

Faculty Senate

December 11, 2019

Blue Sign-In Sheets for Senators Circulating—Will Be Collected Around 4pm

To promote the communication of opposing views and to serve as a free-speech-with-respect model for the rest of the campus, all discussion in the Faculty Senate must be conducted in a civil fashion that is free of any intimidation or personal attacks.

- *the University Faculty Committee*

Announcements

Charles Van Loan
Dean of Faculty

Spring Elections

Aiming for late March so over break start thinking about candidates (including yourself!) for

- Dean of Faculty

- Faculty Trustee

- UFC (3 seats for senators, 2 seats for non-senators)

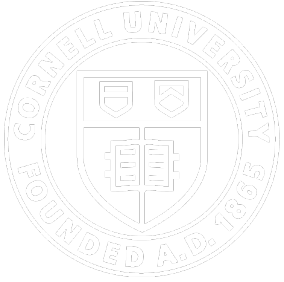
- N&E (3 seats)

- Senator-at-Large (2TT seats, 1 RTE seat)

Belonging at Cornell

Professor Avery August
Vice Provost for Academic
Affairs

Angela Winfield
Associate Vice President for
Inclusion and Workforce Diversity



Belonging at Cornell

A Reenergized, Reenvisioned D&I Framework

Common
Objectives

Measuring
and Tracking

Community
Engagement



Key Metrics

Phase I (Faculty and Staff)

Climate Metrics	Compositional Metrics
<ul style="list-style-type: none"><input type="checkbox"/> Sense of belonging<input type="checkbox"/> Fair treatment<input type="checkbox"/> Recommendation Score	<ul style="list-style-type: none"><input type="checkbox"/> Turnover rates<input type="checkbox"/> Proportionate hiring rate

eCornell Overview

Professor Steve Carvell (SHA)
Vice Provost for External Education Strategy

Policy 6.4: Issues and Recommendations

Professor Kevin Clermont (Law)

Professor Sherry Colb (Law)

Gabriele Kantor (Judicial Codes Counselor)



Scope



- Policy 6.4 vaguely describes prohibited behavior, but says little about what is not covered. The Policy makes no attempt to formulate a bottom line, below which the harm to the complainant is too small, or the harm from suppressing or threatening to suppress the behavior is too great comparatively, to warrant coverage.
- Policy 6.4 in its long art. 2 lists nine prohibited behaviors: Aiding Prohibited Conduct; Attempting to Commit Prohibited Conduct; Dating and Domestic Violence; Retaliation; Sexual Assault; Sexual Exploitation; Sexual and Gender-Based Harassment; Stalking; and Violating an Interim Measure. It says nothing about what is not prohibited. It seems to us that a new art. 2.10 should put a limit on stretching the reach of the Policy by complainants or officials.
- But today we'll only sketch a sampling of four more technical proposals, perhaps uncontroversial but consequently suggestive of the range of real problems.



Mediation

- Art. 21 on Alternate Resolution now provides: “**Alternate Resolution will not involve mediation, or any face-to-face meetings, between the complainant and the respondent.**”
- It must be amended to allow face-to-face mediation in appropriate cases. Moreover, Alternate Resolution should be less the plea-bargaining process it now is, and much more a cooperative process between the parties. The new spirit sweeping Title IX procedures elsewhere embraces the notion of restorative justice.
- Therefore, the Title IX office should encourage mediation, not just allow it.



Evidence

- ▶ Art. 23.9.1 provides for the hearing: “**Formal rules of evidence will not apply.**”
- ▶ One difficulty here is that there are two kinds of evidence rules: principles that ensure reliable evidence aimed at truth-finding (like requiring evidence to be relevant to the charge, and testimony to be based on personal, first-hand knowledge), and exclusionary rules that seem technical to the lay person (like privilege, incompetency, and hearsay). Art, 23.9.1 means to avoid the latter rules, but could not conceivably mean to repeal the basic principles of truth-finding.
- ▶ Yet virtually everything found by the investigator goes into the investigative record, which then goes to the Hearing Panel. The result is that the Hearing Panel will consider reams of irrelevant information and mere rumors. The danger becomes that the Hearing Panel will decide on the basis of the parties' characters rather than on whether the charge was proven. Experience has been that investigative records can be overwhelmingly long character assassinations.



