

A MEETING  
OF THE UNIVERSITY FACULTY SENATE  
WEDNESDAY, APRIL 29, 2020

CHARLIE VAN LOAN: -- regular May meeting, and then we have a June meeting scheduled for the second Wednesday in June. And recall that our plan is -- so many major things are happening, especially in the front half of the summer, that we'll have online get-togethers as required.

So there are the ground rules. Stay muted. We use raise your hand. Jill and I will try to get to everybody who wants to speak. Okay, Jill, let's go to the first slide. The second slide.

NEEMA KUDVA: Can I just interrupt for a second and add one thing to your --

CHARLIE VAN LOAN: Sure, Neema, yeah.

NEEMA KUDVA: Thank you. So for everybody who's online, you would have noticed that Charlie's been sending out messages about other town halls that are happening, where we're trying to get input so that the faculty senate representatives on the various provost committees reflect all faculty's interests, concerns, suggestions, et cetera. So please join us at these town halls that we have, and they may be off-cycle from the senate meetings, to gather information. Thank you.

CHARLIE VAN LOAN: Thanks, Neema. So here are the election results. I would like to thank everybody for running. We have a great lineup here, and really looking forward to working with all those individuals. We had about a 30% turnout, which is fairly standard. Again, I'd like to thank everybody who ran and the individuals you see there.

We have one slide, which is sort of a heads-up. This is the last major item of business -- I'll call it regular item, and we'll get to it at the May meeting, and it's a request from the Vet College about percent limitations. When a college is licensed to offer, say, a clinical professorship, they have to talk about a cap, which is typically 25%. So when Vet got their

clinical professorship track approved, part of the deal was that the number of such folks is limited to 25% of the tenured and tenure track faculty.

And Vet would like to relax this, in order to meet more intense clinical needs and to better match RTE faculty to the most appropriate titles. Anyway, the legislation has been posted. The actual proposal is with CAPP, and we'll be getting a report from them soon. And this is just a heads up that we'll be talking about this at the May meeting.

So we talked last time about the tenure pause resolution, and some questions were raised. And we have in the room John Siliciano and Avery August from the provost's office to shed light on some of these concerns. I'd first like to give you a quick reminder of what the tenure pause thing is all about. It's a collision of processes.

On the bottom there, you see the standard tenure review process, department, college, university. Above you see sort of a schematic of how some of the major policies work or kick in when there's misconduct. There's an allegation, there are policies that are activated, and there are outcomes. And the question here is what happens if somewhere during the tenure review process an allegation comes in the door.

A key concept in the proposal is the notion of a pause panel, consisting of the individual's chair, dean, the provost and the dean of faculty. What happens is, when an allegation comes to light, this groups gets together and decides with consultation whether or not a pause is warranted. If the pause is warranted, then the tenure review comes to a halt until all the gray up there is processed.

And there can be two outcomes, for the sake of simplicity: The candidate is not found responsible or is found responsible for some portion of the misconduct. In the event there was responsibility for misconduct, the panel gets the final report, sees all the investigation

documentation and writes what you might call a privacy-respecting summary that's added to the dossier.

Next slide, please. Actually, a little out of order, but in the event that the candidate is not found responsible, then the pause is lifted and the process resumes from that point forward. The allegations are not to be part of the subsequent tenure review discussion. And if the candidate wants, the candidate can augment the dossier with a statement about any aspect of the allegations.

In the other case, the other case is what happens if there is a finding. And let's say it happens at the college level. Say something came in the door via the ad hoc committee or something like that. So after the pause is lifted, again, the pause panel inserts into the dossier a privacy-preserving summary of the allegation, and it goes back to the start of the process. It would go back in this case to the department. Now, this doesn't mean start from scratch. It just means reconsideration with this new piece of information in there.

That's the overall idea behind the pause policy. It's a two-pager. It is on the pending legislation page. When we talked about this last week, here were some of the concerns that were voiced. We'd like to sort of continue talking about this, but with the viewpoint of John Siliciano and Avery August. In a nutshell, let me sort of give these, and then hand it over to them, and then we'll have Q&A.

One question concerned the pause panel and perhaps shouldn't the candidate decide if there's a pause or not. These misconduct allegations take a long time to adjudicate. The question here is, isn't the pause going to be extremely damaging to the candidate. And you get kind of anxious about that if, in fact, there's exoneration.

Then there's the worry that what happens with spurious allegations or this now opens the door to retaliation. How do we handle that? Is this going to be a disruptive feature now that sits on top of the tenure review process?

And lastly, there was a concern that tenure cases that involve either women or minority faculty are more likely to be paused. So having said that, and I'm sure maybe since we talked about this, other concerns have come to mind, John, John Siliciano and Avery?

JOHN SILICIANO: I'm here.

CHARLIE VAN LOAN: So we'll leave these four questions up, and maybe you could talk through them and give us your thoughts on these concerns. And Avery can chime in as well, and we'll have Q&A after that.

JOHN SILICIANO: Okay, well, thank you. This is John. Thanks, Charlie, for raising this. I also want to thank Charlie. He initiated this process to create a more formal, visible mechanism for handling these cases. I've had responsibility for managing the tenure process for about 15 years, and I do see these cases from time to time, and we've had to approach them in an ad hoc manner that I think tried to thread the needle in terms of being fair both to the candidate and responsible to the tenure process in the department.

What you have before you is a much more rigorous and thought-out process, but these cases come up. They need a process. They all involve situations where there's an allegation of misconduct sufficient to trigger one of our formal misconduct review processes, whether it's a sexual harassment claim or research misconduct claim or other claims that are very serious.

If they come up in the context of the tenure process, they create a very, very difficult problem for both the faculty member and the candidate, in that it may be very unfair for the candidate for an allegation to infect the review process through gossip or rumor or

unsubstantiated conclusions by the faculty. So we need a process that drives the allegation to a formal conclusion.

At the same time, we need the department to be able to have such a conclusion in order to make a judgment. The faculty member's alleged to have engaged in serious research misconduct or is sexually harassing his or her students. That's something directly pertinent to that faculty member's eligibility for tenure, so we need this process.

The first question -- I'll reflect on a few of these, and then Avery as well, but why not let the candidate decide if there is to be a pause. It's important for the candidate to have a say in this process, but we create too much exposure, both to the candidate and ourselves, if it is simply the candidate's decision to have a pause.

