

A MEETING  
OF THE UNIVERSITY FACULTY SENATE  
WEDNESDAY, OCTOBER 14, 2020

CHARLES VAN LOAN: So, you see on the screen there the etiquette rules we have for the online Senate, and pretty important is to be brief to give your colleagues a chance to ask questions, as well. Okay, Jill, let's go to the first slide. Just a couple of announcements in the next slide.

First is just a heads up. So, over the period of almost two years, there's been a mental health review. It has involved outside consultants. There's been a lot of internal focus groups, discussions or whatever. I'm sure many of you might have been involved in that. Anyway, the report's about to be released. It has lots of recommendations. One corner of the report deals with things related to academics. In particular, relations between how faculty and students interact.

So, it's just a heads up saying that we're going to have to weigh in on a number of issues that, I think, off and on we've all thought about. For example, whether we should have an S/U first semester, grading on a curve, evening pre-lim, scheduling, University-wide course evals, that maybe get at well-being and inclusiveness. And a whole slew of things at the graduate level. And mental health education for faculty. Anyway, just a heads up. I think this ball will start rolling in about maybe two weeks or so. So, it's just for your information.

Okay, well, we had some really good news last week, which is that two of the five dorms that are going to be up and running next fall have been named after Ruth Bader Ginsburg and Toni Morrison. So, this was a great development. It was approved

by the Trustees. It was announced last week, as I'm sure you all know. It was quite instructive. You'll recall it, two weeks ago, in our meeting, we talked about naming and the week prior to that, we started collecting suggestions. Things like Golden Smith came up, Statues, the Law School and whatever. I kind of got swept away thinking about the arts quad and academic buildings and so on. But, that's a complicated proposal to rename a building. So, an advantage of this is that it's instantaneous, I mean, as these things go. It will be this fall. And then, you start thinking about the impact. So, every year, thousands of students are going to be reminded every single day about these two great alumni.

So, the more I am—I'm sure you probably share this—the more I've thought about this is it's really a great development. There's a committee that is actually overseeing the naming of the other three dormitories. Corey Earle is somebody you may know, is chairing that committee. His job is to make further recommendations to Vice President Lombardi, in the new year. When we were doing this, another name came up and this is Barbara McClintock. Next slide please.

I'm sure many of you know about Barbara. She was a student here for all three degrees, about 90 years ago, won the Medal of Science and a Nobel Prize in 1983. In the area of genetics, she's an all-time great. So, it surfaced during the discussion about renaming that Barbara McClintock is equally deserving. Think about Hans Bethe has a house in west campus. So, right now I'm working with colleagues in the life sciences to put together "a nomination", but this is a brief document about their accomplishments and then getting people to sign it and so on, departments and labs and so on.

So, I think this is really important these are alumni who have made tremendous, intellectual contributions and have made tremendous, intellectual contributions. I think as a faculty, we have to be noisy about that. I know out there people have tried to get other buildings renamed, but now we have a real opportunity to do something. I'm really excited about this, and look forward to seeing how this plays out. Part of the "nomination package" or whatever might be coming to the Senate. And also, for Barbara here, the GPSA—it's graduate PhD research work that got started here, and to really put together and make a really powerful statement about this contribution.

I just sort of think isn't it great that on north campus, that we had those three buildings named after such stars. I just got pretty excited about, so in the space of often grim news, depressing news, this is a real bright spot. It is something to be excited about. Let me just pause here. That's the end of my announcements if anyone would like to say something about this or if you have any kind of question for me about anything that's coming up. Okay, good.

We'll go on to our first presentation. We have three things today. The first is from the American Indian and Indigenous Studies Program. I always get the acronym mixed up. Then, we'll have a brief thing about academic integrity, something that we started three weeks ago. We have to sort of get on with that. Then, towards the end, around about 4:20 or so, Martha will be here for Q&A.

So, next slide please. I'd like to turn this over to Kurt Jordan, who's the director of that program. He has some slides and an overview that he'll present and then two of

our colleagues, Eric Cheyfitz and Jolene Rickard, will follow him with comments and so on. So, Kurt, it's all yours.

KURT JORDAN: Thanks Charlie for getting us on the schedule. So, I'm Kurt Jordan. I'm the director of the American Indian and Indigenous Studies Program, and along with two of my colleagues, we're going to provide some Indigenous and de-colonizing perspectives on the social justice. This moment that, where the University is really taking on the task of trying to assess and deal with Cornell's legacy and wider problems, within American society.

I guess we're trained to emphasize here that we think that the scope of the proposed anti-racism center, the course and the faculty training that the Senate will be dealing with, that we have to expand it beyond anti-racism to include de-colonizing elements, that certainly North American Indigenous peoples have been subject to racism and certainly their concerns are entangled with that. But we think that racism doesn't really exhaust the issues that Indigenous people are faced with either in the US or elsewhere. We're going to try and make a little bit of that case today.

So, I've used probably a hackneyed image here, which is John Gast 1872 painting of American progress to give what the version of American history that we're trying to, I think, combat here. You can see Indigenous people retreating before progress along with some wild animals, bison and a bear. I think that this is certainly something that we're all well aware of, that this tendency in high school education in sort of more boosterish versions of history isn't the whole story.

I think we also have to look at the history of the University in the same way. There is a legacy of violence and dispossession that really Cornell is entangled with, in a very fundamental way. I think that the president's remarks about the historical and current participation in systems of oppression that we're going to have to attend to these Indigenous issues. Next slide, please.

So, really one of the things, I think that in US society in general, that gets swept under the rug and that's why I picked that image is the fact that this country is based on Indigenous dispossession and violence. And we tend to naturalize that. It's sort of—people would say, "Oh, it's a done deal. It happened a long time ago." But there are certainly ongoing—that this has a very fundamental role in structuring the types of inequalities that we see in the United States today. This historical legacy just like the legacy of slavery, I think, is something that we have a moral obligation to attend to. Next one, I just have a quick animation there.

So, this is really part of what Indigenous Study scholars call Settler Colonialism, which is a whole series. It's certainly not limited to the erasure of this part of history, but there is a general tendency among settlers to sweep this under the rug and replace it with a celebratory narrative, much like the John Gast painting. Next, please.

So, Cornell's specific role in this was really highlighted in an article that came out in the journal, High Country News, in March. Certainly, I think a lot of people missed it, because this was at the height of the COVID, especially in New York State. But the journalist Tristan Ahtone and the historian, Robert Lee, put together a whole set of data, and they make a very convincing case that the land grant system is based on Indigenous

dispossession and it's closely linked to force and violence. The Federal Government turned many Indian lands into "public lands" and then very quickly awarded them to Universities. In some cases, I don't think it's much of an exaggeration to say that the guns were still warm when it entered University hands.

Cornell has a very, very high profile in this particular article, because Cornell was the largest recipient of Morrill Act lands. We received about a million acres through the Morrill Act process. It also, as you can see in the graphic—these graphics are from the High Country News article—it also made by far the most money of any institution from the manipulation of the Morrill Act lands. Next slide, please.

If you look at where the Morrill Act lands are distributed, there was no public land in New York state. It had already been claimed by settlers in sort of what was established US territory at that time. So, all of the land had to come from the west and you could see here that Cornell took up parcels in 15 different states. And you can see particularly in Wisconsin, California, are the really big amounts of lands. Certainly, what was going on in California, there was very systematic genocide going on in California at that particular time. What this means is Cornell is entangled with dispossessions on native groups all across the nation. So, if we think about Cornell's role in Indigenous dispossession, it's not just a local affair. It's actually a continental affair. Next slide, please.