Withholding Degrees

- Art. 26's provides: **"Degrees will not be awarded to the respondent while a Formal Complaint under these procedures is pending."**
- Some last-minute-before-graduation filings under Policy 6.4 have resulted in unjust results. The lengthy adjudication process has resulted in jobs and graduate admissions put in jeopardy, professional examinations precluded, and Alternate Resolutions accepted because the delay in getting the degree was unbearable. The provision is mandatory. Additionally, there is no way for the would-be graduate to challenge the interim measure of withholding the degree.
- A much fairer approach would follow from amending art. 26 to provide at the end of the quoted sentence: **", unless the Title IX Coordinator exercises discretion to enter into an agreement with the respondent to preserve the University's jurisdiction over the respondent for the Formal Complaint and to provide revocation of the degree as an available final sanction or remedy"**.



Confidentiality



- Past Title IX Coordinators have interpreted the confidentiality requirement very strictly, by broadly interpreting the ban on “retaliation.” The interpretation has been that no one involved in the process can discuss anything, no matter how nonspecific, that they have learned through involvement in the process.
- Thus, the persons who alone know anything about the operation of Policy 6.4 can discuss it with no one. It is hard to imagine a more effective gag order to prevent any scrutiny of process. We can attest that the University community is in the dark.
- The Process Privacy statement should be amended to provide that:
“But any person may freely discuss the actual operation of Policy 6.4 as a policy, as long as that person withholds any information directly or indirectly revealing the identity of a party as well as any unnecessary details of individual cases.”
- PS: Thought should be given to adopting the Campus Code’s requirement of publishing anonymized outcomes, both for transparency reasons and for collecting precedents.

Plans for a Fossil-Fuel Divestment Resolution

Professor Caroline Levine (English)

Considering Divestment in a Moment of Climate Emergency

Climate and Environment

More than 11,000 scientists from around the world declare a 'climate emergency'

Study outlines six major steps that 'must' be taken to address the situation.



A climate change protester holds a banner during a town hall event with former vice president Joe Biden in Manchester, N.H., on Oct. 9, 2019. (Kate Flock/Bloomberg News)

By **Andrew Freedman**

November 5, 2019 at 10:18 a.m. EST

European Union

'Our house is on fire': EU parliament declares climate emergency

Bloc warned against making symbolic gestures not backed up by concrete action

Jennifer Rankin in Brussels

Thu 28 Nov 2019 09:38 EST



4,081



▲ European parliament declares climate emergency: 'do we want to leave our children a world?' - video

The European parliament has declared a global "climate and environmental emergency" as it urged all EU countries to commit to net zero greenhouse gas emissions by 2050.

Cornell Board of Trustees on Divestment (2016):

Divestment should be considered:

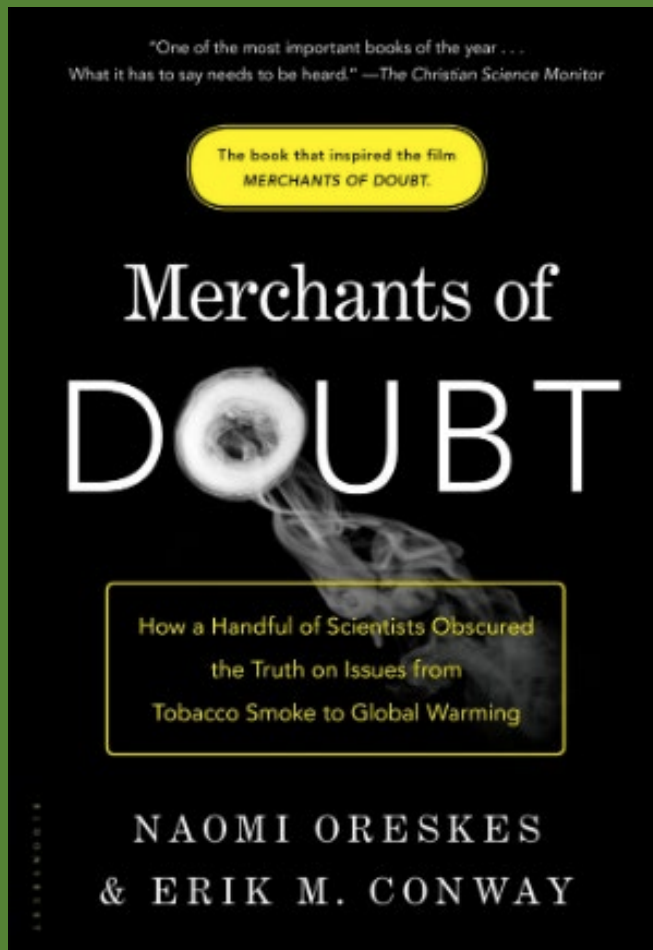
- Only when a company's actions or inactions are “**morally reprehensible**” (i.e., deserving of condemnation because of the **injurious impact** that the actions or inactions of a company are found to have on consumers, employees, or other persons....).