If a candidate decides not to have a pause, but the process is infected with unfairness to the candidate because rumors and allegations are allowed to circulate in the tenure meeting, then we have a problem after the fact. We have tainted process, even though the candidate agreed or decided to do it.

So what we envision here is a conversation where we engage the candidate in that question; but ultimately, it's the responsibility of the department, the dean and the provost's office and the dean of faculty to ensure that there is an objective, fair adjudication of the complaint and an objective, fair, accurate tenure determination. So it's just not safe to rely -- let this rest on individual judgment.

Misconduct allegations take a long time to adjudicate. Wouldn't a pause be damaging to the candidate? In a sense, yes. It's difficult to sort of be left in limbo while these are adjudicated, and it would be ideal if they could be done quickly, but they do take a long time to adjudicate.

It is damaging in the short term. It's much more damaging in the long term, either for a candidate to be denied tenure based on unsubstantiated allegations or for the department to tenure somebody who turns out later, as an investigation is concluded, to be someone that the faculty does not believe is warranting tenure.

So yes, it's problematic. We do attempt to adjudicate things as rapidly as possible, but they require their own time and process. If there's a serious allegation against a faculty member, that needs to be taken very seriously and adjudicated through full process. So delay isn't great, but it's really inevitable.

Does this open the door to spurious allegations and retaliation? Well, I'm not sure I understand the question completely. That's really a question of the underlying allegation, is our processes of misconduct, whether it's sexual misconduct, research misconduct, all of those have the ability or the possibility that someone will make a spurious allegation in retaliation.

There's separate processes under different policies, but all of them have embedded within it mechanisms for dispatching, removing early on those kind of cases that don't have any actual basis. So the tenure pause process sits on top of underlying processes, and it's those processes that have to be designed accurately to weed out spurious allegations in retaliation. The pause process itself doesn't create that possibility. It simply pauses a tenure review when there is an underlying adjudication that is pertinent to review.

And then aren't women and minority faculty tenure cases more likely to be paused? In the cases that I'm familiar, I've not seen any data to suggest that. All of the recent cases that I've dealt with, where there was simultaneously a serious allegation of misconduct and the case was in process involved nonminority, essentially white men. So I don't see a pattern there.

But again, the pause process is sitting on top of the underlying misconduct processes. So just like the prior question, that's where you would want to be concerned that those processes are being applied fairly and systematically.

So that's a real quick sketch of my reflections in this. Again, I think that the process that Charlie has worked through with you all is excellent in terms of mediating between protecting a candidate, but also making sure the tenure process is operating on full and fair information.

Avery, I don't know if you have anything you want to add.

EVERY AUGUST: Nothing more to those answers. I think it covers the thinking that I've been looking at as well. I guess the major concern here on this list is the time that it takes for this. As John indicated, that's just part of the due diligence that we need to do to ensure that we're fair to the candidate.

Nationally, the literature doesn't support the idea that women or underrepresented faculty would be more likely to either have misconduct alleged against them or to commit it, if discovered in other ways. So I think there's less concern around Number 4 as well.

CHARLIE VAN LOAN: Let me clarify two things. One is, I talked to university counsel, and she mentioned that maybe one case a year that we're talking about here. And the other thing I want to mention is the whole policy was developed with the Academic Freedom Professional Status of the Faculty Committee, whose job is to oversee tenure processes, and it was a joint venture between them and the provost's office and others.

So we're up for questions here. I think the goal here would be to bring this to a vote after the May meeting, say, for last-minute discussion. Between now and then, it's very, very important that the policy be vetted within your departments, and we'll send a reminder to the department chairs about that. But right now, anyone with a question for John or Avery, or just a comment?

You seeing anything on chat, Jill?

JILL: Nothing.

JILL SHORT: There is a concern from Bruce Lewenstein.

BRUCE LEWENSTEIN: Yeah, I just put this in the chat. This was just something that came up in our departmental conversations. If the thing that triggered the investigation was something that was in the dossier and there was a pause, it was investigated, would that item be removed from the dossier, such as if it was a letter from a student or something like that?

What we were concerned about was the idea that the dossier has to remain fixed, but there might be something in the dossier which has triggered an investigation, which is now seen as not supported. And yet if it went forward, people would still be seeing that.

JOHN SILICIANO: That's a great question, Bruce. I can imagine a situation where there is a letter from a graduate student alleging misconduct of the kind that would be pertinent to a tenure review, and then it's adjudicated and found not to be sustained, but the letter sits there anyway.

I do know of at least one experience, maybe two that I've seen where material in the file did, in fact, end up triggering some kind of misconduct review, and those were cases where the assembly of the tenure file was the initiating source of the review.

And I do think that we would need to think through, and I think this is why the committee that's suggested as part of a pause protocol would be the right committee to do an appropriate tailored remediation of the file. In other words, determine how, once there was a full adjudication and the decision about that there was no responsibility, that there was no violation, it would be the right committee to, I think, remediate the file. I've been doing that in an ad hoc basis. It has, again, not occurred very frequently, but I think it'd be appropriate for that committee to make that kind of determination.



CHARLIE VAN LOAN: Carl?

CARL FRANCK: Thank you. I really appreciate the discussion, and I also appreciate the information of the statistics, that this has come up enough that it's warranted, but -- signals a different message. This kind of thing that would stop a person from getting tenure, I mean, this is the kind of thing we should always be concerned about at any time.

I think it says something about our system, that these things don't really come out, except that it's revealed at that time. We should be paying close attention to our conduct at all times. I think there's a deeper problem here. And I would argue that I believe the rules of justice are appropriate, but I also think we should be in touch with what's going on at all times. So I think we're fixing a problem, it's a bit of a Band-Aid. Thank you.

JOHN SILICIANO: Thanks, Carl. I should be clear. This does emerge -- sometimes the allegations emerge in the context of a tenure review from a student letter or letter from a colleague, those kind of places. So that is one origin, relatively infrequent, but there was one case recently, Part A.

Part B, as Charlie mentioned, misconduct cases themselves are fairly rare, but a majority of those arise independently. They don't come to light by virtue of the tenure process, but by virtue of us paying attention to misconduct in the sort of everyday operation of the university and the faculty.

CHARLIE VAN LOAN: Ken Birman.

