people said oh, this terrible power situation could have been avoided, had this policy been in place; so my sense is that putting it that way really worked very effectively, that that was what people focused in on.

"And also with regard to the last question, we assumed it meant the whole field, when we were having the conversation, so that seemed like the obvious thing; because we do have a relationship among all the people with power, so that's how we interpreted it in the first place."

[Senator Ken Birman](#), Computer Science: "Speaking for myself. My colleagues, I raised this with them, but they're not in uniform agreement on this.

"I think that we absolutely do need a policy, but I don't like the form that this policy is starting to take. The reason is because I think it's simultaneously too broad and too narrow. I prefer the form of the conflict of interest policy, which enunciates a broad principle. The one here would be that people should not be coerced into relationships, people shouldn't be subject to abuse, which could be outside of sexual or romantic situations. There shouldn't be bias in decisions that could be academic, which could cover favorable or unfavorable letters of reference, for example.

"Then separately, there's a document that describes examples of application of conflict of interest, but because it's a separate document, you can't understand it as the exclusive rule, and seems to me, as you have written this, you entrap people who are in loving relationships and who might be in relationships where it would be very awkward to disclose them, for whatever reason.

"I am opposed to that; I think it's intrusive to privacy, and I think it's harmful to the individuals who will just hide the relationships, so creates a new class of sort of forbidden behavior, illegality. We heard the dean of the faculty talking about punishment.

“So I would recommend we do move forward, but I want to ask that you consider redoing this as the conflict of interest policy was done, as a statement of principle, and to say that is the policy. And then, as a booklet of examples, and you could say this is a non-exclusive list of examples. Thank you.”

[Dean Van Loan](#): “A couple things. Remember where we are. This is a document, we are calling it the rough draft, but it attempts to not only lay out a couple concepts, but also a little motivation, so it is not the finished document. We fully expect to have -- there is going to be a lawyers' version, there is going to be our version for faculty, so we can understand it, a bunch of FAQs, FAQs for chairs, FAQs for students. So there's going to be the surrounding document that you mentioned.

“In terms of examples, the little et ceteras in there, what we have here are just canonical examples to get you thinking. I wouldn't assume that if something's not on that list, we're missing something.”

Ms. Waymack: “It is worth giving the background, by the way, that this has been a contentious issue among the committee as to whether or not we give examples. And for the people most strongly opposed, I would actually suggest you email Kareem in the Title IX office, but there's a very sincere concern that if we give examples, it will be limited to those examples, rather than taken as starting points.”

[Dean Van Loan](#): “And we did talk to the -- there's a whole separate thing, when money is the issue and disclosure and so on. We talked to that office about how to do things. Yes, there's a core policy, principles and all that stuff, and then surrounding things, and it's a continual education job, in other words, when a policy applies to me or it doesn't.”

Ellen Harrison, retired from Crop and Soil Sciences. “I want to thank the committee for what's obviously been a huge amount of effort, and a very open mind. I would like to speak strongly in support of the ban on undergraduate/faculty relationships. When I talked to people outside of Cornell, including parents of undergraduates, they were shocked to find out that it's not off-limits now.

“And I think some of you were here when I gave a short talk about my having a consensual relationship as an undergraduate. Nobody was coercing me, and it

was something about which I felt so much shame in later years. It was just the power was so seductive, this powerful man wanted to screw me.

“I also recognize that it's more nuanced when you get to graduate students, post-docs, because you are in close relationships, potentially leading to true love. We have to remember that half the marriages end in divorce. Probably more than half of those true love relationships will end up breaking up, and that's a danger to particularly the subordinate.

“I think that having a ban on anybody in your field makes sense because, as we say, committee members change over time, and that's going to perhaps in the future be reviewing your grants and et cetera. I think the disclosure, we need that, because there are cases in which it is going to happen or people want it to happen. I think that disclosure, as it's written, is way too weak.

“Basically, what do you think? You think people don't have rumors flying? How come he's spending so much time with her? How come she got the grant and I didn't? How come? So rumors are going to fly. I think disclosure needs to be open. It's not just disclosure and we're going to figure out how I'm not going to be on your review committee. It needs to be disclosed, so the community knows. And that actually protects the subordinate.

“So in the future, when -- on an NSF panel, the authority is reviewing and says her work is really not very good, if everybody knows that they were together and they broke up, they probably won't ask him to review her grant. I think disclosure has to be open, and I gather that there are maybe some cases -- if it's embarrassing, then don't do it. If you have a wife and you don't want her to know that you're having an affair, then don't have it.

“I also think secrecy is just a big mistake, and it needs to be open. There may be cases in which the student is from a country in which it's illegal, you could be killed for being gay, fine. Then you have a mechanism in which you try to figure out how not to have that open and disclosed; or maybe it's within the community, because don't think people don't know. They do know. Thank you.”

[Dean Van Loan](#): “In all these things, in terms of disclosure, it's like a dial that has to be set. If you set it too low, everyone says it is too weak. If you set it too high, no one will disclose. Our job and where you can come in is help us set that dial at the right point.”

[Senator Mike Mazourek](#): “Member at large, a DGS also, so supervise groups that work in field programs, and we have a lot of temporary help coming in and out, students in hierarchical relationships based on seniority over time, in the graduate field. We know that faculty members come into the field, our students go find minor fields, so I think in these is going to be a lot of things that -- scenarios that may just kind of weren't in place.

