A MEETING
OF THE UNIVERSITY FACULTY SENATE
WEDNESDAY, NOVEMBER 11, 2020

CHARLIE VAN LOAN: You see the usual etiquette slide there. And be brief so that more people can talk. That's the take-away. And remember that we post audio and chat. Also, on the agenda page, you can post comments, should you not have enough chance to express yourself during the meeting.

This is all I really want to say by way of announcements. We have two more meetings. And the next one, kind of an unexpected topic, but not surprising, because we all know what goes on, which has to do with hate-based communications, and especially when they target faculty. What we want to do is really look a little more carefully at this, the policies and protocols we have in place. More generally, we all have an online presence, and I think we need a little more guidance about how to organize that. It touches everything we do, and there's kind of a shortage of guidance out there, so we'll talk about that with other things.

And then in the last meeting, the working groups that have been at work now on the various antiracism initiative will show up with reports of some form. I'm not sure they will be final reports or rough draft, but we'll spend that last meeting on that topic.

The first presentation today is from provost Mike Kotlikoff, and he is going to give us an overview of the budget for the upcoming year. Mike.

MICHAEL KOTLIKOFF: Thanks, Charlie. And good afternoon, everybody. I'm going to talk about, start out with our priorities, what are we trying to do with the budget, particularly in the midst of this pandemic. I'll talk a little bit about how we got into this current fiscal year, where we ended up in the last fiscal year in the spring from a budget standpoint, the precautionary actions and assumptions about our current year budget, FY 21 budget that we

went into the year with, and then where we are relative to those actions and assumptions; and then finally, just highlight some critical decisions that we're contemplating currently.

First, for our budgetary priorities -- and we have during the pandemic focused on making sure that our Cornell community and our broader community are healthy and safe, and we've not spared expense to be able to do that -- our first priority was to operate safely. Of course, our second priority was to operate, to do that in a way in which we continued to provide the best education to our students, and also continue to do our research and scholarship across the university.

Then beyond that, so having made the shifts that allowed us to operate and continue to pursue excellence, our first priority beyond that is really to alleviate the financial pressure that we've all borne through the pandemic, through particularly the reduction in retirement contribution and the salary reductions that were imposed this year. And then finally, given that priority, to continue to make sure that we can invest in our core missions for the university.

If I just summarize where we ended up last fiscal year, we obviously closed the university abruptly in the spring. We deferred any capital or maintenance expenditures that we could defer at that time. We had significant cost reductions in a number of areas. As you know, we stopped our meetings, we all went home; so travel, supplies, any repairs to buildings and any entertainment, of course, was curtailed.

We did have strong philanthropy, so we ended the year with strong philanthropy -- I'll say a couple words about that -- and we imposed a hiring freeze. All of that set us up to end financially in good shape, despite the fact that we ended up providing housing and dining rebates for students that went home; we lost revenue in enterprise units. By that I mean, for example, the Statler Hotel, which closed and had no revenue during that period of time.

Other examples of that as well across the university; costs associated with the shutdown and beginning to invest in our COVID testing program, although most of those expenditures occurred in the next fiscal year. And then we began to invest, of course, in technology to support faculty in online presentation. All of this provided us with enough revenue to be able to meet the challenges and to use that revenue to address what we deferred in FY 20.

And then going into FY 21, as you all know, we made a number of decisions based on our concerns about the budget. Paul Streeter will help me here if I miss any of this, but here are the actions that we took going into FY 21: Of course, we suspended the Cornell University retirement program; part of it, I should say. Then we imposed salary reductions on the contract college side. We deferred or put off any capital spending that we possibly could. We had no salary increases for our employees.

We initiated a functional review. This had already been initiated, but we accelerated that process to look at all of our support services across the university; IT, HR, communications, facilities, everything that supports us, tried to look at how we could do that more efficiently. We had a hiring pause, travel pause and reductions in discretionary spending. We increased the endowment payout.

When I say we partially suspended retirement contributions, you may recall that we came to the faculty, Martha came to the faculty and heard very clearly the concerns from the faculty that we not do this all in retirement, that we try and increase the endowment payout. And Martha and I went to the trustees, and they approved an additional payout associated with trying to blunt the impact of the pandemic.

We planned on the use of substantial reserves through this period, and then we tried to shift our philanthropy to current use, particularly in financial aid, anticipating a significant

increase in our financial aid, as unemployment rose across the country and we anticipated appeals for more financial aid.

Going into FY 21, we had the following fairly conservative budget assumptions: That our undergraduate enrollment would be 95% of normal. That is a very significant revenue loss, but we planned for that revenue loss, seeing what was going on around the country. And we planned for a 70% grad enrollment, particularly in the anticipating reductions in enrollment in master's programs, where students couldn't come from foreign countries and we anticipated they would not enroll at all.

We planned for a 14% annual unemployment rate across the country and modeled our financial aid needs based on that unemployment rate. As you see, both these assumptions turned out to be on the very conservative side. However, we also planned on $20 million in COVID-19 expenses, which we were expending more, and 10% reduction from New York State allocation to the contract colleges. That also turns out to be likely to be 20%.

Forecast versus projections here. I'll just go through each of these. We had not 95% enrollment in undergrad, but 98%. Really extraordinary, particularly when you consider what happened at many of our peer institutions. And I attribute this entirely to the work of the faculty and support people that allowed us to have residential instruction. All of our COVID preparations, the epidemiology, the testing, et cetera, allowed us to operate with confidence and get to the 98% of tuition, which has an enormous impact on us.