But, I think we can't just look at the Morrill Act itself, we have to look within the boundaries of New York State, that Cornell has a quite a bit of land holdings. This is sort of what a grad student of mine was able to find in Cornell-based GIS records. We

obviously have the campus here in Ithaca. We have Cornell AgriTech in Geneva. We have the New York City campuses. There are all sorts of experimental farms. There are research stations, and the Arnot Forest. There's all kinds of things. This map does not include all of them. And I also think that we have to think about the cooperative extension offices across New York State as well. So, we are really entangled in dispossessions, all throughout New York state, not just in Gayogohó:no' or Cayuga territory, but with pretty much every Indigenous nation in New York state, and quite a few all over the place. So, the American Indian and Indigenous Studies Program has formed a faculty group to investigate this. Next slide please.

So, we're trying to figure out the history of Cornell's exact actions. We have got a blog that I hope somebody will put the web address in the chat. I will, if nobody else has it. We've got a number of different articles and videos on there, but one of the things that we're very interested in doing is thinking about remedies. We think this is not something that we can just sit here at Cornell and decide an appropriate way to make redress for Cornell's actions. This is something that we have to do in consultation with those Indigenous communities that Cornell's actions affected. This is not something that's going to happen overnight. We have to look at the history of this and try and figure out how do we move from the 1860s to present day groups.

There's been an awful lot movement, consolidation, ethnogenesis, all sorts of things that have happened, but we're certainly committed to doing that. I think in the end we're going to make a set of demands to the university that we view as being at least a step towards justice.

Many of our peer institutions are already thinking and acting on this issue. Berkeley has been particularly active and so, some of the possibilities—Beth Rose Middleton, who's a professor in the UC system sort of systematically laid that out, and I've adapted that here. But some of the things that those remedies might involve would be investment in Indigenous students, investment in Indigenous studies education and research, possibly land transfer, financial transfer, or co-management agreements or easements with Indigenous groups. I think we have to think about monuments on campus, and also building community engagements and collaborations.

So, that's one of the things, this is one of the reasons that I think Cornell really has to take this very seriously, and if we are saying that we have a moral obligation for Cornell's history and its role in producing systems of injustice, this is a pretty important part of it. So, next, I guess if you could turn off the slides, I'll turn to my colleague, Eric Cheyfitz. Eric, you're muted.

CHARLES VAN LOAN: Eric, you're muted.

ERIC CHEYFITZ: I am now unmuted.

CHARLES VAN LOAN: Okay, sorry.

ERIC CHEYFITZ: Everybody should hear me, right. So, as I said I want to expand on the limits of the anti-racism agenda, as Kurt stated it. I've written down my comments for the sake of efficiency and focus in the time limits that we have. An anti-racism agenda in and of itself cannot encompass the drive of American Indians for social justice, because the primary historical relationship of Indians to the Federal Government makes de-colonization and sovereignty, not civil rights, the primary agenda of the 340+

federally recognized tribes in the United States, which are governed under US Federal Indian laws—a subject I teach—a decidedly colonial body of law in its origins and ends. Just as an aside, Alaska natives have a different relation to the Federal Government as represented in the Alaska Native Claim Settlement Act of 1971. And native Hawaiians, the other group of Native Americans here, another colonized Indigenous community, have as yet no formal relationship for the most part with the Feds. Under Federal Indian law, Indians are defined as domestic dependent nations in the generative case of *Cherokee Nation vs. Georgia*, 1831.

Their relation to the Federal Government, as defined in that case, was and continues to be the relationship of "a ward to its guardian." As articulated in the opinion written by Chief Justice John Marshall, Indian tribes existed in a state of pupillage and their lands ceded in treaties forced on them in the course of a genocide, were to be held in trust by the Federal Government, which still holds title to the land today.

The bulk of Indian tribal lands exist in that state today, a state of colonization in which the Congress under Federal Indian law holds plenary power, that's complete power over Indian nations. It was not until 1846, in the case of *US v. Rogers* that the Supreme Court under Chief Justice Taney made a very confusing attempt to racialize Indians. It was only in 1924 that Indians became citizens of the US and that was by Congressional fiat, not desire, an attempt to assimilate tribal nations, as individual citizens. In other words, to break up communities.

At this point, tribally enrolled Indians became dual citizens. This is very important. Political subjects of both their nations and the United States under the rule

of two laws, Federal Indian and Constitutional. Each having a distinct jurisdiction under the dual sovereignty doctrine. Just as the states have a dual sovereignty doctrine, with the Feds, so do Indian tribes, nations.

Let me give you one prominent example of how this dual jurisdiction works and why Indians cannot be classified primarily as a racial minority. In the US Supreme Court case of *Morton v. Mancari*—this is 1974—non-native members of the Bureau of Indian Affairs, the BIA, sued the Bureau for enforcing the Indian Preference in Hiring Act as it applied only to specific native-oriented institutions, legislated under the FDR administration. The decision in the case upholds the Indian Preference in Hiring Act as applied to the BIA, which in the opinion of Court is not in violation of the Equal Employment Opportunities Act of 1972, the basis for the suit.

Here is a quote from the decision: "The hiring preference as applied is granted to Indians, not as a discrete racial group," and this is important, "but rather as members of quasi-sovereign tribal entities whose lives and activities are governed by the BIA in a unique fashion. In the sense that there is no other group of people favored in this manner. The legal status of the BIA is truly *suigeneris*, as is the status of Indians as members of native nations, a political entity, not a racial minority. Thus, under Federal Indian law, Indians are not understood as a racial minority but as citizens, political subjects of quasi-sovereign tribal entities." Under [inaudible]...

CHARLES VAN LOAN: Eric, somehow, you've become muted. Okay.

ERIC CHEYFITZ: I lost you. Where should I start this again?

CHARLES VAN LOAN: Just go back 15 seconds.

ERIC CHEYFITZ: [crosstalk] Pardon?

JOLENE RICKARD: Quasi-sovereign—go back to not quasi-sovereign nations.

ERIC CHEYFITZ: Okay. Let me start here. What we've got—I can summarize this very quickly. Because of their status with the Federal Government under treaties originally signed with Indian nations, Indians are considered political subjects of this country, not initially a minority group. Under Constitutional Law, since we now have dual citizenship in the country since 1924. Okay, off-reservation, under a Civil Rights agenda, the status becomes that of a racial minority from the perspective of the government. And that's important we have two conflicting perspectives here.

As I've tried to make clear, an anti-racist agenda cannot begin to comprehend the complex legal situation of American Indians, who in the 1960s and '70s, when Civil Rights was the dominant political movement in the US, generated by the African-American community, these native nations were actively campaigning for a political agenda that focused on complete sovereignty, not Civil Rights and the upholding of the treaties, consistently broken by the Federal Government that formed the basis of the relationship of Indian nations with the government.

The focus of Native activism remains the same today, sovereignty. Respecting this ongoing history and Cornell's founding from the land grab on which the United States rests, the AIISP is asking that both the Anti-Racism Center and course be renamed to include the Native agenda of decolonization.

CHARLES VAN LOAN: Okay, thank you Eric. Jolene? And then we'll have questions after Jolene.

JOLENE RICKARD: Okay. Greetings to my colleagues at Cornell University, which is situated in the lands of the Gayogohó:no' or Cayuga Nation. The issue of the dispossession and forced removal of Indigenous peoples in North America is at the core of my address to this distinguished assembly of thought makers and shapers. I serve on the Faculty Senate as a representative of the History of Art and Visual Studies Department. And today, am speaking on behalf of the American Indian and Indigenous Studies Program.