“But there's the potential conflict where someone comes into a field or someone wants to join a minor field, and just thinking about managing those. And also, there's relationships. With the summer programs, I don't know what all goes on, but there's also kind of occurrences that may happen between students, grad TAs and students in the class, the graduate students in a graduate-level class that later someone is finding them in the position to maybe be the graduate TA for someone differently a couple years ago.

“So in this, I think there's also a lot of different ways where someone might have a conflict of interest, where maybe they shouldn't be grading someone's -- maybe they owe them money, who knows? But I'm wondering, as we look at how these are disclosed, sometimes there might be places where they don't necessarily want to tell the immediate authority over them, and so -- or how can they manage that?

“And also, are there ways in the disclosure process to be able to just simply say, you know, I don't think I should be a TA for this lab section. There is some folks in there, where it's probably not a good idea for me. And there may be scenarios that are best resolved that way, versus well, here's why.”

Ms. Waymack: “I am hoping disclosure will capture a lot of this, where it's just like hey, I shouldn't be grading this person's work. I am hoping that we have built in enough redundancies where people, if they don't feel comfortable disclosing to the professor they're TAing for can take the different avenues. Financial conflict of interest is not something we have purview over.

“Would you see that last example you gave as just telling someone hey, it would be a bad idea for me to TA for this as being precluded by our policy? I am a little confused there.

“I heard a yes. Okay. Then that is something we should work on.”

[Senator Mazourek](#): “And I guess it's to what extent to identify that I shouldn't be evaluating this person because of something that happened a couple years ago. And so I guess -- it seems under this policy, by disclosing that you have a conflict of interest, you are kind of characterizing the nature of why you can't grade this student's exam. TAs should have the option of saying “Professor, could you please grade it? It is complicated, don't want to get into it, but you should please grade them, versus it having to be like hey, according to like the 6.X, I can't grade them, so you are saying you have/had this relationship with this person-- and who knows how many -- it could be very complicated things that no one really wants to know specifically, and there are ways to avoid.”

[Senator David Delchamps](#), Electrical and Computer Engineering: “Thanks for all your work on this. I want to address some of your burning questions directly and very briefly. First of all, the disclosure mechanism, mechanisms, whatever, I think are kind of kludgy. I haven't had time to process it all. It really feels in some ways like invasions of privacy, but I'm open to think about that.

“Regarding question 3, for example, in our department, and I think in many other departments, I'm allowed to go to anybody's exam and raise a flag, if I want, if I think this isn't a thesis, in my graduate field. So I think of everyone in a graduate field as having a radius of authority that encompasses every graduate student in that field, so in terms of the radius of authority thing, I think Number 3 is probably good. We probably should have that more restrictive thing.

“On the other hand, with all due respect to Professor Harrison, I disagree about Number 2. I think -- I object in principle to a ban on a relationship between person A and person B, solely on the identity or membership status of person A and person B, with no reference at all to the relationship between them. I read through the policy many times, and I scratched my head. I think the connection with principle, with academic matters is tenuous and tortured. I don't think the logic works. I see a therefore, and I don't see where the logical link is.

“And I haven't looked at the Rice thing. I will, Charlie; but honestly, that really, really bothers me. It sounds like a miscegenation law to me. It sounds like a law that says we don't allow relationships between these two races because it is a crime against nature. It is that broad and that tenuous, so I object to that one, and I think you should loosen it.”

[Dean Van Loan](#): “As I said, there are well-reasoned arguments on the other side, and we want to hear them all.”

[Senator Wojtek Pawlowski](#), Biology: "So I also wanted to speak in favor of the issue you have on the board. I think that fields are often very small at Cornell, and a general ban, at least strong discouragement of any relationships between faculty and graduate student, I would be in favor of that.

"But I also have a question; how well are you going to define what constitutes a romantic relationship? You mention a faculty member going to coffee with a student. I realize the line may be fluid, but I think that would help to define it, if for nothing else, to stimulate proper behavior and discourage improper behavior."

[Dean Van Loan](#): "Yeah, we have a couple of lines in there on what is a consensual relationship. You look at other policies, they attempt to do it, but it is so -- it's almost intractable. The only thing you can do is examples; but again, there's always a danger you left something out."

Ms. Waymack: "If you find a good example of language on this, can you please send it our way? Because again, reading through 50-plus policies, and we're really bad at this.

"One note related to that, and this is largely coming from the undergrads, we have tried to be, even if we found it difficult to define what a romantic or sexual relationship is, sexual less so, we have tried to be very inclusive in our language, without being specific as to gender throughout, without being specific as to how many parties there are in the relationship, and without any reference to sexuality."

[Senator Risa Lieberwitz](#), ILR. "Sorry about the hoarseness. I want to agree with what [David Delchamps](#) said before about the premise in the undergraduate policy. When I read it, I wrote next to it "false premise," and that the conclusion, then, for a total ban was based on a false premise, which means that the conclusion doesn't flow from the reasoning.

"It really is tortured logic to say that some faculty responsibility to make sure that people have their freedom to pursue their academic and professional interests means that necessarily, faculty who choose to engage in a romantic or sexual relationship with an undergraduate calls into question that relationship -- I mean that responsibility. There is no reason to believe that's true. I heard the reasoning that you gave, but it's not at all persuasive.