KEN BIRMAN: Ken Birman, Computer Science. Charlie, I wanted clarification. You said you expected one event of this kind per year, but I think you must mean one pause. What I'm curious to understand is if we take the full set of underlying policies that John referred to that could be relevant here, over that set, there must be a much higher frequency of spurious allegations occurring. Consensual relations, I know, gets quite a few.

And in order to understand the frequency with which that might spill over and cause a tenure delay, wouldn't the more relevant number be the overall percentage of spurious cases in the different policies versus valid ones? Because after all, those presumably are scattered over people who might come up for tenure or other promotions.

CHARLIE VAN LOAN: Again, the statistic on average, one a year, without regard to whether the individual was guilty or not, that is a very small number. So you're saying we need -  
- what do you mean by spurious? A case that is dismissed?

KEN BIRMAN: I mean, for example, the frequency with which Mary Opperman gets allegations that turn out to have been actually harassment against a faculty member under the consensual relations policy, just to be very concrete as an example, as a proportion of overall cases that she sees.

CHARLIE VAN LOAN: Yeah, statistics, I think -- there is a place on the web where I think some statistics are given, but the numbers -- I think in previous meetings, I think you suggested it's quite a large number, but really I don't think it is, but we can get that kind of data. Maybe after the meeting, you can give me specific data you would like to see. We can see if we can get that.

JOHN SILICIANO: Allegations against a faculty can occur any time from day one throughout his or her entire career. And those would be processed -- if they're serious allegations, they would be processed in the appropriate procedures dealing with that allegation. What we're talking about is when those allegations fall within the narrow nine-month period during this tenure is being adjudicated.

If they're resolved before tenure, then they are either found not to be responsible, and then that should be purged from the tenure process, or there is a finding upon which the tenure

process can think as it thinks about all the other data. If tenure's been concluded and awarded, then it's a post-tenure issue.

So really talking about a narrow band of time where the two things can overlap, an allegation that's not fully adjudicated and a tenure review underway. And that's very, very infrequent. There's about 70 or so tenure cases per year. It varies, obviously, but it's in the 60 to 90 range, averaging something like that, and it's rare that there's more than -- the number of these cases per year tends to be 0 to 1.

CHARLIE VAN LOAN: We have time for one more question. Richard.

RICHARD BENSEL: Two questions. One is, it looks to me like very old events, very old allegations. A person could wait on these until the tenure process starts and, at that point, choosing to inflict the greatest harm they could on the tenure candidate, they would start a case.

We see this happens with presidential candidates over and over again, cases from the 1990s, earlier even, suddenly blossom when they can inflict the greatest harm on a person. What concerns me here is that allegations in which the complainant does not in a timely way take advantage of the process that's already available to them, and they wait until a tenure candidate is up and in the process to make the allegation. That looks possible to me. Is it possible?

The second question has to do with the panel. The chair, the dean of the college, the dean of the faculty, they look like they would be sufficient for this panel. I think involving the provost in this panel, that is a concern to me, as all concerns are, in the concentration of authority, discretion, power in the central administration. So why is the provost necessary for this panel? Those are the two questions.

CHARLIE VAN LOAN: Well, if the pause is at the college level, for example, the four people are involved all the time, but who is the chair of that group depends on what level. So the way we set it up at the college level or the provost level, the provost would be the first in charge.

But this also brought up another point based on the number four there. We thought Avery's position, he's in the provost's office, he's academic affairs, but also oversees the Office of Faculty Development and Diversity, so there are other people that could be involved in that process. Yeah.

Avery, you want to say anything about that?

EVERY AUGUST: Yeah, I think the concern there's undue influence of the provost's office over the process itself, the provost's office is involved in the process of tenure at the end specifically, but likely throughout. I mean, we provide guidelines on departments assembling tenure dossiers, we provide guidelines for candidates, so it's sort of being a part of the process.

CHARLIE VAN LOAN: Okay, I know our speakers, Avery and John, have to go at this point. I also notice there's quite a bit on chat. We do have to move on to the next topic, but about chat, what we do is we anonymize or shape that, and we also make that available for people, because great questions are probably out there that we just didn't have time to get to, so we'll pay attention to those and share those.

So thanks, John and Avery, and we'll continue to work on this, and aiming for final discussion in two weeks and some kind of vote soon after that.

EVERY AUGUST: I should say, there was one point about what other institutions do, and other institutions also institute, as far as I'm aware, pauses in tenure review, in order to investigate allegations, and so this would not be unusual.

CHARLIE VAN LOAN: Thank you.

Okay, Jill, let's advance the slide.

Recall, in the meeting two weeks ago, colleagues from the Law School presented a policy that they would like to offer clinical tenure, and they presented and we had some discussion about that. And now we have a committee, the ASPSF Committee, that spent quite a bit of time with this and has a different point of view. And Professor Gillian Turgeon, the chair of that committee, would now like to present the consensus -- the views that were articulated by the committee in their report. Gillian.

GILLIAN TURGEON: Thanks, Charlie. Welcome, everyone. I'm here because I'm chair of the Academic Freedom and Professional Status of the Faculty Committee, already a mouthful with an even worse acronym. And as Charlie said in the last senate committee, Dean Penalver and Professor Lyon presented the Cornell Law School case for clinical tenure.

So why are we involved? The committee is involved because we're, among other things, responsible for all matters that pertain to the tenure process. To date, we've had a lot of back and forth between our committee and the team in the Law School who is proposing a tenure option for clinical professors. We've reviewed an early draft of their proposal and subsequent drafts.

We've also provided feedback, and they've been very generous with their attention to our concerns. We've also met with the Law School team and, subsequent to that, you, that is the senate, were presented with their proposal at the last meeting. We've summarized our points in a report, which you can report on the dean of faculty's website, and we still have lingering concerns. We also took a vote on the proposal, and we voted 2 in favor, 6 not in favor, and 1 abstention.

What follows is our opinions, our thoughts and our concerns, as laid out in the report, and our report, of course, is informed by the Law School responses. Our intention, our goal is to

have a fully informed senate, so that senators can go to their units and discuss the pros and cons prior to a vote.

So let me start by making the comment that our committee very enthusiastically supports the Law School effort to strengthen its clinical component and to better prepare graduates for careers in public service. We also appreciate the importance of self-governance, and we appreciate very much the details that the law school has provided to our questions.

We, however, on the committee, the consensus is for a unitary tenure system. The Law School is proposing a second path to tenure for clinical professors. Both tracks, both tenure tracks will work together and have solid connections to each other. We appreciate that the unitary system would require the Law School to adjust its promotion criteria to something that works for both regular doctrinal faculty and clinical professors.