In addition, divestment should only be considered when:

- The divestment will likely have a **meaningful impact** toward correcting the specified harm, and will not result in disproportionate offsetting negative societal consequences; or
- The company in question contributes to **harm so grave that it would be inconsistent with the goals and principles of the University.**

The case for moral reprehensibility:

Fossil fuel companies knew about the connection between carbon emissions and global warming and engaged in a deliberate campaign of doubt and misinformation.



The case for injurious impact:

In order to keep the planet from warming to uninhabitable levels, we need to reduce carbon emissions quickly worldwide. Using up *current* fossil fuel reserves will exceed our carbon budget. But fossil fuel companies, even now, are insisting on expanding production of oil and gas.



All major fossil fuel-producing nations—including the United States and China—planned to greatly increase production of oil, gas, and coal in the next decade, all but guaranteeing they will miss the climate goals set under the Paris Climate Agreement. An oil field in China is pictured here.

PHOTOGRAPH BY GEORGE STEINMETZ, NAT GEO IMAGE COLLECTION

| SCIENCE |

Dangerous levels of warming locked in by planned jump in fossil fuels output

Plans by the world's biggest oil, gas, and coal producers to vastly increase

The Economist

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Bigger oil

ExxonMobil gambles on growth

A fossil-fuel titan's strategy is at odds with efforts to hold back climate change



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Shell Plans to Drill 10 UK Wells a Year in Expansion Drive

Published in [Oil Industry News](#) on Monday, 10 June 2019



The case for injurious impact

Fossil fuel use generates 70% of worldwide carbon dioxide-equivalent emissions.

90 corporations are responsible for 66% of all greenhouse gas emissions.

8 energy companies account for 20 percent of world carbon emissions. These include British Petroleum, Exxon Mobil, Royal Dutch Shell, and Chevron.

The case for the meaningful impact of divestment

1. Returns on investments in fossil fuels have been poor for a decade, with fossil free portfolios outperforming them every year.
2. Businesses work to build and maintain strong reputations, and when a great university like Cornell sends the message that fossil fuel companies are disreputable actors, this message can have a meaningful impact on the public view of these companies.

Los Angeles Times

OPINION

Opinion: UC investments are going fossil free. But not exactly for the reasons you may think



The University of California's investment strategy takes stakeholder views into account -- such as student protesters at Berkeley, above, in 2014 -- but its divestment program is primarily based on the belief that fossil fuel investments present a financial risk. (Alex Milan Tracy / Sipa USA)

By JAGDEEP SINGH BACHHER AND RICHARD SHERMAN SEP. 17, 2019 | 3 AM

Our job is to make money for the University of California, and we're betting we can do that without fossil fuels investments.

We are investors and fiduciaries for what is widely considered the best public research university in the world. That makes us fiscally conservative by nature and by policy -- "Risk rules" is one of the 10 pillars of what we call the UC Investments Way. We want to ensure that the more than 320,000 people currently receiving a UC pension actually get paid, that we can continue to fund research and scholarships throughout the UC system, and that our campuses and medical centers earn the best possible return on their investments.

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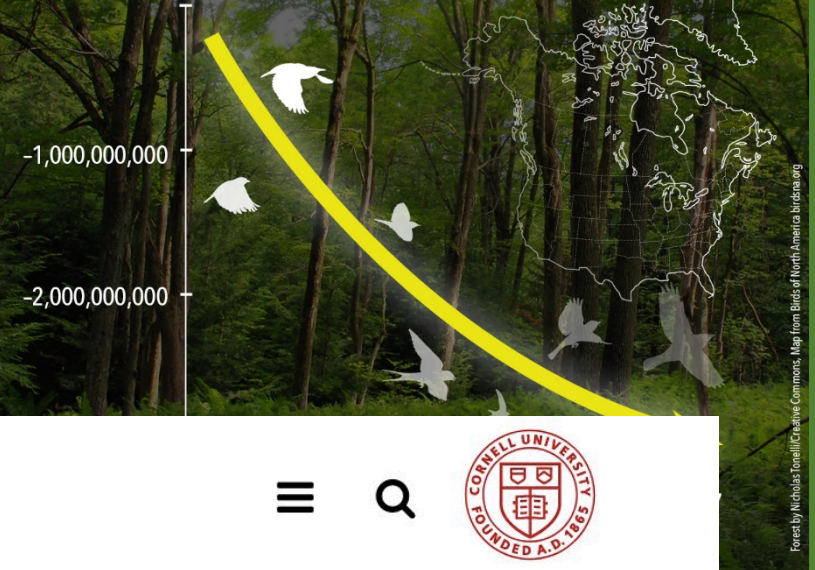


Features and Highlights

Shell brings home the Gold

The case for harm so grave that it is inconsistent with the goals and principles of the University.