“And so then, that leads to the conclusion for a total ban doesn't hold water. I think it simply is a way of trying to avoid saying what it is, which is simply there's a normative decision that there's something wrong with this, and that people's choices should be limited because it's better for them.

“And I think that is infantilizing. I think it is an antifeminist position to say that women and men do not have agency, but women have fought for agency for a very long time, and I'm not happy to give it up. I wouldn't have been happy as a student to have people tell me what I could choose to do, because this discussion is as if the students have no choices, right?

“Oh, well, if a student engages in a relationship as a graduate student, then this will affect what they can do elsewhere. Well, the students have choices and the faculty have choices, and there are ways to deal with power relationships for undergraduate students and graduate students, which is what our originally policy and existing policy does. It deals with conflicts of interest, and I think this is insulting to all of us to engage in this kind of blanket prohibition on people's choices.

“I also agree that this disclosure provision is an invasion of privacy. I think it degrades us to tell people that they have to disclose their consensual relations. And the enforcement provisions have, as far as I can tell, no due process involved in them. There are sanctions imposed, then the possibility of an appeal.

“Then finally, this does not belong in, either alongside or with a sexual harassment policy, because the sexual harassment is wrong. It is defined in a particular way. We are talking about consensual relationships here, and I think we should be honest about what we are doing here. In a consensual relationship, we are just telling people you cannot do what you want to do mutually. I don't agree with doing that, but I think that's what we are doing here.”

Ms. Waymack: “We are coming at undergrads and agency differently here, and both wanting to preserve undergrads' agency. Can I ask if you would be willing to write up your concerns with the rationale, so that we can pass it along to the undergrads who reached this decision?”

[Senator Lieberwitz:](#) “I can write it up. It will also be in the transcript.”

Ms. Waymack: “Thank you.”

[Senator Lieberwitz](#): “We have a transcript of this meeting. I mean, I can write something up also, but it is in the transcript.”

Ms. Waymack: “I would like to make sure they follow your argument and, hence, I want to make sure they have that information fully available to them in perhaps more space than we have now, since that would answer, to some extent, not infringing on the undergrads' agency.”

[Dean Van Loan](#): “Do you believe there's a problem with these relationships, and coercion, people afraid to come forward and take steps to protect their own academic future and so on? I mean, do you feel it's a problem? And if you do, there's some -- if I'm your advisor, I assume you would say that's not right.

“But how do you decide whether you are in a radius of authority or not? How is that going to be determined?”

[Senator Lieberwitz](#): “Well, there are choices of how broadly to determine that. It can go from while you are teaching somebody, for example, as opposed to somebody you're likely to have as a teacher in the department. I would tend to be narrowing my view, but that's something we can discuss.

“But I don't think there is a problem with consensual relationships. That is what makes them consensual, is that people consent with each other to have a relationship, and so I think what we have here is a slip slide into calling it consensual, but interpreting consensual as bad; and therefore, inherently coercive. And if that's what people think, that's what they think, but then it is not talking about consent.”

[Senator David Zax](#), Chemistry and Chemical Biology: “Some years ago, I had a graduate student who got pulled into an academic integrity hearing because the person who was being accused said: I had a relationship with this other TA in the course, and essentially managed to delay the proceeding long enough so that the person graduated, without any -- so the question that I'm sort of wondering about, and it's kind of inchoate, I understand that, is to what extent is this weaponizing somehow accusations against people of authority who may not have any defense on the simple statement that this person, for example, didn't file the disclosures?”

“How does one deal with that in this kind of situation, where somebody might be up on an integrity hearing and have a need to delay things somehow?”

[Dean Van Loan](#): "Again, that slide with the different procedures and so on -- these are excellent questions, like can a tenure case be derailed at the last minute because of something coming forward, whatever. So these are very serious details, and that's why we need advice about that, but that's an excellent sort of point. We haven't gotten into -- we can't produce a two-column table which is infractions and what to do about it, but we have to guard against those sorts of things."

[Senator Vicki Meyers-Wallen](#), Biomedical Sciences. "I really respect you, Risa, and -- but I disagree. I think we've had problems in my college with both consensual and nonconsensual relationships, and I don't think there's a problem - - if there is a consensual problem, the problem is who consented and when. It is just like saying is it okay to have sex or isn't it. So if you don't really get a yes or a no for sure, how do you know it's consensual?"

"I think if two people have a consensual relationship, and both of them have agreed to that, they're not going to have a problem with making sure that that doesn't affect the professional career. If I was in love with someone, and I was the student, I would expect them to look out for me and say I want to make sure this doesn't hurt your career, so we're going to do this and we're going to do the right thing. And I would hope a Cornell professor would have the professionalism to do that. I expect that from my colleagues. I think it's also a question of being professional.

"Second of all, I do think this does have something to do with harassment, because the way things are now, there could be a consensual relationship, or at least someone could think it's consensual. The other person may not, may feel coerced and not say so. That is their problem, yes; but you know, what happens is, in that situation, is the person, they break up, and then the person who was the subordinate ends up filing a suit because they feel they have been harassed, because they never actually really consented to it, but that was really never clear.