Why do we favor unitary tenure? We favor it because the majority of units at Cornell have adjusted promotion criteria over time, as they change their strategic directions. They've done this without sacrificing high standards of excellence. And secondly, we believe that a unitary system that unambiguously embraces clinical work sends a more positive message about the value of clinical work than does creation of a second track.

What are our concerns? Recall that the clinical professor title is an RTE title, so this raises a fundamental question for us. What makes an RTE title tenure-worthy? As we thought more and more about this, we kept using the term "slippery slope." An overriding concern is if it's a slippery slope, such that all RTE might be proposed for tenure, we're fearing that it might lead to an erosion of the tenure system.

If, indeed, it is important for Cornell to create RTE tenure paths, then we feel there has to be a measure of consistency across the colleges, and we would argue for a university-level enabling legislation that established criteria by which such a move can be made.

In summary, we're discussing tenure and the second track to tenure that the Law School proposes. At this point, senators need to review the documentation, share the pros and cons with your units, prepare for a final discussion at the next senate meeting, and anticipate a vote shortly thereafter. Thank you.

CHARLIE VAN LOAN: Okay, thank you, Gillian. So we'd now like to have Q&A, and I believe the Law School team is in the room. And of course, we also have law senators and so on. Anyway, who is NWW3?

JILL SHORT: Mark Wysocki.

MARK WYSOCKI: So my question deals from your slide "environmental impact." What do you mean by conversational topic? Could you kind of expand on what that really refers to, please?

GILLIAN TURGEON: I could do it. I'd prefer that Charlie does it.

CHARLIE VAN LOAN: So it goes like this, Mark. Suppose you are teaching a controversial topic, say something controversial about capital punishment, and you want to have the protection of tenure so that people who just disagree with you don't fire you. Or maybe you're teaching some controversial topic over in CALS that's hostile to Monsanto, and maybe people don't like that and you'll find your position in jeopardy. So the idea here is we'll be able to go into classrooms, go into labs, unencumbered by those sorts of worries.

Ken?

KEN BIRMAN: Yeah, Ken Birman, Computer Science. At New York Tech, there's a substantial obligation for faculty members to engage with industry, and that external engagement reduces their -- in some sense, it compensates for the fact they are not doing undergraduate teaching. They are only doing graduate teaching there, but they take on this additional obligation.

And for example, we had a person recently tenured at Tech who worked on the rape crisis and family abuse crisis problems in New York City, developing software with them, so it's not necessarily consulting for companies. This led eventually to a revision of the College of Engineering and CIS tenure criteria, the single unified tenure criteria, which I think is just the kind of thing Gillian is arguing for; that even though tenure at Tech, it considers this very substantial different mode of operation, there was a sense that well, that wasn't specific to Tech. Yet if a person at Cornell in CIS who works on rape and abuse and develops software tools for that, and that should be factored in.

And ultimately, we ended up with a revision of this single unified tenure policy. So I don't want to say that I have an opinion here, but I have a lot of sympathy for what Gillian has said, and I'd be curious to hear from the Law School side why they're so sure that they couldn't pull something comparable off in their single tenure -- in their existing tenure policy by evolving.

It wasn't easy for COE and CIS to do this. It took a year and a half, and I headed the policy committee that started that decision; but it was successful, and that was a hard situation too.

CHARLIE VAN LOAN: Jill, what's on the chat line?

JILL: There was a message that Wendy Wilcox -- a question. She said are you proposing a unified tenure process for all RTE faculty.

CHARLIE VAN LOAN: It's real important to understand what unitary means. It means that there's one system, and people from different research camps can all feed into that single process. The so-called slippery slope that the committee is anxious about, if we do this -- the reasoning goes if we do this, then what about a senior lecturer in some department who's teaching controversial stuff. Shouldn't such an individual be protected?



So the question the committee supposed is what are the criteria. When do we start thinking about a tenure option in an RTE track? So this professor of the practice would come to mind, or lecturers and so on. That's not the proposal. That's just trying to anticipate the ramifications of this resolution, if it's passed. It's a question mark, but it should be something that we all think about.

JILL: Risa's got her hand up.

CHARLIE VAN LOAN: Okay, Risa.

RISA LIEBERWITZ: Yeah, thanks. And thanks to the Academic Freedom Committee for raising these issues that are really important. And I think that the real underlying issue that people are talking about, I would put it a different way, which is why do we accept a system where people who are doing teaching and research are not on some kind of a tenure track. I mean, I think that's what this is actually opening up.

I wouldn't call it a slippery slope. I think the slippery slope has already happened, which is that we've gone from a system which was primarily tenure track and tenured to one which has a significant non-tenure track component that we're now calling RTE. I think that it's a very healthy thing for us to discuss why we accept having a system which on a slippery slope has gone to so many people off the tenure track, if anybody who teaches in the university, anybody does research in the university must have academic freedom, which is the reason we give them the job security tenure.

So I think that's the underlying issue, and I think it's a very healthy thing for us to talk about, to say is this a moment where the university faculty should be considering opening up a very real possibility for us to reclaim academic freedom for all of our colleagues and to have a system of a tenure review that enables anybody who does research and teaching to have that job security. I think that's very, very positive.

What I take from what I heard from Gillian is that it sounds like -- the concern is it's kind of a second-class tenure that somebody would get. And I have that same concern. At the same time, I think it's also very positive that the Law School has made the effort to create job security for people who need it for our clinical faculty in the Law School.

I do think that what Ken had raised is also very important, to say okay, are we all clear about what the differences are between what the Law School has proposed and something that could be called a unitary tenure system. And I could use some clarification on that right now as well. What are the actual differences between the two?

CHARLIE VAN LOAN: Beth, would you like to answer that?

BETH LYON: I think Eduardo's going to chime in at this point.

EDUARDO PENALVER : Well, I guess I would repeat what I said at the last meeting, that I think the two are functionally actually very similar. The main difference really relates to the distinction in nomenclature. And while we could conceivably think in the abstract, come up with a system like the one operated in CIS or in Physics that operate in very different disciplines, or in the Vet School, what we've proposed is a system that's sort of a model system in our peer law schools.