I'd like the Faculty Senate to consider the scope of the anti-racist working committees to include an equal effort to develop an education focus on the formational roots of the Americas as a colonial project, and by extension, Cornell University. I agree with the urgency of the work to be done on systemic racism, but I also recognize that the structures that supported the enslavement of Black and Indigenous people was also informed by the logics of colonization.

It is within the thinking of the doctrine of discovery and the ideology of manifest destiny that shaped the era of modern nation states. In so doing, enacting the genocide of both Indigenous peoples and in part, the ongoing assault on the living earth. According to the United Nations' definition of genocide, the Clinton-Sullivan campaign of 1779 was a US Government military assault to ensure the total destruction of the Haudenosaunee, as a genocide. The 1779 Burnt Earth Genocide and forced dispossession that took place against the Gayogohó:no' and Haudenosaunee was critical to the expansion of the United States. As articulated in the 2020 High Country News Land Grab article, the continued dispossession of Indigenous lands stoked the

endowments of universities and specifically Cornell University. The reality that Cornell is identified as being the leading benefactor of the dispossession of Indigenous lands calls for an expanded response beyond the discourse of anti-racism.

Institutional memory lasts only as long as the people involved in those experiences and carry that history. That's why Cornell's faculty and the administration need to set policy and commit to institutional change that demonstrates its understanding of what Indigenous people sacrificed for the benefit of the University. In the least, the history and culture of Indigenous people should be treated equitably within the University. And equity in this case means department status, not a marginalized program. Further, in this current environment of we can do better, our measure is not only about systemic racism but given Cornell's location within the territory within the Treaty of Canandaigua of 1794, wherein the United States recognized the Haudenosaunee as distinct nations, new protocols are needed.

In fact, President Pollack was welcomed to Haudenosaunee lands, enacted at her inauguration with the Nonyoh or the words that come before all else, as recited by a Gayogohó:no' runner. The increased awareness about the recognition of territory as the appropriate protocol to signal one's awareness about the impact of colonial aggression, against Indigenous peoples is moving through academia and public institutions. But these protocols need to be grounded in an expanded and raised consciousness about the survivance and resurgence of Indigenous peoples. Not as colonized subjects, but as distinct cultures with political agency.

I argue that Cornell University has a unique, ethical responsibility for the reconciliation of Indigenous dispossession. I encourage Cornell's faculty and administration to face the reality of dispossession as directly benefitting the University and proactively elevating the issue of systemic colonization, as a de-colonizing and anti-colonial project. Cornell University should demonstrate justice, enacting policy to shift the perception of global and settler citizens through multiple strategies that seek to expose and dismantle, not only racist, but colonizing structures.

CHARLES VAN LOAN: Thank you Jolene and Eric and Kurt. So, we have some time for questions and while you think about your questions, I have just one quick one for Kurt. So, before the High Country article, what was the profile of the Morrill Act in your research community?

KURT JORDAN: I think we knew a lot about Wisconsin. Jane Mt. Pleasant, who was the longtime director of our program had lectured on that pretty extensively. But, I don't think that we had a particularly good understanding of the reach beyond that. I think that the High Country News was really revelatory in many ways. So, this is something that the process of erasure has been really, really thorough. This is not something that Cornell talks about, and it was not something that was terribly easy for those researchers to come up with that information. I'm certainly glad that they did. They catalyzed an awful lot of, I think, interest and action across the states.

CHARLES VAN LOAN: Thank you. Buz has his hand up. Buz Barstow?

BUZ BARSTOW: Thanks, Charlie. Thank you, Jolene and Kurt for that presentation. If you cast your mind forward, 50 or 100 years from now, and we've

succeeded in de-colonizing Cornell, the United States, what does that look like? And how can somebody like me or somebody else on the faculty help you get there? What do you need from us? And where do you want to go?

JOLENE RICKARD: Kurt, did you want to go or...

KURT JORDAN: No, if you're ready, please.

JOLENE RICKARD: Okay, well, thank you for that observation and question about the future because in Indigenous communities, we think about it all the time. And it's interesting because there is a model that was actually put forward by a now-deceased Lakota scholar, Vine Deloria, which he constructed a vision of nations within nations. And so, more recently a Mohawk scholar articulated a position specifically around the Haudenosaunee, which is an archipelago of land bases across what is now within the space that Kurt defined as settler colonialism, the United States and Canada, as an archipelago of nationhood.

So, this isn't unique to New York state or to the Haudenosaunee. It's a movement of the resurgence of Indigenous peoples globally. And so, I work consistently with the Maori and Aotearoa people of New Zealand and in Australia and amongst the Sami. Nation states are actually--like with the Sami—are actually giving them actually space for voice at the United Nations, because at present we don't actually have a policy to speak as Nation.

And so, rather than thinking Indigenous peoples have vanished and have succumbed to this quasi-sovereign status which is the way in which settler states construct us, but within our own communities, we see ourselves, as Seneca scholar,

John Mohawk, articulated as autogenous, in that we have our own philosophical, cultural formation. We have our own political formation, of which, I think in New York state, we're privileged to have amongst the most developed and continuous forms of governance.

And I will say that I come from a community that actually practices traditional governance and so, there are active models today of how that continues. And so, I think that the more the we understand that you cannot displace and oppress a people and erase them, I think that that's the way of peace in the future. And that's actually the philosophy of the Haudenosaunee, which was instituted over 1,000 years ago in the Principles of the Great Law. And so, this is not something that is—the conditions and Indigenous peoples globally are emerging. Rather than taking the position of ongoing colonial suppression, now is the time to actually turn that corner or to open up that space in academia.

CHARLES VAN LOAN: Okay, thank you. We're out of time, but I have just a recommendation. So, Jolene and Eric, I know we have a transcript that's produced, but would be great if you could send the documents that you prepared for this. It would be really great to put those online, so people can read them carefully. And going forward, very important for our initiative is to understand what's going on at other schools and I hope—I can talk to Kurt or whoever is managing the blog, so that we can really track that very carefully. I think that will all be extremely important to us.

So, I'd like to thank the three of you and this is a great learning experience for me and I'm sure for others and I really appreciate you coming by and taking this time to help educate us about these extremely important issues in history.

Okay, so Jill, let's go back to our slides and the next presentation is from Dave Delchamps, who's the EPC Chair. You may remember, I think it was the September 9 meeting, when we brought up some ideas about the Campus Code of Conduct that were not enabling us to handle some things we saw during the Spring 2020 semester. We had a discussion about those. The discussion, things that were posted on the web, was handed off the EPC, with the requirement that they come back to us with recommendations in the form of a resolution that we can vote on. So, Dave take it away, please.

DAVE DELCHAMPS: Okay, thanks, Charlie. For some reason, I can't see my own video, so I don't know if I've got this at an angle where you can see me. Anyway, next slide please, Jill.

You might recall from the September 9th Senate meeting that there were three changes that were part of this opening salvo on academic integrity and just to give you a little history, there's a lot of concern about things that were going on last Spring and the online learning. And over the summer, a group got together and thought through a bunch of possible adjustments, the Code of Academic Integrity and to the practice of enforcement of it, that would take care of all the new ways of cheating that have arisen over the years, modernize some things, etc. I don't know exactly who's in that group, but I know it included Charlie and Neema, along with Laura Brown and Carol Grumback

and maybe a couple of others. Anyway, at our meeting in September, they came to us with three possible solutions to three evident problems. Okay, and so, basically this slide here tells you about possible changes, sort of gives you the list of them, and I want to go through them one by one and talk about what the EPC did with each of these suggestions and you can ask questions along with each of those cases at the end, as well. Okay, so, Jill, can we have the next slide?