2.9 billion
birds gone since 1970



Forging new and
unexpected connections

“It is ethically indefensible that an institution dedicated to the proposition of the renewal of civilization would simultaneously invest in its destruction.”

Partial list of colleges and universities committed to divestment

University of California System	Trinity College, Dublin	Loughborough University
University of Massachusetts	University of Copenhagen	Manchester Metropolitan
Middlebury College	University of Edinburgh	Queensland University
Smith College	University of Gottingen	Clare Hall, Cambridge
Chico State University	University of Essex	Nottingham Trent
Rhode Island School of Design	University of Winchester	KU Leuven
University of Hawaii	University of York	Queen's University Belfast
Syracuse University	Cardiff University	Queen Mary University
Seattle University	National University of Ireland	Stockholm University
University of Maryland	Emmanuel College, Cambridge	University of Sussex
Hampshire College	Concordia University	University of Bedfordshire
Lewis and Clark College	La Trobe University	University of Ghent
Salem State University	Leeds Trinity University	University of Glasgow
Oregon State University	London Metropolitan	University of Gottingen
The New School	University of Otago	University of Liverpool

Sense-of-the-Senate Vote

The Timeline to Decide Upon a
Public Policy Structure

Background

We appreciate the Social Science Implementation Committee's outreach efforts that were documented in the [Nov 13 Senate presentation](#). The [March](#), [April](#), and [September](#) postings on the [Social Science Website](#) fostered conversations about the options for a public policy college and a public policy school prior to release of the [Interim Report](#) on Nov 18.

The SoS Resolution

The Senate and the Faculty need time to discuss the Committee's [detailed analysis](#) of the two options before anything is enacted.

- | | |
|-------------|--|
| Nov 13 | Senate Presentation |
| • Nov 18 | Committee releases its Interim Report |
| • Dec 9 | Online Commenting Open |
| • Dec 12 | Last public listening session |
| • Dec Later | Committee releases its Final Report |
| • Jan 22 | Special Meeting of the Senate |
| • Later | President and Provost make decision based on the Final Report and the overall response of the faculty to it. |

Vote

I support this [Sense-of-the-Senate Resolution](#) that gives the faculty modest time to publicize their thinking about the two options for a public policy structure.

_____ Yes

_____ No

_____ Abstain

Emeritus/a Status for Certain RTE Faculty

*A Resolution from the Ad Hoc Committee on RTE Issues
that is Sponsored by the UFC*

Those Who Retire from These Positions Would Be Eligible for Emeritus/a Status

Senior Lecturer

Senior Research Associate

Senior Extension Associate

Professor of the Practice, Associate Professor of the Practice

Clinical Professor, Associate Clinical Professor

Research Professor, Associate Research Professor

Senior Scientist, Senior Scholar

Principle Research Scientist, Research Scientist

Librarian, Associate Librarian

Archivist, Associate Archivist

The Criteria and Process Same as for TT

Criteria:

Retired with ten or more years in an emeritus-eligible position.

Meritorious service to the university (title dependent)

Process:

1. Candidate sends CV and cover letter to Chair .
2. Department votes.
3. Chair sends vote tally and cover letter to Dean.
4. Dean sends recommendation to Provost.

Upon completion you become, for example, Senior Lecturer Emerita.
There is a “light” appeal process.

The Resolution is NOT About Fringe Benefits/Perks

Nothing about free parking, wellness programs, office space, computer access, library privileges, etc.

These important HR details are decoupled from the academically-based event of granting emeritus/a status.

Environmental Impact

From the pool of about 1200 full professors and associate professors about 50/year become emeritus/a.

The pool of eligible RTE faculty is about 400. A reasonable estimate might be 10 to 15/year—probably less because of demographics.

If the proposal is enacted there needs to be a retroactive plan for recently retired RTE faculty who are eligible.

Additional Required Approvals

Deans and Provost

They want to see the fringe benefits worked out before deciding.

Trustees

They have to approve all pairings of modifiers with titles.

Vote

I support this [resolution](#) that makes it possible to grant emeritus/a status to a specified group of retired RTE titleholders.

_____ Yes

_____ No

_____ Abstain