It's the one that our faculty converged on as a consensus after many, many meetings and almost two years of deliberations. And there isn't a consensus around the system that operates in these other disciplines. And that makes sense, because law professors tend to be in touch with other law professors at other institutions, so that's the model that they're comfortable with. And I think that's true not just for the doctrinal faculty of the Law School, but also the clinical faculty.

I was a little puzzled by the slippery slope argument, or at least the kind of conjunction with that argument with the argument that this would somehow weaken tenure. The analogy

that came to mind was the same-sex marriage argument, that when you expand the scope of something, I'm not sure that weakens it. And so I agree with Risa; I think this is a proposal that strengthens the tenure system by extending it to more people rather than fewer, but Beth, I don't know if you want to add anything to what I just said.

BETH LYON: Well, I think that someone made a point in the chat about hiring, if this is important for us for hiring. I think we mentioned in a couple meetings that the Law School has not had a strong history of unitary tenure for clinicians in its early days. It's a 60-year-old program.

But in the '70s, there were some unsuccessful unitary tenure processes, and some of the people who are part of that are still out in the clinical community in other schools, so we don't have a great reputation for protecting clinicians, even though the last 30, 40 years have been much better.

So as a result, and I think I said this before, I think that it would be a little dangerous for us to begin inviting new hires in to a unitary process at a school that hasn't had a great history with that. For us, clinical tenure is really the safest way to step into this and to begin bringing in great new hires who feel as though they've got a good shot at it here.

CHARLIE VAN LOAN: Thank you. Bruce.

BRUCE LEWENSTEIN: Yeah, thanks. I really appreciate the depth that both the central committee and the Law School have brought to this, because it's clearly critical. A part of me is seeing the issue as what's best for the Law School and the arguments that Beth and Eduardo just made, but I do see this broader question of what does tenure mean; in particular, how do we protect all our FTE faculty across the university.

I could see an argument that says professional schools are different than the colleges in the graduate school, which I think is part of the argument that the Law School is making,

comparing to the Med School clinical professor system, but I think I'm coming down on the side of the Academic Freedom Committee because of the concern that this is about a broader issue that needs, I think, a little more discussion among other colleges.

The university is going to look really different 20 years from now, 40 years from now than it does now, and tenure's going to look different and structure's going to look different, and I'm concerned that we haven't had much of that discussion yet. And so for me, the slippery slope is not a concern about this particular proposal. It's a concern that we have not had a systematic conversation about protecting all of our faculty at all levels. That's the argument for waiting a little bit more. But again, definitely one you can see both sides.

CHARLIE VAN LOAN: Okay, Jill, something on the chat?

JILL: Wendy Wilcox further mentions, as the senator from the library, this does have implications for librarians and archivists.

Steve Alvarado is asking what, if any, differences would remain between RTE and non-RTE faculty, if RTE faculty are granted tenure. Pay, voting rights, question mark.

CHARLIE VAN LOAN: That's a complicated question, Steve. In part of this proposal are we saying the clinical professor track would become part of the university faculty. That's a separate concept. So the clinical professor track would still be RTE. Voting rights, we did a lot of that last year with RTE. There'd be no change that way. Every college has their own definition of who gets to vote in college matters and whatever.

It could change, but yeah, so everyone would have to re-evaluate things if we start having -- along a different track, those that have tenure, those who don't, those who elect the tenure option. That's a good question and it would be something down the road that would have to be worked out.

How we doing on time here? Anything else on the chat line?

JILL: No.

CHARLIE VAN LOAN: Okay. I see Mark, you have one last question, then we'll move on to the next topic.

MARK WYSOCKI: Hopefully this is appropriate; I'm not sure, but I did not realize that people who were in lecturer positions or senior lecturers actually have the advantage of applying for tenure, or does that vary from college to college?

CHARLIE VAN LOAN: They don't. We simply brought that up as an illustration of a senior lecturer teaching controversial stuff would benefit by having a tenure guarantee. Right now, only university faculty only on that track is tenure an option. There's no tenure option within the RTE sector of the faculty.

MARK WYSOCKI: Okay, thank you.

CHARLIE VAN LOAN: Again, we'll collect thoughts, if there's additional things in the chat line. I want to thank the law team coming to the meeting and helping us reason through this. It's a very deep topic, and we'll set the stage for a final discussion at the May meeting in two weeks. Thank you very much, Eduardo, and Beth, for joining us.

Okay, Jill, let's move on to the pandemic portion of the meeting. Last week we formed what are called reopening committees. We want to just sort of call attention to these, and then Chris Schaffer, who's involved in one of them, will have more details. Okay, Jill.

So the three committees, and the first one deals with the situation about bringing undergrads or students back to campus, teaching in person, to look at all the aspects of that. What has to be the criteria for doing that? What do we have to provide, if that happens? It's a big group, and there are two subcommittees. Let's talk about the first.

One committee is concerned with teaching and social distancing. So health matters, which is the other subcommittee, is important; but assuming we do in-person teaching, how are

we going to manage that? Do we play with the academic calendar? Do we play with meeting times? How do we seat people in rooms? Do we use Barton Hall for the big classes? What if a faculty member in a vulnerable category is reluctant to come into campus; how do we manage that? So an incredible long list of questions like that.

And there you see the lineup. Individuals highlighted in red -- you may remember last week we asked for names for the senate's representatives on the committee. Shorna Allred is the individual on this particular committee. The committee has two halves. Let's look at the health half.

There's another group looking at testing and all the issues associated with that, contact tracing and so on. What are the parameters there? What do we have to play with? Of course, everything is a giant question mark. Decisions have to be made more or less towards the end of June, and you have to have some sense about what the technology and the health scene is going to be like.

The second committee is basically assuming that all right, we'll do mostly online in the fall, and maybe even the spring, and what are the issues associated with that. So that committee, the lineup. A very broad committee, looking at all these things. For sure, will look at the spring semester and figure out ways of embellishing the online delivery, a whole host of questions here.

Online, all these committees have websites we set up, that you can see the detailed set of study questions that each committee has and their charge. Courtney Roby is our contact on this committee. Of course, there are other faculty on the committee, but Courtney is our designated faculty channel to this committee.

The third committee has a May 15 deadline. This is all about basically restarting the research programs, opening up the labs, graduate students, Statler Hotel, the museum, getting life back to normal on campus, accepting the undergraduate student presence.

People who run labs know a lot about safety and how they operate, so tremendous expertise has to be applied to the setting, and Chris Schaffer is our contact there. So this is a brief overview. Kind of a staggered start. Chris's committee started first, and they already met. The other ones are following very soon thereafter.