All right, so, this one is kind of a no-brainer. The code right now as written does not allow a student to drop a course in which the student is being investigated for a charge of academic integrity code violation, without the instructor's permission until the student is cleared of the charges. It occurred to the study group and the EPC agreed that we should also prevent students from changing the grading option during the investigation. Like, for example if they're taking it for a letter, changing it to S/U. We should prevent that from happening. So essentially, we wanted to make sure—Wait, let me just see if I'm jumping ahead here.

CHARLES VAN LOAN: You're right.

DAVE DELCHAMPS: Okay. So, we wanted to make sure that students couldn't change their grading option, same as they can't drop the course. We also wanted to provide—and this was one of the suggestions the study group made—for an instructor to perhaps—for example if you find a student guilty of a code violation and the student is taking the course S/U and you want to impose a grade penalty, what do you do? Do you give them a 'U'? You would have more wiggle room if they had a letter grade option going. The study group suggested that perhaps the instructor could have the authority

to unilaterally change the grade option from S/U to a letter grade before imposing a grade penalty. The comments on the website, the comments on the Faculty Senate meeting, and the sentiment of the EPC were in favor of having such a change from S/U to letter possible, but only with student permission. So, instead of giving the faculty member authority to change unilaterally the grading option, the EPC recommended what's on the following slide.

And that is that if the student is taking the course S/U the instructor may offer—may and may not offer—but may offer the student the choice to change the grading option to letter before deciding a grade penalty, following a guilty finding. So, essentially, that was what most people agreed was the best course of action. The red text in the first paragraph on this slide is that no-brainer thing I mentioned about changing the grading option, not being allowed while the student is under investigation. So, that's the first recommended code change that EPC came up with. Okay, next slide, Jill.

The study group recommended that we consider eliminating the independent witness altogether from primary hearings, and replacing the independent witness with a recording. And the rationale for that was several fold. The main and the most important this is that the independent witness seems to present a lot of overhead, in terms of getting these academic integrity primary hearings and appeal hearings and all that together and might serve as an impediment to a faculty member saying, well this is too much trouble. I don't want to go forward with this, might make cases not come up that should be addressed. That's one thing. Second thing is the independent witness is just a

note taker who is there to verify that procedures were followed and all that sort of thing.

Now, the Senators who commented on this, on this take on it, back at the September 9th meeting and most of the people who commented on the website, and most EPC members felt that the independent witness had sort of a touchier, feelier role in the primary hearing, but it wasn't just about making sure procedures were followed and taking notes. It was about changing the tone and the atmosphere in the room. That was a pretty strong feeling on the part of the EPC that the independent witness was an important part of primary hearings, and couldn't just be replaced by a recording. Okay, so EPC came up with the following solution to the overhead problem. Okay, next slide Jill.

The current code does not allow staff members to be independent witnesses. And we thought that putting staff members in explicitly as possible pool for independent witnesses would at least alleviate some of the overhead problem in getting independent witnesses together for primary hearings. Okay, now there were other issues about recordings, in general. I won't go into those unless people want to talk about them a little later on. I'm happy to do that. There's a lot of issues about recordings. The EPC has thought about recordings and their possible role in academic integrity before this year. But, anyway, I can talk about that later on, if anyone is interested. Okay, all right, next slide, Jill.

Problem, you have some cases that involved a lot of students. So, an example apparently last Spring, one of the Chem courses—I think it was Chem 2080—there was a

whole bunch of students who were implicated in using Chegg, which is one of these online resources that students post answers to exams to and so on. So, you have a lot of students. You can't get them all in a room and have one primary hearing, because of university confidentiality rules, FERPA stuff. You have to give every single one of those students his or her own independent primary hearing, and that gets out of hand, when you have, say 50 students. You're not going to be able to find and do 50 independent primary hearings, find 50 independent witnesses or at least 10 people who are doing five each, something like that. It seems ridiculous to expect a faculty member to do that.

So, the study group thought that it might be possible to say, delegate the faculty role in the primary hearing to a member of the staff or a faculty member affiliated with the department and this designee would carry out the primary hearing and report back to the instructor before the instructor had to make a decision on guilt or innocence and/or penalty. And, there was discomfort about that from the folks who commented on the website. In particular, the JCC, the Judicial Code Counselor's office felt that this was putting undue distance between the students who were under investigation and the faculty members investigating them. There were others on the EPC who felt that some of the delicate back and forth that can happen at a primary hearing would go by the wayside.

Like, if you're a faculty member who say, is addressing a case involving 30 students, it might be important for you to know who did what when. You can't determine that really well, unless you go back and forth with students. So, EPC thought there should be some way for the faculty members to have a dialogue with students

before deciding a case or giving a penalty. The study group had thought about that as you can see under their possible solutions they proposed. So, this is what we came up with. This is what EPC came up with. Next slide, Jill.

If a case involves more than three students, the instructor may delegate the instructor's role in one or more primary hearings to a member of one of the following constituencies: a faculty member, that is to say tenure or tenured track emeritus RTE and that's it. No staff. Okay, so the staff are taken out of that equation. Any primary hearing with the instructor not present must be recorded. What's the rationale for that?

The rationale for that is that this recording going to help the instructor. It's for the instructor's eyes only. Now, we didn't say that explicitly in this text, but that was our intent, EPC's intent, that this recording is for the instructor to use, go through it at 2/3 speed or double speed or whatever students do with their lectures, figure out what's going on with the cases. All right, and finally because the instructor retains responsibility for ruling on the case, the instructor may wish to engage with the student, from whose primary hearing instructor was absent. This is along the lines of the study group's suggestion, if such engagement takes place, would we treat it was part of the primary hearing.

So, that's EPC's proposal and what goes along with this are some chapter and verse changes in code and text which you can read online. You can also read the resolution form of this. I want to thank Charlie for putting that together. Basically, I gave him the raw EPC recommendations for the code revision and he put together this nice slide show, and he came up with the whereas and [inaudible] resolved version of it. So,

thanks, Charlie for that. And with that, I will turn it over to questions. I think that's the last slide. Isn't it, Jill?

CHARLES VAN LOAN: There's one more slide, yeah.

DAVE DELCHAMPS: One more slide. Okay, so yeah, basically the first sentence is what I just said that you can comment, you can read the resolution, the documents and the code changes, whatever, comment on them online. As usual, we'll vote on this at some subsequent Senate meeting, two weeks, maybe a month. Okay, so I'm happy to entertain questions. If anyone wants to ask, for example, what were EPC's feelings about recordings in general of these things, I'm happy to answer that. That seems to be a touchy issue for some.

CHARLES VAN LOAN: So, let's see. I didn't look at the chat line.

DAVE DELCHAMPS: Doesn't look like there's anything coming up there.

CHARLES VAN LOAN: Oh there. Chris Schaffer, could you speak to the group about one of your concerns?

CHRIS SCHAFFER: Sure, a relatively minor concern, but just that first point there, there is this potential to kind of set up a game of chicken between the student and the instructor, where it's sort of like the student is trying to assess is this instructor going to give me an Unsatisfactory for this episode of academic dishonesty. If you come to the conclusion 'no', you're better off staying with the S/U option. If you come to the conclusion 'yes', you're better off switching to a graded option, unless you assess the instructor's going to give you an 'F'. It's just the kind of weird game of chicken. I would just suggest that we encourage instructors to be upfront with students in these

discussions. And I realize that—Richard made a comment, I was about to reply to it. That we don't want it to be kind of—it's not about giving choices to the student who just violated academic integrity. That's not what this is about. There is no good option about how to deal with these, once the student's violated academic integrity.