"So we all know that relationships are complicated. You hope that people will discuss things freely and honestly with each other, but they often don't. Everybody has their own thing. So I really feel, as a professional mechanism, that what you are doing now is really, really important, and I congratulate you for doing this. I think it's overdue, particularly from what I have seen.

"I don't think we are going to have a problem with it. Consensual people will say yes, it protects us both. That is what we need to do. And it also protects

Cornell, honestly, from a lot of harassment issues that shouldn't have been there in the first place. I hope that you would go ahead with this and bring us a final document, because I think it's really needed."

[Dean Van Loan](#): "Just one more point; it's really -- also not just about two people. A perfectly consensual relationship can destroy the learning fabric of a lab or a class or whatever, so it's not just about two people.

"I think we're at the end here. Anyway, thank you very much. And again, one of the most important things you can do is make sure that, in your department, you have a real serious discussion about this over the next couple of weeks."

Ms. Waymack: "And if you have objections to some of the proposed bans, please give us language in writing that we can pass along to the relevant groups elected by their constituencies, so that we are not making sure that students have agency by imposing our will over theirs. Thanks."

[Speaker Schaffer](#): "Next I would like to invite [Risa Lieberwitz](#) up, and she will begin a discussion of issues of shared governance and the role of the faculty senate here, and then we'll take some time for a broader open discussion.

"Okay, we will have [Richard Bense](#) first."

4. SENATE + SHARED GOVERNANCE: OPEN DISCUSSION- [SLIDES](#) – SENATOR [RISA LIEBERWITZ](#) AND SENATOR [RICHARD BENSEL](#)

"The discussion will revolve around the focus questions below. Before and after the meeting you can anonymously post comments on these pages.

[Focus Question 1](#). How do you interpret what the University bylaws say about educational policy oversight?

[Focus Question 2](#). What does that oversight imply about educational programs between Cornell Tech and an Ithaca campus unit?

[Focus Question 3](#). Why does the 2016 Work Life Survey reveal faculty skepticism of the administration?

[Focus Question 4](#). Do we need to revisit what Senate committees do like the [EPC](#) and [CAPP](#)?

[Focus Question 5](#). Are sense-of-the-senate resolutions the best way to communicate faculty thinking?"

[Senator Richard Bense](#): “My role is to introduce the topic of university governance and the importance of the faculty senate in that governance. In the handout you have survey results on faculty confidence in the central administration. My introduction concerns why it is important that we discuss, in particular, the current relationship between the faculty and the central administration. The faculty are our constituents, and they are not happy.

“In 2016, the date of this survey in the middle question, 52% of tenured or tenured track faculty reported that they had little or no confidence in decisions made by the central administration. That bears repeating. Over half of the constituents of the faculty senate had little or no confidence in the central administration.

“Eight days ago, I went to the presentation and discussion of the faculty work/life survey. All of the questions were discussed, except the ones on the page in the handout. When they came up, when those questions came up in a Q&A, the presenter said she did not know how to interpret the responses.

“My reply was that interpretation was not difficult, because confidence is a term the faculty are very familiar with. Indeed, the term "confidence" is the central word in what is perhaps our most important power: whether or not to support a motion of no confidence in the central administration.

“But that is only one opinion. What is more important today and in our next session is that we should discuss what is wrong and what is right in the current state of faculty/administration relations.”

[Senator Risa Lieberwitz](#): “Well, thanks. I am really glad this is on the agenda. I am pleased that the [UFC](#) decided this would be a good discussion. And so the idea here is Richard, I think, raised the important question about the rather striking lack of confidence expressed by more than a majority of the faculty in the decisions by the central administration, and there's the question of whether that relates to the governance process and how it's working or how it isn't working.

“So we thought that -- we, meaning I have talked with Richard and with [Eric Cheyfitz](#) and with [Matt Evangelista](#), and the four of us suggested that we put this issue on the agenda for today. And one of the things we were wanting to emphasize is what's in one of the handouts that you have. I guess there's

actually two handouts. I brought my own, because I can't read the little tiny writing that you had.

“But sometimes we talk about governance documents without actually looking at the language of those governance documents to remind us of what the governance power is of the faculty and what authority we're given under the bylaws and under agreements that the senate has reached with the administration. And so this is a conversation that we keep having about governance and whether it works well, but the reason we keep having it is because we keep having problems with it.

“And I think sometimes people say oh, no, we're going to talk about that again. Well, yeah, we need to, because we keep having problems that need to be addressed. So I just want to talk for a few minutes, and then what we're hoping is that there's a broad conversation about this in the senate. We are also hoping that in April, we can get down to cases and think about some of the current and upcoming issues and our expectations for the way that good governance will work.

“The first reminder of governance, official governance documents that we thought we should really focus on in the bylaws of Cornell University, in Article 13, Section 2, and I think everybody's got that, and it states that one of the functions of the university faculty shall be to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature.

“In that, there can be discussions about the scope of what must be discussed, but it's quite clear that the university faculty is to be central in matters of educational policy and, where it concerns more than one college, then the senate representing the university faculty should be involved.

“The other document that we wanted to review, because we talk about it a lot, but again, we really need to look at the language, was from 2000. I was involved in the [UFC](#) at that time, when we negotiated with the university administration, the president and the provost for this document.