This can't be stressed enough; these are the biggest, in my lifetime, the biggest academic decisions coming down the pike. We're talking about hundreds of millions of dollars. Health, family, jobs, everything is this there. This is the time for absolute transparency, absolute faculty involvement.

We have to have clear channels to these committees, and vice versa. The whole idea is basically to have the best-informed president and provost and others who are going to make that final decision. That's what these committees are doing. They are setting on the table the big picture, so that we can get the best possible decisions coming down the pike.

There are town halls, there are all kinds of mechanisms for faculty to voice their concerns and ideas. We have thousands of faculty. Everyone is thinking about this. There are great ideas out there. They have to bubble up to the surface, and we're trying to do everything possible to make that as easy as possible, so to speak.

Having said that, I'd like to turn it over to Chris Schaffer, who's already begun -- well, let me just hand it over to Chris. Chris is on the ROR committee, which is concerned with restarting research, the labs and on-campus operations. Chris.

CHRIS SCHAFFER: Thank you, Charlie. Basically, what I wanted to do today is take just a couple of minutes to sort of talk about how this Research Operations Reactivation Committee is

sort of broken up and some of the big bucket issues and questions that are being addressed. I can tell you this committee so far has met once, so I don't have any answers today, but I am very interested in hearing concerns, questions and suggestions from the faculty. As Charlie says, the goal here is to get the best information we can in making what are some seriously weighty decisions coming up.

So this Research Operations Reactivation Committee is going to have several subcommittees that are handling different aspects of the operations. One is facilities, looking at construction restarts. For those of you that have come by north campus, you know that's already underway. Getting shipping and receiving going, things around building readiness; are buildings ready to have people to be reoccupying them in terms of decontamination protocols, availability of sterilizing agents, things like that.

Another subcommittee will focus on the workforce coming back onto campus. This could include aspects of improving and evaluating remote work, to make that more robust, so people who can stay away are able to be effective while staying away; strategies for maintaining effective social distancing while on campus; policies around how the university treats those who cannot or do not want to come to campus, and policies to avoid inappropriate pressure. Here, we're thinking from faculty, applying pressure to graduate students or other trainees to return to work, when they feel it's inappropriate. Also, re-entry of furloughed workers into the Cornell workforce.

There will be a committee on student services and other events, and there's significant overlap here with the teaching, the TRO, which is the teaching on campus committee, but this subcommittee will look at things like reopening of cafes and food vendors, how student activities might run with social distancing, decontamination protocols in dining and housing, move-in protocols, facilities for housing ill students, Greek life, athletics, alumni events. And



again, there's quite a bit of overlap and some coordination with the committee examining on-campus undergraduate instruction.

Finally, the committee that may feel the most pressing for folks here is the subcommittee on research and academic work. Here, the committee's goal is to try to identify priorities for restarting research and scholarly work, protocols for conducting that while maintaining social distancing, appropriate sterilization; what an approval process for PIs' restarting activity would be, core facilities reopening and being used, supply chain management for personal protective equipment, libraries, museums, archival collections.

How does field work get restarted? How does human subjects research get restarted, both on-campus, in the field, and even internationally? How does business travel and campus visitors start, begin again?

So these committees were just stood up last week. The Research and Operations Reactivation Committee has met once. I really view one part of my role on this committee is trying to keep the faculty informed of the questions that are being faced and try to extract questions, concerns and suggestions from the faculty.

To that end, I've taken a number of steps so far and have things in the future. Over this past weekend, I met with many of the other faculty who were interested in this committee. On Monday, we had a town hall that faculty senate was invited to. Tuesday, we had a town hall for just junior faculty, and then a town hall for all faculty, with about 100 attendees.

I believe we have about 15 minutes today for discussion. I encourage people to use this website that Charlie has set up, where there's comments. I'm looking at that frequently. There are currently no comments there. We will announce future town halls.

Please watch for them in the Monday morning messages from Charlie, as well as messages to senators, and anyone should always feel free to reach out and contact me. If it's

something simple, let me know in an email. If it's something more complicated, let me know times that would work for you to talk. And if you send it to me in email and I'm confused, I'll write back asking you for times to talk.

With that, I'd like to stop here, and I'd be most interested in hearing people's questions, concerns and suggestions about reactivating research and other operations on campus. I'd be happy to try to answer any questions that people have, but I want to be clear; this is the very beginning of a complex process, and I don't think it's likely that I will have any of the kind of definitive answers that I know we all want. With that, I'd like to open up for questions and comments from the floor.

JILL: There is David Lee with a hand up.

DAVID LEE: David Lee, Dyson School. I guess either Chris or Charlie, I was struck, when the committees were originally announced, about the deadlines. Chris, yours seems awfully short, and the other two seem quite long, in view of the fact that some universities around the country have either, as I understand it, either already canceled classes in the fall or are about to.

So waiting until the middle of June, just operationally, isn't that an issue, just in terms of logistic operations of the university? It seems very late in the process to be making recommendations at that point.

CHARLIE VAN LOAN: Well, June 15 is the latest -- you have to make decisions by then. I know other schools have started to make decisions. I think the idea is there's so many -- roughly speaking, wait as long as you can before you maybe see how testing evolves, what the hot spots look like and so on, but you're right. I mean, there is a peer pressure among peer schools and so on, and the ramifications of that. You say one little thing, and that goes viral and all things -- yeah, so it's complicated.

On the other hand, it's an awfully short period of time. In fact, Chris's committee, we're talking two weeks. Maybe, Chris, you can say -- the work of the committee will probably continue beyond the 15th, I would guess; right?

CHRIS SCHAFFER: Exactly. So our committee is asked to submit a report to the provost and president by the 15th, but we have meetings booked through later in the summer. I don't know what the format or the structure would be, but I think it will be a need for on-going, frequent monitoring of how the reactivation of campus is going. I can't imagine that we wouldn't build into any policies that were being put in place automatic triggers for reevaluation, and that would need a committee here to work on it.

CHARLIE VAN LOAN: Neema.

NEEMA KUDVA: To David Lee, to his question, the meeting that we had today indicated that this isn't going to be a typical committee, where the committee deliberates and then does one final big report. We are going to be informing -- the leadership of the committees is going to be in regular touch with Martha and Mike to sort of keep evaluating what we are doing and to take whatever we're learning forward. So in that sense, it's slightly different, I think, from the ways in which we imagine the usual sort of business of university committees.