The issue is more that I'm concerned about having a process that gives advantages to people who are good at playing games of chicken with instructors, because that is going to be a particular demographic that's going to disadvantage our most marginalized students. So, if that's going to be the deal where there's going to be this negotiation about whether or not there's grade changes, I would encourage instructors to be upfront about what the consequences of different choices are in that negotiation.

DAVE DELCHAMPS: Yeah, that sounds reasonable. I just wanted to comment. We actually talked a little bit about this chicken thing at the EPC and decided it wasn't necessarily such a straight forward game of chicken. Like, some students might actually prefer to receive a 'U' from an S/U course that they'd say, oh I ditched that in November and didn't drop it. I gambled that I was going to be able to pass it, but no dice, than a 'C-'. So there might not be a straight forward choice between changing to a grade option only if they think the professor is going to give them an 'F', that kind of thing. That did come up in our discussion, but I agree with you that encouraging faculty members to be upfront is always a good idea, in almost any context, and certainly in this one.

CHRIS SHAFFER: Yeah, it shouldn't be a guessing game on either side, because many students will not be able to compete in a situation like that.

DAVE DELCHAMPS: Right.

CHARLES VAN LOAN: We should actually fish around for one or two sentences that we can actually put in the code, rather than have some side document or sort of [inaudible] thing. We can work on that. Risa has her hand up. Risa?

RISA LIEBERWITZ: Yes, hi thanks. Several things, one is just kind of a technical thing Charlie. You had referred to the Campus Code of Conduct. Of course, this is not the Campus Code of Conduct. This is the—

CHARLES VAN LOAN: Oh, the Code of [inaudible]. Sorry, yeah.

RISA LIEBERWITZ: Yeah. The more substantive question has to do with first, the possibility of having a staff member instead of another faculty member present at the primary hearing. Is that it? Yeah. I have some concerns with that for a couple reasons. One is, that I think it puts staff members in a difficult situation. They can't really say no. I'm kind of uncomfortable with doing that. The other thing is that it seems to be this is an educational process issue. It's an issue of education in that it be carried out by educators and so, that's the other concern I have about that. I understand the practical issues that are being raised. But, I just have some concerns with that.

The other thing I wanted to ask about was with regard to the videotaping and the idea of well the faculty member could speak separately with a student. I'm unclear and I haven't checked this out, so it may be clearly written in the code, but perhaps you could answer this. Is the code clear about when a faculty member can speaker separately with a student after a charge has been brought of academic integrity? It reads as if you're saying, well you could have a separate conversation. And in general, I

think it would be a good thing to promote resolutions through actual engagement, through talking with people, but I've always read the Code of Integrity as sort of discouraging that. So, perhaps you could speak to that, David?

DAVID DELCHAMPS: Maybe if you could point me to something in the code that discourages that, I'd appreciate it. I'm not familiar with any text in the code that discourages side bars, so to speak. I don't really see that as something that's there, but if you can point it out to me, I'm happy to look.

RISA LIEBERWITZ: Yeah, well, it might be. And I need to look and see if there is anything explicit, but it might be one of the things to consider is whether there should be something explicitly stated, whether [crosstalk] resolutions can be reached.

DAVID DELCHAMPS: Yeah, I mean—to me, this whole thing, one thing that the EPC is interested in doing is avoiding getting this into legalistic territory. This is an educational process. We want the students to learn from this, etc. And part of the reason we're kind of hesitant about recording some general [inaudible] is for that reason. There's chain of custody issues. There's authenticity issues. There's, who can hear it, that kind of thing. So, yeah, we want this to be an educational process. We want whatever ways of working things out that can be used to be used.

At least, that's the way I look at it. When I say EPC wants this, I'm assuming that the whole faculty wants it. We're just the distilled voice of the Senate on this and the Senate is the distilled voice of the entire faculty. So, it's our document for [inaudible] as a faculty. It should say what we want [inaudible].

RISA LIEBERWITZ: Yeah, so I just wonder that maybe there is a chance now to look and see if that could be improved in that way, to encourage that aspect.

CHARLES VAN LOAN: Neema has a hand up. I'm afraid we're going to have to go on to Martha's Q&A after this. So, Harold and Jerry, please put your questions in the chat so that the EPC can fully consider them. Neema, some closing remarks?

NEEMA: Yeah, just wanted to actually respond to Risa's comment about including staff and given that we see this as an educational process, what does that do to that educational process? What really struck me in the many conversations that I was part of, trying to understand that the extent and depth of this academic integrity problem at Cornell, was one, how wide-spread it is. But what really struck me was how few instructors wanted to actually deal with academic integrity hearings, because they were so onerous and they took so much time.

And so, in terms of Chris talking about the game of chicken, there's an entire different game of chicken about whose classes you can cheat in and whose classes you can't. I'm just going to use the language of cheating, because that's the language that students use. I find it quite fascinating. We are of course—and I commend the EPC and all the conversations we had. We want to treat this an educational process, really deal with it. But many, many of us, because the process is so onerous, are opting out of it.

And I think the long-term, we all need to think about the long-term consequences of opting out of dealing with academic integrity issues. I just want to sort of—I know Martha's waiting for us. And we should just move on, but this actually very

serious. And it's very wide spread, and we find it difficult to deal with, just sheer time. And so, I'll stop there.

CHARLES VAN LOAN: This is hugely serious and after we get through this round—this is only round one. There are other recommended changes coming down the road, and we have some really major things to talk about. So, it's a really high priority item. So, thank you EPC and everybody for commenting. Remember that you can post your thoughts on the resolution online. So, now President Pollack is here to say a few words and then take questions. So, Martha?

PRESIDENT MARTHA POLLACK: Hi everybody. That really was—I came in kind of the middle of the—that is an incredibly fascinating discussion. You're right Neema, an enormously important topic. So, I'm sorry to the extent that I cut it off. I apologize for that. It is really good to see everybody. I never thought I'd say I miss Schwartz Auditorium, but I miss Schwartz Auditorium. I wish we could all be there, but so be it.

The first and by far most important thing I want to say to everyone is thank you. This has been an extraordinary—I guess we're in our seventh, starting our eighth month now. None of us, no matter how much education training we had. None of us were trained for this. None of us had a course on how to suddenly turn all your teaching online, how to deal with students only on Zoom.

Everyone was asked to do something that they had never done before. The grace and the creativity and the appreciation for values like you were just talking about, values of academic integrity, but also sensitivity to students. It's just been extraordinary to watch. I've watched the faculty show a determination just to find the best and most

effective ways to teach our students, in this crazy world we're in. I know it hasn't been easy. I know that all of you are dealing with a range of personal and emotional stresses. I get it deeply. I'm dealing with some elder care challenges right now. The challenging circumstances just make your commitment and your achievement all the more impressive. So, I can't thank you enough, for the critical role that you've all played in making this a successful semester.

Now, in terms of public health, and I always want to sort of knock wood when I say this, but so far in terms of public health, our re-opening has been a huge success. Our case numbers have remained very low. We've avoided any cases of serious disease in our Cornell community. I think of them as a few small bumps in the road. Early in the semester, we had a handful of un-masked gatherings. But since then, since September 2nd, the start of classes, we've had a total of just 102 positive cases.