“And the document doesn't just come out of nowhere. It came out of strife and conflict that we were having at that time about unilateral decision-making that the university was engaged in, without consultation with the faculty senate, and we were very close to a no confidence vote at that point.

“What saved us from it was this agreement that was reached, and this would have been Hunter Rawlings and Biddy Martin. Hunter Rawlings was president. Biddy Martin was the provost at that time. I just want to call your attention in particular to Section 6 of this document, that lays out a protocol, and it's an agreement, again, between the administration and the faculty, for the way that good governance should work.

“Some of the key aspects of it has to do with time, so the first sentence says that to have meaningful factually governance, we need adequate time to consider issues and development of recommendations. And that, of course, is time dealing with matters of educational policy affecting more than one college or unit.

“And to that end, there's an agreement that the administration will not reach final conclusions or take action in major multi-college educational policy issues until the normal steps for securing faculty input, including reasonable period for relevant senate committees to act over subsequent deliberations by the senate to occur have been complete. So it is a notion of being early enough in the process.

“It calls for at least two consecutive meetings, regularly scheduled meetings of the senate, for the senate to deliberate about these kinds of issues. And it does acknowledge that sometimes you have to act more quickly, but that those are the anticipated unusual situations, where some other process could be put into place.

“But another aspect of this agreement was that in this agreement, it's recognized that as early in the process as possible is when consultation should take place. Even though it's clear the university shouldn't take a final decision until deliberations with the senate, the idea is to act early, so that we can be involved from the ground up, when the ideas are being developed, as opposed to when a proposal's been put together, and then we get to say what we think about it.

“That was in 2000. And since then, we have had various problems with the university acting unilaterally. And then in 2015, there was this other resolution you have a copy of. And in that resolution, it calls on the university administration to comply with the bylaws and to comply with these principles of cooperation and consultation between the president and the faculty senate.

“I also want to call your attention to -- there's a 2007 report that we did on faculty governance. I was on that committee, as was Eric, and this was a committee put together by the faculty senate to look at and review problems that were

occurring in governance. In the appendix in that, we have a series of narratives about situations where governance went well, as well as situations where it didn't go well.

“For examples, historically was the division of Biological Sciences and that reorganization, where there wasn't consultation. Something that did go well was faculty governance involved in salary increases. FACTA was put together with good faculty governance, eCornell started badly, but once we, in the faculty senate, really demanded to be part of that process, it did go well.

“But we also have more recent situations to think about. Cornell Tech was done without any faculty governance. The new College of Business was announced without any faculty governance, the recent Milstein Technology and Humanities program was done without faculty governance, so this is an ongoing issue.

“And it seemed like a good idea, when we're not right in the moment of crisis -- hopefully we won't see another one -- but we're not right in the middle of a crisis that I know of, to talk about these issues.

“And we were hoping to have a full discussion of the kinds of expectations that we have of a good governance process, which will also have various benefits:

“One, will have the benefit of encouraging people to engage in faculty governance, because they will think their engagement matters. And a democratic process that has full consultation, we believe, also will lead to better decisions, because we know something about educational policy, and that's why we should be central to that consultation.

“I will just end with what I found to be a discouraging note, even though I usually like to end on a positive note, which is when the new College of Business was being formed, when it was announced, I was on the [UFC](#), and the [UFC](#) was called in by the provost, by [Provost Kotlikoff](#), to tell us they just announced the formation of the new College of Business.

“And we asked, well, why didn't you consult with the faculty. And the response was because we knew there would be opposition.

“The university went on to say, well, actually, there was no educational policy involved in the formation of the new College of Business, which I would take at best to be disingenuous. So I think we have to take this seriously and to know

that there will be other problems and that we should anticipate them and say what our expectations are and how we should deal with them.

"All right, thanks."

[Speaker Schaffer](#): "We have a little over 20 minutes for questions and comments. Why don't we start here."

[Senator Richard Miller](#), Philosophy. "I think we're at a time when there are transformations at Cornell that are controversial, in which many people in the faculty are unsure that we agree with our blessing, in some sense, the president and provost; but ultimately, they're employees of de facto the executive committee of the board of trustees.

"I will mention some: The diminished resources for the Humanities at Cornell, the increased influence emphasis on entrepreneurship at Cornell, the impact of the budget model on education at Cornell, and I'm sure people can think of others.

"I think it's very important that the faculty be able to learn from one another across the university and, if possible, form a consensus and speak with an independent faculty voice in these matters. I am disappointed at the absence of this process in the faculty senate, because I think this is the place. Online is no substitute, committees are no substitute. This is where faculty throughout Cornell encounter one another.

"I also think that this is not just an issue of governance. I happen to think it's not primarily an issue of governance, because all we're given is consultation. And honest people listening to us in a consultation can do what they were going to do before. It can have no impact.

"It seems to me that our impact is primarily through public opinion at Cornell, and even around the country, when we speak with an independent voice, when we formed that reasoned consensus. I would like to make some suggestions that I think might advance this process.

"I think it would be very valuable if the [UFC](#), consulting with us, could identify issues that are of concern to the faculty on which we don't necessarily agree, but which are about education at Cornell, as a whole. I mentioned three, and I'm sure that there are others.

“I think it would be very valuable if, through ad hoc committees or standing committees, if these very giving people have the time, there were discussions of these issues, we were able to read reports of these issues of views of that committee on these issues, and then able to discuss them.