CHARLIE VAN LOAN: Thanks, Neema. Peter.

PETER: Chris, I'm curious about what data you are privy to regarding the pandemic in the county, for example, and do we have expertise on campus that can help you sort of make decisions as to how many active cases are around. If we look at the county health report that comes out on a daily basis, there may be as few as a dozen active cases right at this moment, so we're really in a pretty good situation here for the county. Do you have more information than Tompkins County Health and so forth?

CHRIS SCHAFFER: Hi, Peter. Thank you, yeah, I agree we are fortunate to be in a situation where the case number is relatively low. My understanding is Tompkins County Health has been extraordinarily public with the information they've made available, so I'm not aware of any additional sorts of information that would be important in decision-making.

CHARLIE VAN LOAN: Mark?

MARK: Just kind of wondering, watching the news and so forth and how these governors are reacting to all this, do we also have to have a conversation with Cuomo about what we can and cannot do in terms of opening and with what these committees are being asked to do?

CHRIS SCHAFFER: Absolutely. I think there's no intention to go rogue. The intention is to coordinate with federal, state and local guidelines, in terms of reactivating and reopening campus. And I know that Provost Kotlikoff is serving on a committee for the State that is looking at policies around reactivation of all of higher education within the state, so that coordination is locked in at the highest levels of the university.

I saw there was a comment from RJA7, who -- I'm sorry. I don't have my NetID lookup here, but the question was: I've not heard anything about testing on campus. What role will CU play in providing that testing?

That is being looked at a lot. I've been in many conversations, both with people at the vet diagnostic lab, as well as researchers that are trying to develop point-of-care tests, and Vice Provost Koretzky is leading a health subcommittee on the TRO that is looking explicitly at strategies for whether or not Cornell could technically or under the current regulatory framework scale up comprehensive and frequent testing. That, paired with mechanisms for tracing contacts between individuals, provides a pretty potent tool kit for enabling very surgical kinds of reactions to the inevitable positive cases that will start to come.

ROSEMARY: Chris, this is Rosemary. It was my question that I asked. Why not a subcommittee on the dorm situation? We live on west campus and, of course, the north campus. Why isn't there a special subcommittee looking at that?

CHRIS SCHAFFER: Yeah, thanks so much. So Shorna Allred, who represents the faculty senate on the TRO committee, is actually one of the house deans. And then on the Research Operation and Reactivation Committee, I'm the outgoing faculty and resident. So I think there was a perception that there was some expertise around the on-campus housing situation here. I'll leave it at that.

CHARLIE VAN LOAN: I think for many people, like myself, who are not experts, we look at the dorms having this cruise ship tone to them. It might not be too much of an exaggeration to say that the whole undergraduate scene rises and falls on the dorm situation, so I'm just saying what Rosemary's saying; that looms so large.

I'm quite confident, in listening to Chris, that obviously is being taken into full consideration. It may not be exactly obvious by the committee structure, but it's clearly almost the top deciding factor, at least that's how I see it.

NEEMA KUDVA: Charlie, could I add -- so Rosemary, thank you for that. I think the other people on the committee sort of are really thinking about that question of residential life. Vijay Pendakur, dean of students, is on the committee, and Pat Wynn is on two of the three committees, as well as the finance committee, and she's the vice president in student campus life, and she's bringing many of these concerns to the committees as well.

JILL: So there's a considerable amount of chat regarding which colleges or universities have already closed or indicated they would be going online for fall classes. And Binghamton University -- is that BU -- was mentioned in a media coverage, and does anyone have any

confirmed cases, because it turns out they were just considering it. And Joanie Mackowski shares a link about Cal State, Fullerton announces plans for virtual fall. There's a lot of chat.

CHARLIE VAN LOAN: There should be a score card someplace that keeps this. I asked Mike, the provost, about ideas. We have like 100 universities like us all looking at the dorm problem, 100 universities like us looking at X, Y and Z and whether there's some way of centralizing this, but there's so -- every situation is so different. We're in this isolated community, very different from Columbia, even though we're the same size and look similar at one level. So yes, when we look at the score card of who's shutting down already and whatever, it's important information, but every situation's kind of unique.

Anyway, Jill, maybe one or two more, then we can spend a little time on the last topic.

JILL: I'm not sure how this fits. Forward progress will always involve risk, as the president of Brown wrote in The New York Times. We need to weigh risk. Lots of missing information regarding about the virus itself, about the true infectious and exposure rate, et cetera. More cases will result for sure, but that's not a deal-breaker. And that may be resulted with someone's question about 10,000 students coming back to Ithaca and won't that raise the statistics of the virus here in the county.

CHRIS SCHAFFER: If I could just wrap up by saying please, if you have questions, if you have concerns, if you have suggestions about how to do this right or do this better, please send them to me, post them on the website, bring them up at one of the town halls that will be announced. Really look forward to your input and feedback.

CHARLIE VAN LOAN: I would just say the TRO website has a significant number of comments, and some of them are really brilliant. I really encourage you to look at them. Some faculty have written really very insightful essays on some of the topics that came up here, and I

look forward to reading these and forwarding them to individuals who can do something about them.

Let's talk briefly here at the end -- there's really no slides, except that. A month ago, when we were talking about -- we, I mean various colleagues and so on, about the tenure dossiers and do we have teaching evaluations from the S20 semester.

And the decision there was yes, any reader of an S20 course evaluation, summary or whatever understands the situation, and so the decision was yeah, they should be included and there should be confidence that the readers of these evaluations know how to factor in the unique circumstance that we're in right now.

But then there are other issues about the current S20 semester and how our experiences there feed into these committees. It's still being worked on. Each committee will have its own modus operandi, and certain individual professors sharing their experience is important, but teaching is sort of at the department level.

And I think there will be pretty strong engagement with DUSs and department chairs to sort of assess their own local situation and communicate at that level to these committees. There's a lot to learn. We're learning a lot right now, but seemed a fair number of concerns voiced off and on about the whole evaluation scene. And it's a flawed scene. Even if we didn't have a pandemic, it's worth talking about course evaluations. And as usual, the pandemic heightens -- intensifies every issue that we have in normal times.

Any questions or concerns about the course evaluation process or how we channel what we are learning right now in the S20 terms into these committees? Courtney.