And in fact, I'm going to get ahead of myself, because I will announce today's case, as well. We've had in the last two weeks a total of seven cases, including none for the past five days. None on campus. That's out of about—we've done almost 200,000 samples since the start of classes.

This is a community right now, with a number of students who are back, about 28,000 faculty, staff and students. So, remarkably low testing positivity rates, remarkably low rates of infection, even lower than Peter Frasier's models had predicted. In no small part, this is due to our students. You know all those people who said students couldn't behave like adults, they were just wrong. Our students have been remarkable.

We've been recognized for this. We've been recognized in the Washington Post and Good Morning America. Last week, one of the most fun things I've done in quite a while was virtually host Anthony Fauci, Weill Cornell Class of '55, as part of Stay Homecoming. And he called what we did a great example of what can be accomplished. So, thank you all for your part in it.

Now, all that said, the success is fragile. If you look at what's going on in some of the surrounding communities, even if you look at what's going on to some extent in Thompsons County, the numbers are going up. So, we've got to remain vigilant. We've got to keep monitoring protocols in place. We'll make adjustments as needed. We need everyone to keep getting tested.

One of the potential risks to the low prevalence right now is the upcoming holidays. So, yeah the classes are going online and most of our students will be leaving town, but some proportion of students will be staying. Those students who live in Ithaca and even some of our off-campus students, who for one reason or another don't have a home to go to.

We're urging everyone if you possibly can avoid traveling for Thanksgiving. I know how hard it is. I mean, I want to see my family. I know everybody wants to see their family. If you can all avoid traveling, do so. If you do travel, you've got to pay attention to the protocols. Of course, the New York state protocols which say if you leave and then you come back depending on where you've gone, you may need to quarantine for 14 days. If you have people coming into New York, depending on where

they're coming from, you may need to quarantine for 14 days. Then, you have to pay attention to the protocols of wherever you're going.

I'll tell you, I'm dying to go to Canada, because my daughter is eight months pregnant there and they won't let any Americans into Canada. And it's killing me, but so be it. That's the world we're in. We will be issuing very soon clear protocols regarding what we need on campus if you do travel, but if you can avoid traveling, please do.

I want to take just a few minutes. I'm going to make sure I leave time for questions. But, one of the most impressive things about you, our faculty, is that we haven't just been treading water. There's still been incredible work going on. So, at the risk—I always miss someone. I hate to do this, but nonetheless every fall, I try to list a few of the really important honors that our faculty have received. And I'll miss someone, and I apologize in advance.

I do need to call out one, Kate Manne, who won the 2019 American Philosophical Association Book Prize for *Down Girl*. Great book. If you haven't read it, you should. Two, Peter Katzenstein, the Walter S. Carpenter, Jr. Professor at the Mario Einaudi Center and also professor of government. For the Johan—I can't say it the Swedish way—I'll just say Skytte Prize. This is basically the political science version of the Nobel Prize. Three, Paul Ginsparg. Paul, you usually come to these meetings. I don't know if you're here today, but Paul is the recipient of the American Institute of Physics 2020 Carl Taylor Compton Medal for Leadership in Pittsburgh.

And I have to mention Dean Ray Jayawardhana, who won the Carl Sagan Medal for the Division of Planetary Sciences of the American Astronomical Society. If you don't

know about Ray. When Ray was growing up in Sri Lanka, Carl Sagan was his hero. He watched Cosmos, and that's how he got interested in astronomy and then years later, when he moved to the states, he got to meet him.

Now, we've always had winners of a Humboldt Research Award, a career enhancement fellow from the Woodrow Wilson Fellowship. Nine, nine NSF early career awards and an NIH Director's New Innovator Award. We had a faculty-produced film nominated for an Emmy. We had a faculty member elected to the American Philosophical Society. If you're one of those people, or you've won some other awards, and I haven't called you out, I do apologize, and I congratulate you deeply.

I think everybody knows we have four new deans: Lynden Archer. Three of them are internal, Lynden Archer in Engineering, Kavita Bala, KB, who's now the Dean of Computer and Information Science. Kathryn Boor, who moved for Cals over to be the Dean of the Graduate School. And then one new person coming from the outside, taking the place of Kathryn in Cals is Benjamin Holton, the Ronald P. Lynch Dean of the College of Agriculture and Live Sciences.

He comes to us from the University of California Davis. Out there, he was the director the John Muir Institute of the Environment and professor of global environmental studies. His interests in sustainability align with those of so many of our faculty, and he's already at work on a big project that will link New York state and the State of California in sustainability issues.

We've had a great year. Last year was a great year in terms of research funding, but preliminary figures for FY '20 indicate that University-wide externally sponsored research is up 5% over FY '19. Last year, it was over \$760 million.

And despite the pandemic, our fundraising efforts went very well also. We had a target of raising \$700 million across the campuses. We raised \$712 million, and \$359 million of that was for the Ithaca campus. There's a lot of work going on, on diversity and equity, and I'll only mention a few of them.

I think people know that we reformed the Public Safety Advisory Committee, PSAC. It now reports directly to EVP CFO, JoAnne DeStefano. It includes both faculty, students, and both undergraduate and graduate students, faculty and staff. Its first meeting is for later this month. It is to provide advice and guidance to the campus police force on their interactions.

Secondly, there's a group of faculty from the American Indian and Indigenous Studies Program who are delving into the history of the land that was granted to Cornell, when it was established. In particular paying attention to the role of expropriation of Indigenous lands in the creation of universities like ours.

Mike Kotlikoff and I had a really productive meeting with this faculty and as they develop suggestions, about how to acknowledge and respond to this history, we will continue to work with them. So, I want to thank those faculty for the hard work they're doing. And I want to thank this group for all of the work that you're doing with Charlie and Neema on the anti-racism initiatives. These are incredibly important, not just to our students, but to our educational and academic mission.

This came up quite a bit. Some of you know that we just today—well, last two days and today, went through our re-accreditation visit. I'm pleased to announce, we had the report out this morning. We came through with flying colors. There are no recommendations. There are no deficiencies at all. They're not even any requirements; there's just a couple of fairly small recommendations.

In particular, they praised us for a lot of things. One was educational assessment, the way our faculty assess educational outcomes, and another was our ongoing set of activities around diversity and equity.

Just a few more things, I think, hopefully everybody knows that for a couple years now, we've been working with the UA, to revamp the Campus Code of Campus. This is something I heard about from the day I came in the door. Students ask me about this all the time. Last Spring, at the end of the semester, the UA handed over a couple of drafts to the general council and asked us to build a draft that pulled the best of those things together. The new version is now out on the website. It's on both the UA's website, and Charlie, I think it's on the Faculty Senate website. Right?

Yes, okay. Really important that everyone have a voice in this, so please go out, take a look at it. Send any comments. And in particular, because it now pertains to the students, we need students to have a voice in it. So, please in your classes, encourage students to take a look.

Okay, I want to say a word about sustainability. I hope everybody knows that at the main meeting, the Board of Trustees voted to institute an immediate moratorium on new private investments in fossil fuels, and to grow investments in alternative energy.

When they made that decision about 4.2% of our existing investments were fossil fuel focused, and that will go down to zero. You can't do it immediately. You need to let commitments that you're locked into mature and then not renew them. But as that happens, that money will be invested in other areas.