“I think discussion means a discussion in which there's a strict allotment of time to the people in front of the room, including administrators, of course, and a generous allotment of time for that general discussion.

“I think that it would be very valuable if, when a resolution is appropriate, there would be a vote in the room, through clickers and raised hands, because our impact, and impact primarily on public opinion, and that rapid feedback and understanding of what we have and haven't agreed to is, I think, important to that process.

“Finally, I'm very glad, I think, to have witnessed revolution -- where is the revolutionary? There, Michael -- that I think would advance that process. Two minutes is a good advisory limit, and I'm sorry that I've gone beyond it, but I think it should -- well, I don't always take advice, and I don't think we're used to that too. I think it should be an advisory limit, though of course, the chair will sometimes have to ration time and should always be sure views are voiced evenly on two sides.”

[Senator Ken Birman](#), Computer Science. “I like the direction that these recommendations are going, with one exception. And in fact, [Dick Miller](#), touched on it. I think it's very important that the senate, as opposed to the [UFC](#) or other subcommittees, be the consultative body. I like the fact that we have organized subcommittees that we delegate some tasks to, but not that they should appropriate decision-making power or start to view themselves as the sort of primary channels in a dialogue with the university.

“I think that that puts individuals in situations where they may think of themselves as being special and, in fact, they are representatives of the faculty, just like we are representatives of a much larger faculty. So as much as possible, I think that the principle has to be that we're given adequate time for questions to be brought to us, for us to relay them to our colleagues, and to bring back consensus and have that type of an engagement with the broadest possible group of faculty.

“And for that purpose, I think that our subcommittees and the [UFC](#) really need to take to heart the advice that they merely assist us in this process. They do not have any form of special right, relative to anybody in this room or, for that matter, anybody who's not in this room, who wants to come and join us.”

[Senator Dan Brown](#), Department of Animal Science: “A lot of this discussion deals with the direct influence that the faculty have, through the faculty senate, university senate, on policy as a consultative body, but I want to remind you that we have an influence. And in other ways, while a University Assembly, as it was first created, was not consultative; it was legislative.

“And that's the language used in the charter. Its authority came directly from the trustees. It was not subordinate to the president. The president, if he did something crazy, they could veto it, but there were many realms of university activity that the president could not put through without permission of the University Assembly, things like judicial codes, including at that time sexual harassment and other such things, the clinic, religious and ethical studies, all parking and transportation issues; the University Assembly was primary on that.

“Now, if they gave everybody a Segway to ride around on, certainly the president would set that aside to think about, but the idea was that there was not a unified executive. The president and the administration had some authority, which they collect consultative advice, but there were certain areas of the university that were absolutely under the legislative authority of the University Assembly.

“This body had representatives on that, that are very active, as well as employees and students and so on, but the trustees originally set that up as a legislative, which made it very unusual in shared governance nationwide, because they were actually making the policies for the university.

“I have the sense, correctly or not, that the University Assembly's been somewhat defanged over the last eight or nine years. They have always had the authority or the ability to consult on anything that came to their mind, but they had absolute legislative power over certain areas. The clinic, for example, they would have had to approve the stuff that's gone on there, and so on.

“We have influence or potentially have influence -- I don't know what the current status is -- beyond what the university senate does itself, through perhaps stronger bodies, like the University Assembly, that were chartered to

actually make policy, not just consult about it. I just want to remind us that we do have that channel, I think, unless it's been pulled by the trustees. It doesn't come from the president."

[Speaker Schaffer](#): "Thank you, Dan. This is [Chris Schaffer](#), Associate Dean of the Faculty. And just to comment on that, there are four seats on the University Assembly for faculty members, two of whom have to be senators and two of whom have to be non-senators. Am I right; all four of them are coming up for -- at least three of the four will be coming up for new appointments this term.

"I chair the Nominations and Elections Committee, as associate dean of the faculty. I would very much value input from either people who are interested in being considered for one of those seats themselves or who would like to suggest their colleagues; that I agree, that strong faculty presence on the University Assembly could be one way to address some of these issues."

[Senator Eric Cheyfitz](#), English Department, the American-Indian Indigenous Studies Program: "As [Professor Lieberwitz](#) pointed out, one of the people that brought this concern to the faculty senate. This usurpation of governance by administrations, of course, is going around, around the country, and is part of a general corporatization of the university. So Cornell's not unique in this, but it could take some kind of lead in pushing back; say that first.

"I think also, the integrity of the senate's at stake here. We are empowered by the bylaws, [Article 13, Section 2](#), to act in the matter of educational policy before it comes to the administration. That bylaw makes it clear, and we ought to be upholding that bylaw. If we don't uphold that bylaw, and this is a central function of the senate, then we are effectively undermining ourselves and we are undermining our image in the rest of the university, so I think that's extremely important.

"In 2015, [Professor Lieberwitz](#) mentioned the resolution the senate passed by a large majority compelling the administration to abide by [Article 13](#) and the [principles of cooperation](#).

"And we listed in that resolution -- everybody should look at it -- examples of what educational policy include, which included a budget decision, which included Cornell Tech, which included Qatar, which included MOOCs, which included Engage Cornell; and then subsequent to that resolution, the Business College and, most recently, the Milstein program, which puts \$20 million into a

particularly targeted group of undergraduates to meet up with Cornell Tech at a time when -- at a time when the Humanities are being underfunded and when a discussion about where money should be going is extremely important.