COURTNEY: Yeah, thanks. I just wondered if there was any discussion about -- you know, some of our peer institutions have taken the semester's evaluations off the board for

tenure consideration, and I didn't know if there was any discussion ongoing about the possibility of doing that here, leaving it up to the candidate or something like that.

CHARLIE VAN LOAN: Well, the S20 evaluations should be in there. But again, the question is -- maybe that's the question right here for the group. Are we confident that readers of these things put this in perspective?

We should also mention that there are going to be examples of very original pedagogy, extraordinary outreach to students. These are all parts of the teaching scene right now and, for some faculty, that would be an extremely positive component to their dossier. When you write your teaching statement, you could have something -- so there's no plan to remove those from the dossier.

Yeah, Bruce.

BRUCE LEWENSTEIN: Thanks. In a discussion in one of my departments, we became quite concerned, and actually there was a lot of support for the idea for an explicit statement that spring '20 evaluations should not be included in tenure dossiers. We did not have complete trust in readers to interpret them correctly.

So we sort of started there, but then we recognized this is actually very similar to our discussion about S/U grades, which is that if someone has done particularly well and wants to have them included, then does that mean that someone chooses not to include them would be perceived as perhaps not having done as well because that's why they chose not to do them.

We came down more or less on the side of a statement saying they should not be included and that the chair's letter should be used to explain why. And if there was something extraordinary, the chair's letter could say that, but we recognize that it's a pretty -- we were intrigued by the comparison with the S/U grading situation.



CHARLIE VAN LOAN: So Courtney's suggestion is that it should be the candidate's choice. That sort of corresponds to S/U -- I can opt in, if I want, and the university decision that they're across the board not to be considered corresponds to the other argument we heard from students about S/U required, so to speak. That's an interesting analogy there. David Lee?

DAVID LEE: Yes. David Lee, Dyson School. I agree with Bruce. If they're not going to be used in a constructive way for tenure evaluations, I'm wondering why we're even talking about the usefulness in any context. I mean, I have to admit, my experience is informed by teaching two very different classes.

My 16-student graduate class has gone excellently. My 200-student undergraduate class has been a series of technical difficulties, students in eight time zones and trying to find common times, all sorts of communications with the manufacturer of the Panopto software program we're all using and getting technical questions sent to their team of crack software engineers, because they can't answer them elsewhere.

So my point here is that I really don't think that teaching evaluations this semester are worth much. And for those of us that have been teaching for a long time, it really probably doesn't matter that much. But for untenured faculty, or even for promotion, where often these teaching evaluations get averaged, they may be presented in for individual years, but then they get averaged, I really don't think they're going to be illustrative of much of anything.

I come down very strongly in favor of just simply not using them. And I just want to add that for those of you that don't teach very large courses, 200, 300, 500 students, there's a dramatic difference in the experience between a small class and a large class. Thank you.

CHARLIE VAN LOAN: Jamila.

JAMILA MICHENER: I'm here. Can you hear me?

CHARLIE VAN LOAN: Yes.

JAMILA MICHENER: I'm just following on what Professor Lee just said. This is Jamila Michener, by the way. I'm in the Government Department. And I also teach small and large courses, and I agree that there are really important differences, depending on the kind of course you're teaching.

I mean, to the question of what is the value at all for course evaluations, I do think there's value in them. Particularly if we're going to continue to some extent teaching this way in the fall, then I think that the primary value of the evaluations is that they help us to gather information about these very, for most of us, new methods of teaching that we may feel like are working, but we really don't know.

It's really hard to assess how students are responding to the kinds of changes that we're implementing in our courses. Hopefully, evaluations help us to get a sense of that, and some of that can be applied to the fall, so that we can improve our teaching.

But evaluations with respect to tenure or promotion decisions, I agree, those shouldn't be included. While it would be nice and I think rather optimistic, I think too optimistic to suppose that we're all capable of sort of recognizing the idiosyncrasies of this semester and sort of accounting for that in how we read and understand evaluations, I just don't know that's true, and we can't rely on the kind of hope and wish that folks are going to be that discerning.

And I would also second that a lot of what we're doing with evaluations is looking at numbers and averaging them over time. And in three or four years, we will remember this, but it won't be as prominent as it is now in our minds when some folks will be having their tenure decisions made.

I think at the very least, making it optional, whether faculty want to include it in their tenure, so that if they did an exceptional job, they can use this in their favor. But if things just went wrong, there can be a guarantee that it will not hurt them.

CHARLIE VAN LOAN: Thank you. One more question, then I'd like to sort of sum up this discussion. Chris.

CHRIS SCHAFFER: Chris Schaffer from Biomedical Engineering. Thank you. I just want to remind us about the way we thought about essentially the same question when we were making decisions about how we would allow students to be graded this semester. And the sort of overriding principle of what we ultimately supported was the idea that students would be the ones who were best enabled to help us understand how COVID-19 has impacted their learning environment.

The second principle was that we were going to presume that people will act in good faith in looking at what a student elected to do in terms of grading for that semester. Graduate schools aren't going to penalize students who need to elect to take pass/fail classes because of their learning environment. So it's trusting the students and anticipating good faith.

And I think those same principles are the right thing to do here. We should trust faculty, allow faculty to elect to tell us what the impact of COVID-19 was on their teaching environment and whether or not that negatively impacted their ability to deliver a high-quality class. Faculty can wait until teaching evaluations come out, and then should be able to elect to erase the spring semester teaching evaluations from their record or to retain them as they see fit.

Going forward, we should expect that tenure committees, promotion committees and other folks that are looking at these evaluations will in good faith respect the decision that individual faculty make to include or not include spring 20 evaluations as they have elected.

Another point; I just cannot see us placing ourselves under a regime that is different than what we just placed our students under. That would be unfair.

CHARLIE VAN LOAN: Okay, we're at time here. Let me mention the main tenure memorandum from the provost's office concerned the tenure clock. This was not part of it.

And what I think I'd like to do here is assemble, look at what's on the chat about this and maybe set up a web page where you can relay your thoughts about this, and maybe we should, by the May meeting, have some kind of a resolution about this. It sounds like people are in favor of the candidate choosing whether or not or how the evaluations are used. I think it's a topic that is worthy of us expressing ourselves concretely, and we can do that at the next meeting.

So thank you very much for coming, and I think we are at a new level of understanding of all the different topics we talked today, and I want to wish everybody the best. Thank you.