We're continuing, I think, as everybody knows to build on our earth source heat activity. And I'm really delighted to let you know that in July, we got a US Department of Energy Grant for \$7.2 million that's going to let us drill a two-mile deep bore hole to verify the feasibility of this. So, that's the next really big step in designing earth source heating. Beyond that in June, we were awarded—AASHE, some of you know AASHE—the Associated for the Advancement of Sustainability in Higher Education. They're sort of the big, overarching group that looks at how universities are doing in campus operations, sustainability. They awarded us Stars Platinum. That's their highest rating. We're the first Ivy League university to get that, only the sixth university in the world.

Finally, I think this really is finally, almost finally. Two more things, real fast. One, I'm sure everybody knows this by now, but I was really just delighted, just delighted at Stay Homecoming to be able to announce that we're going to name two of our new dormitories after two of our most amazing alumnae, Ruth Bader Ginsburg and Toni Morrison. Both of whom died within the past 18 months. Ruth Bader Ginsburg, obviously a month ago. Toni Morrison, I think it was August of 2019.

We had many, many requests shortly after Justice Ginsburg's death for us to create a physical reminder here at Cornell, from faculty, from students, from alumni,

from more alumni, from staff. Those requests came together with a discussion we were already having about how best to honor the memory of the late Toni Morrison.

There are a series of events, including the reading of her book that are going on in the Arts College this year, but there was a desire again to have a permanent physical recognition of her work. And when we thought about this, we wanted something which wasn't within one school or college but which really showed all students who come here, whatever school and college that their path can take them anywhere.

So, with the opening of the North Campus dormitories, which are really going to be a new chapter in residential life. They're really going to allow to do a lot of programming for students, will allow us to have all students live on campus for two years, starting in North Campus. It just seemed like an extraordinary way to honor them. I was very excited to be able to announce that.

And then really finally, just a little sort of advertisement, as you look past the holidays and believe it or not to the Spring semester, I do want to remind you that the Center for Teaching Innovation will have its resources continue to be available. I know many of you have used one-on-one consultation. You can do it virtually by Zoom. You can drop in. They also have mini-studios at various classes. If you want to create course material online, they stand ready to help you.

There's a lot more I could tell you about. I could tell you about the School of Public Policy. I could give you updates on NCRE construction. I could tell you about the work we're doing to encourage and support our students in voting. I suspect I will because I would be amazed if someone didn't ask me, tell you about how we're

responding to the president's executive order, but I'm going to open it up to let Charlie feed me the questions.

CHARLES VAN LOAN: Okay, thank you very much Martha for the overview. Okay, so raise your hand if you'd like to ask Martha question. Buz, Buz Barstow.

BUZ BARSTOW: Okay, Charlie, thank you very much. President Pollack, thank you so much for your address. And also, I really want—I think on behalf of the whole Senate—I think I want to thank you and the progress, Mike Kotlikoff, for your efforts in leading the reactivation of Cornell. I think it's just an amazingly big deal. I want to come back to a question I think I asked one of the previous times you came to the Senate. About the cost of education, I think the last time you spoke about it, you mentioned that education is sort of a super inflationary business.

So, it seems that answer to me, suggested that we'd sort of given up any hope of controlling it. And I wasn't totally satisfied with that answer. In the past year or so, I think especially looking at what we've done with COVID, it's shown that we can actually really do some amazing things if we double down on it. I don't need an answer right away. It's an incredibly thorny problem, but I just wanted to raise this. What can we do going forward?

MARTHA POLLACK: I mean, look it is—there are many questions that keep me up at night. It is one of the questions that keeps me up at night, because it is certainly a question that I and lots of people have thought really hard about and there has not yet been a good answer. Now, there are answers. There are ways you can drive cost down, but each of those involves giving up something that you have to be willing to give up.

That said, Buz, one of the things—as you were talking, I thought boy, now I have a new answer to the question people ask me all the time.

So, people these days ask me all the time, what have you learned during the pandemic that will motivate you afterwards? I give answers about remote working of staff and new innovations, not just for online teaching, but new innovations that have come up even in in-person teaching because we've had to do it in socially distanced ways and so on.

I think there's a new answer I'm going to give and that is, we were able at Cornell—and I knock wood, because this semester going on—but we were able to pull off something that no one thought we could pull off, because we just were persistent in thinking about it and I think we need to take that as a lesson learned and try again to come up with a solution to the college cost. But I would be lying to you if I told you I had an answer at this point.

BUZ BARSTOW: Okay, I really appreciate that answer. I just appreciate the acknowledgement of it, so thank you very much.

MARTHA POLLACK: Thank you.

CHARLES VAN LOAN: Carl, you had your hand up, but you took it down. Did you want to ask a question?

CARL FRANCK: If I quickly could, I was thinking, unless it's already been mentioned, are the fate of students who were stranded out of the country. If you [inaudible] to the [inaudible] for us?

MARTHA POLLACK: Well, we're doing everything we can. It is an enormous challenge. Thanks to all of you, who have offered your courses remotely, as well as in person. We have at least been able to serve them. I don't know if you know about our Study Away Program. So, we did stand up these sites. I think there are 11 of them around the world, some in Europe, some in Asia. I think there's one in Africa. I don't think there's one in South America, but I could be wrong.

These are where we built partnerships with other universities so groups of students could go live at a university, say in Hong Kong. They could take some courses at the Hong Kong University. They could also sort of as a cohort take courses remotely with us, and at least they could have some sort of—it's certainly not like being here, but some sort of Cornell experience.

This was developed by Wendy Wolford and her team. I personally thought it was a brilliant idea. Again, it's not a great solution, but in a pandemic, you make do with what solutions you can. Other than that, under the current rules, there's not much we can do. We are trying to push back on the new Department of Homeland Security. I don't know if people know about this new rule. The graduate school and the Office of Global Learning have been following this really closely and so has Federal Relations.

It's actually very, very, very problematic and very dangerous. So, rather than allowing international graduate students to finish—it requires most international graduate students to finish their studies in four years. How many of you have PhD students that take more than four years? It limits some international graduate students

to two years, if more than 10% of the students in their country have overstayed their visa.

So, it doesn't matter what you've done. If you're from a country, where it's deemed that more than 10% of the students have overstayed, you can only come for two years. And it bars extensions from international students, when the agency at its discretion decides that the students aren't making progress towards their degree. One of the clinics, I think it's the Center for Immigrant—I have it here somewhere. The Center for Immigrant Rights Clinic at Penn State Law School has a really nice website on this.

The rule is open for comment until October 26, 2020. You go to [www.regulations.com](http://www.regulations.com), and I'll put the docket number in the chat or call your representative. Anything you can do to try and get this changed will be helpful. I'm not optimistic, but not being optimistic doesn't mean that you can give up. Here's the docket number if you want it.

CHARLES VAN LOAN: I don't see any hands. So, let me ask you what's going on with the executive order? So, we're in this cluster of research universities. Is there some orchestrated response? How does that work when something this major comes up?

MARTHA POLLACK: Well, let me answer both those questions, Charlie. So, first let me tell you what's going on, on the Cornell campus. So, sometime this week, within the next couple of days, the general council and the [inaudible]. So, that is Madelyn Wessel and then Avery August and Angela Winfield are going to issue a memo that they are writing together with advice to the community.

In high level, here's what that memo is going to say: To the extent that the executive order can be seen on encroaching on academic freedom of faculty, or intruding on curricular instruction or affecting the way you invite lecturers or guests to campus, our advice is it's not effective. It's ineffective. We will not implement it. We will definitely not encourage self-censorship. We will support academic freedom. To the extent that it specifically affects a federally funded training program, the memo will give focused advice about how to address it.