"I think it's time for the senate to stand up, to assume its responsibilities, and to make sure that the administration abides by the bylaws as well. They never responded to resolution [107](#), I think -- or 105. I am not sure which it is -- but the [2015 resolution on governance](#). And they should have responded.

"It says when a resolution is passed in the principles of cooperation, that the administration's responsibility to come to the senate and say why or why not they are going to abide by that resolution. We have never had a discussion with the administration by what exactly they mean by educational policy.

"This is a university, after all, and there isn't much that goes on here that isn't educational policy, and certainly, the programs cited are educational policy. So I think it's either we stand up for the part we are empowered to play in the university, or the effectiveness of this body has been effectively undermined."

[Speaker Schaffer](#): "Any other comments? For this discussion, we had a few questions up here to kind of guide some discussion. I think we touched on aspects of the first three. And the fourth is very technical, but I would be interested to hear if there are folks who have ideas of approaches the senate might take in trying to make the faculty views clear."

[Senator David Delchamps](#), Electrical, Computer Engineering: "Currently the chair of the [Educational Policy Committee](#) of the senate. I look at your questions, I think it's really important to understand what one means. I think it's really important to hear all kinds of viewpoints on what is educational policy. I certainly buy in to a lot of what Eric says, and some of it I'm not quite so sure about, whether it falls under what I consider to be educational policy.

"I think also, the full senate needs to hear about things early and participate in them. And Ken, you said the special committees shouldn't have any special powers or something. Well, I do think they have special responsibilities.

"An example of that, for example, the syllabus thing. We, the [Educational Policy Committee](#), and I think [Rob Thorne](#) can vouch for me, thought that's a motherhood kind of thing, it's a very positive thing, and we had no idea that folks would object to it. And so it was on us to bring that to you guys, rather

than let it go through. It wasn't like we were trying to go under the radar or anything. It was just that it seemed so wholesome, you know. But we need to hear from you about things you don't think are wholesome and that sort of thing. "First of all, we have to decide what it means, what educational policy means. I don't think it means everything. I don't think it means everything the university does. I honestly don't think that. [CAPP](#) versus [EPC](#), if you look at the charges, it's hard to tell what's a [CAPP](#) thing, what's an [EPC](#) thing.

"And you look at the history, sometimes balls get thrown between the two committees, and there's plenty of history where the administration tried to run interference on things that are sort of relatively minor, but are clearly the senate should weigh in on, by confusing the two committees and saying well, it's their job, it's their job, and then no one got a word in.

"There are other cases where the administration put something through and, at the beginning, they said we're going to consult with you, [CAPP](#), and they consulted for a while, until they decided it was inconvenient. And then they said well, we've discovered that this is not under your purview, so we're going to do it.

"And these are incidents that really bothered me and bothered those who -- like [Thom Cleland](#), I don't know if he's here, but he chaired [CAPP](#) for many years. And he had to endure that kind of treatment from the central administration on repeated occasions, so I really think we have to send a message somehow, and I don't know what the message is going to be.

"I think the bylaws are a little bit fuzzy and ambiguous. I honestly -- because basically, if you sit down with, say, a vice provost or two and talk about what educational policy is, you'll have all this nitpicky stuff, well, is this policy or is this something else.

"And I think we tried to do that once, we tried to have a committee to talk about this issue. Never got anywhere. You were there, [Bruce](#), right? And why didn't we get anywhere? Well, May came along, and everyone disappeared for the summer. That is what happened. And the administration breathed a sigh of relief. That is the feeling I got. So I really think we have to stand up and talk.

"And by the way, we do have teeth, the senate has teeth on one thing and one thing alone; and that is whether to grant a degree. And we exercised that right when the Weill Cornell med dean and a trustee came and basically groveled and

pleaded with us to give an honorary degree to a big-time donor, and we refused, because Cornell does not give honorary degrees. That is about the only thing I can think of where we have full legislative authority. Maybe that should change.”

[Faculty Trustee Bruce Lewenstein](#), Communication and Science and Technology Studies: “I am currently faculty-elected member of the board of trustees. And I was going to bring up the committee that [David](#) just referred to. And this is essentially agreeing with the main point that [Risa](#) and [Eric](#) have brought up, which is that there needs to be a robust discussion of what constitutes educational policy.

“That discussion needs to take place among the faculty, it needs to take place between the faculty and the administration. We did try it. It was, I think, not a successful discussion, and I think it is worth having again. In order for it to be robust, it has to involve the whole faculty, not just the people in this room.

“And I think those of us who have been here for a long time are aware that many of us in this room are the ones who are here all the time, and that there are a significant number of our colleagues who haven't got a clue what faculty governance is about and are not engaged in it at all, and see us as the senate and, in fact, most of the governance structures as being the kinds of committees you want to avoid.

“And I think that one of our obligations, for those people who are on the senate - - I'm not currently on the senate -- but all of us engaged in governance, one of our obligations is to bring these issues to our colleagues in a fairly vigorous way. Couple of my departmental colleagues are here and are shuddering at the fact I keep bringing these things up on faculty meetings, because that's the technique that we have, but I think we do have to do more of that.”