So, we are being—we can't flout the law. The law clearly says, this is what you have to do in a federally funded training program, we'll give you advice how to deal with it, but when it comes to anything that's going get in the way of teaching or academic freedom, we absolutely are not going to implement it.

So, your second question, yes. Whenever there are these sorts of things. There are all kinds of group responses so that sometimes the Ivy League takes it on. I have to say in a case like this, it's not terribly effective for the Ivy League to be the group that takes it on, because frankly, the Federal Government and the people in power just sort of roll their eyes at the Ivy League. You get this, right? I don't have to explain this to you, but groups like the AAU, the American Association of Universities, which is, I think it's 72 major research universities in the United States and Canada. They, we, as part of them often take this on together, and can put together memos and so on.

Now, this is not a legal case. This is not where we would join an amicus brief, but in other cases, that's the other thing we often do is join with amici briefs.

JILL SHORT: Charlie, this is Jill. There are some questions in chat. Would you like me to read them?

CHARLES VAN LOAN: Sure.

JILL SHORT: So, the question for the president says: given the crisis arising from us being labeled a leading land grab university prompted my colleague's question about what a win looks like in five, ten, twenty to a hundred years. Could we turn this crisis into an opportunity by becoming the world's pre-eminent university for the discovery, instruction, and engagement on the past, present and future of Indigenous peoples all over the world to honor the tribes dislocated from the lands that we and others now occupy?

MARTHA POLLACK: Yeah. So, I don't know what the five, ten, hundred win refers to but let me answer the rest of that question. As I mentioned, I want to be respectful of the faculty at AIIPS, who are taking this on, who are doing a marvelous job of looking at the history of—not just looking at the history, but looking at the impacts of the history as they've played out in the succeeding 155 years, and who are coming together with suggestions. And that kind of a suggestion may be one that they raise and then of course, it will be up to the faculty to decide on curricular matters. But, as we are trying to deal with the anti-racism issues, we, the administration fully support steps that we'll enable us to deal with our past honestly and to address our past and to teach our students about our past and to teach students how to create a better world that doesn't perpetuate the sins of the past. So, that's where that stands.

CHARLES VAN LOAN: There's a question on the School of Public Policy.

Whereabouts is that right now?

MARTH POLLACK: Yeah, Mike Kotlikoff, are you on this call? No. Okay, So, I know it is moving forward. I know there is a group working on it. I have to confess. I don't know the details, but I will—if I make a note to do it—I will find out from Mike exactly where that is and send you an email Charlie, okay.

CHARLES VAN LOAN: Yeah. I'm looking through the chat.

MARTHA POLLACK: It is. I know it's going forward. I don't know who's on the committee or where the committee stands, but the work is going on. And he talked about it at Board last week.

CHARLES VAN LOAN: Oh, Ken Birman has his hand up. Ken?

KEN BIRMAN: Yes, thank you President Pollack. I thought this was a wonderful presentation and I actually would go further and say thank you to you and Mike for the amazing job that you've done leading us during this very difficult period. Looking ahead to the Spring, I'm wondering what you're seeing as the likely model, and what's kinds of new challenges we might have or what challenges you feel might go away, as we move into that period?

MARTHA POLLACK: As of now, the plans are to try and replicate what we did this fall including the very extensive process that we went through for move in. So, students would need, again, to come back. Everyone would need to have arrival testing. They would need to be quarantined for 24 hours before they got their results and so on.

Then, we would continue with surveillance testing as we are now, and the same sorts of policies.

There are some things we might tweak. So, one thing I heard, and this would have to be borne out, but someone did tell us that one of the reasons that some of the faculty opted only to do online learning was it was just too difficult to run both an in-person class and an online version of that. And we had said, "Look you've got to have the online version." I forget who it was. I think it was Carl before who asked about the students who were far away. We wanted to make sure that all courses were open to all students. Maybe we should change that. I don't know. So, there are minor tweaks.

What I am most concerned about—I'm concerned about a few things. One, of course, as I say this is fragile success. It's been amazing, but one super spreader event could break this down. I'm concerned about compliance fatigue, especially amongst our students. I'm concerned that they're just going to get tired of behaving in the really amazing ways they have. And I am very concerned that—today's an amazing day—but I'm very concerned that as the weather gets colder and we all go inside, that transmission may be more of a factor.

One thing I'm not worried about, or I'm not terribly worried about, our students have been taking seriously the edict that they have to get flu shots. And the uptake in our flu clinics has been very high. I don't believe we were legally allowed to require faculty and staff to get flu shots. We are requiring that our students, but I would really, really, really urge you to get a flu shot. For one thing, if you get the flu and COVID at the same time, it's very bad. Very, very bad. And for another thing, the main things you

want to do in managing a pandemic is not overwhelm the health system. When flu and COVID are both going around at the same time, it could really overwhelm the system.

So, please go get your flu shot. You can walk in. I walked into Kinney. You can walk into any drugstore and get one easily.

CHARLES VAN LOAN: Okay, thank you.

JILL SHORT: Question from David Delchamps—it said, "Will the administration encourage more in-person instruction next Spring, using data about safety, low probability of transmission in classes, etc.? Seems many faculty members aren't thinking quantitatively about this."

MARTH POLLACK: Again, the Provost and I all along, wanted to be very respectful of faculty. Faculty and staff too, to the extent we can. People have issues that make them vulnerable. They may not want to talk about them. That said, I do think that the extraordinarily low numbers, if they hold up. If they hold up through the rest of the semester, then the indoor thing is not an issue.

I'll tell you one other thing, which is we have seen no spread in the classroom. So, one of the things we do, when we get a positive case, is we don't just test what the County says is a close contact, which is more than 15 minutes within six feet. We do what we call adaptive testing. And so, if a student is in a sorority, we test all the students in the sorority. If a student is on a team, we test all the team members.

We may not actually stop doing this, I'm not sure actually. If a student was in a class, we tested all the student in the class. We saw no—we have not seen a single case of spread in the class room. So, I think what we would like to do is—as with the

students—we say, "You're adults. We expect you to make good decisions." We just want to get that facts out there and then hope that people will make good decisions. I do know—I mean, I don't get to teach anymore and I miss it, but teaching in-person is one of the most fun parts of our job. To the extent that it could be done safely, of course, we want to encourage it.

CHARLES VAN LOAN: Okay. You find anything else, Jill, on the chat?

JILL SHORT: No, just Ken Birman, has his hand up.

CHARLES VAN LOAN: Okay, well, I think we're at time here. So, thank you so much Martha for coming and—

MARTHA POLLACK: Let me answer to Mark. Yes, if it's available. Mark asked if a COVID-19 vaccine is available, would you consider making it mandatory for students. I think we would consider it, but I think there's going to be—I was just on a phone call. Mike Kotlikoff and I were just on a phone call with Governor Cuomo earlier this week. The governor is actually concerned about the Federal Government not having a strategy for distributing the vaccine. And he's going to be working on one for the State of New York. I'm not sure—okay, this is worth the air I'm breathing. I'm not a public health expert, but I think students are going to be low priority. That age group is going to be low priority for getting vaccines, so it's a little bit tricky. All right. I'll let you go. Thank you so much for inviting me and stay well, everybody.

CHARLES VAN LOAN: Thank you, Martha. Okay, that brings us to the end. As you know, we do this thing where after Jill turns off the recording we just hang around. We

just call it hallway chat. Everyone's welcome to do that. And I want to thank all our speakers and presenters today for a very interesting session.