[Senator Lieberwitz](#): “Some points that I think relate to issues that are being raised; one is in terms of practice, that we have to do, I think, is move back to a notion of transparency, as opposed to confidentiality. One of the points I have run into over and over again, when you are on the [UFC](#) or you are on a committee, the administration may come to that committee and say we'll tell you this, as long as you keep it confidential.

“That is not good consultation, because it means that it divides those committees from the senate. And I think the default position in a university has to be

transparency, and the exception needs to be confidentiality for good reason. I think we need to build that into the governance practice.

“The other thing is I agree -- I was on that committee, too, to try to figure out what educational policy was. It was a dismal failure. I won't go into why I think it was, but I think the way we do it is through practice. It is sort of the Potter Stewart thing of I know it when I see it.

“I know the new College of Business was educational policy. I don't care what anybody says. I know nothing, if I don't know that. So there are some things where we just know it, and I think that we need to do, through practice, we need to insist on being involved in things that are obviously educational policy, like that, without getting into well, what do you think it means, what do I think it means. It does.

“And I think that the leadership of the senate and the [UFC](#) and the dean of faculty need to be willing to be oppositional about it. They need to be able to say to the administration, you're wrong on certain things, and we need to be willing to escalate, when necessary.

“And then to underline something that [Dick Miller](#) said, I think we need to do things. One is we need to be proactive about discussions we wish to have, to drive the agenda and, then also, the consultation is when the administration is thinking about something, we need to be involved early.”

[Senator Michael Tomlan](#), AAP and Chair of [CAPP](#): “I served a couple of terms and, of course, where [David](#) rather consistently -- I'm just going to agree with everything that is said, specifically for what was just commented upon, with respect to the College of Business. We, at [CAPP](#), called a meeting with the then provost to discuss the manner in which that rule-out had occurred.

“And we demonstrated, by virtue of our membership, how in the past, we had attempted to be helpful to the central administration. And of course, you have just heard some of the ways in which the senate has been helpful.

“It was very interesting that we expected a response from the then provost, and never got it. In fact, it was verbally, I confirmed in any number of correspondences, but the reality is that, as has been stated in the handout here, with the changes of administration we have, there has been basically the absence of a great deal of institutional memory.

“Now, some of us who have been around a while, decades, understand how it is that this takes place, because we have lost a great deal of our institutional memory over the course of the preceding years, and that's probably one of the aspects of things we face.

“Going forward, however, the discussion is all the more important with our younger colleagues and, more particularly, I think, it is important for the [UFC](#) to have an ongoing discussion with the central administration about these things in every aspect.

“Quite frankly, I learn more from the [Campus Planning Committee](#) than I do anything else, because the second- or third-tier staff, who are given the information about what the university is really thinking, comes to me indirectly, by virtue of those meetings.

“Now, you have all -- those of you who participated know that we are using information which should come through the senate and through our committee structure to really inform our understanding of what goes on university-wide. And that's the beauty, in fact, of the committee structures, which have representation from across the campus.

“And quite frankly, every time that [CAPP](#) has weighed in on things, we have done so almost completely unanimously. And you know, by virtue of that comment itself, it's rare to find that unanimity among a group of our colleagues.

“I will stop there. Obviously, my dander gets up pretty easily.”

[Senator Ken Birman](#): “Personally, I have never had an objection to anything [CAPP](#) has done, but I feel like there have been times [UFC](#) overstepped what I would consider to be normal delegation. And I would be uncomfortable with us delegating to the UFC the role of somehow having dialogue with the university.

“I don't actually personally think it's obvious that the Business School reorganization was educational policy. I would like a discussion of that. For me, it is not actually self-evident that that was educational policy. I would like to hear a discussion.

“And it troubles me when individuals appropriate that type of decision. So [UFC](#) and others should bring these questions to the senate, but people shouldn't assume that they speak for the faculty, unless they first engage the faculty, and

finally communicate a consensus, rather than their own view of what's self-evident.”

[Speaker Schaffer](#): “Any other questions or comments? Yes.”

[Senator John Zinda](#), Development Sociology, CALS: “This is my second year on the faculty, and I've been in the senate for more than a semester now, and I still don't fully understand faculty -- shared governance, even having gone to grad school at University of Wisconsin, where they trump up that principle a lot and have an interesting model of it.

“I just wanted to say I appreciate the comments about communicating with younger faculty, and I'm thinking about how I can speak with mentors in my department and see how better communication to new faculty can be done, so that there are fewer people who are in my position about this. And that's all I have to say. Thank you.”

[Senator Eric Cheyfitz](#): “I would just say to [Senator Birman](#) that we should have had the discussion about whether the Business College was educational policy or not before it was passed. If we are going to have those discussions before they're passed, and then we can decide whether the senate should be part of them or not.

“I agree that there's a loss of institutional memory, by the way, but there is institutional memory in the documents, some of which we presented here, and they can be read by everybody, by going to the faculty website. It might be useful, when the senate convenes every year, to have an orientation about institutional history.

“It wouldn't take that long, but we could stand to take part of an initial meeting to inform new people coming in just what institutional memory is here at Cornell, what the bylaws are. They can be read, et cetera, et cetera.”

[Speaker Schaffer](#): “Great. Thank you for that comment. With that, I declare this senate meeting is adjourned.”