That was a $20 million -- so green here is to the good, red is to the bad -- $20 million to the good. And our master's degree was actually near 100%, where we planned -- here it says 80%. I believe it was 70% of target, but that's about $15 million to the good.

Paul, was it 70 or 80? 80? Okay. So the previous slide was wrong. So for state appropriations, we now know that the State is planning a 20% cut full year. They haven't

announced it yet, but that's what we've been told. That would add another $14 million in losses. Our educational activities and other, where we have a lot of variability; for example, there's very little Cornell Abroad now, and other activities that shut down or were diminished, that is a $10 million to the good. Our personnel costs and our benefits trended higher, so that's $1 million to the worse.

Now, on the financial aid side, we had, as I said, assumed a 14% unemployment rate nationwide for the year on average. When we did these assumptions, we were approaching 20% on an acute basis. That has come down. I think it's in single digits now, although still significantly higher, and that has had an impact on our financial aid, which showed that we were very conservative, and that's been a big number to the good. Now, we expect much of this cost to be not acute and seen in the FY 21, but extended into FY 22 and FY 23, so it's not entirely good news; but for this fiscal year, it's certainly a big impact on our budget.

Our general expenses and services, highest cost, particularly the COVID expenses, which we underestimated; changing our facilities, the classrooms, the structural technology that we put in place, as well as our COVID testing and the dorms and quarantine that we had to ensure. Particularly, as the State changed its guidelines, we had to rush and get more quarantine space available for students. And then with all this, we had assumed we'd use $45 million across the university in fund balances and the colleges and in some of the central units to try and put against some of these anticipated losses.

So where did we end up? You see here on the left column, 2021 preliminary budget, what we had assumed, and on the right column, where we are currently. So this is our forecast five months into the fiscal year of where we think we're going to be. If I just direct you, you can see the greens and the reds again. Tuition, better; sponsored programs are up a bit; our financial aid, better than we had anticipated. Our appropriations worse, our personnel costs

somewhat worse, and our general expenses somewhat worse. All in all, net/net here, we are projecting that we would be to the good of roughly $29 million over the course of the year if we stay where we are currently.

This is also projecting not using the reserves in colleges and center that we had projected using, that $45 million at the bottom. Not sure if you see this, but the $45 million near the bottom of the first column, that we will not need to take college reserves and central reserves for that purpose. We can use that, put that towards our deferred costs, and we end up with a balance of $29 million positive relative to what we had predicted.

This is good news, because this budget now predicts our salary reduction and our retirement reduction throughout the full year. If we end that process, that program January 1, the cost of that is about $22 million, so this shows us that we could achieve our first priority, our priority after operating safely and providing first-rate instruction and research, we could now use this balance to stop the retirement contribution pause and the salary reduction as of January 1.

Important considerations in this, as we think about that critical decision. First of all, the budget that I'm showing you is premised on maintaining the hiring freeze. We have to maintain fiscal discipline throughout this budget. We budgeted for severe fiscal discipline throughout this fiscal year. We won't achieve what I showed you in the last slide unless we maintain that. So we will continue the hiring freeze and continue that freeze on everything but the most critical academic hiring.

Second, the budget impacts that I've shown you are net for the entire university. They're going to be different for different colleges. We've had this conversation with the deans. The deans are beginning to project their own budgets. Some will be negative, some will be positive. Of course, the state allocation hit comes only on the four contract colleges, doesn't hit

the endowed colleges, but there are other differences in terms of financial aid and tuition and how the salary reductions have hit the different units. We will use our central resources in this fiscal year to try and smooth that, and that's a conversation we'll be continuing to have with the deans.

Bottom line, we are better off than we thought we would be, and you could imagine that, absent what we've all achieved together, you could imagine a very different scenario. You can imagine a scenario in which we had 95% undergraduate enrollment. Some of our peers are below 90%. Some are in the 70% undergraduate enrollment, so this could have been a very, very different scenario. And for that, this is the collaborative effort of many, many people, faculty and staff that have prepared us for the pandemic early, gotten us in position to succeed and gotten us to the options that we're now enjoying.

We need to retain fiscal discipline throughout this year. And we will do that, of course, in some ways by not having in-person meetings and entertaining and traveling and all those areas; but hiring and other areas, we have to maintain fiscal discipline. I mentioned about the differential effects. There will be areas in which we just have to say no, and the colleges and the deans will have to say no to some requests. Please understand this is part of our fiscal discipline.

The curb in salary reductions. I came to this body and argued we needed to do that in order to ensure that we could make the investments necessary to protect our community and pursue our missions, Priorities 1 and 2. Having done that, I feel and the president feels like if we can maintain this budget, our first choice should be to try and return those and go back to normal operations. Given the positive financial outlook, our first priority will be to restore the curb in salary reductions. The decision hasn't been made by the president yet. It is Martha's decision, and that announcement we expect likely next week.

With that, I'll just open up to any questions, be glad to answer any questions. And I want to mention that Paul Streeter, Vice President for Budget and Planning is here, and Paul can help me answer any questions. If you dump the slides, please, Jill, and let's take questions.

CHARLIE VAN LOAN: Very good. There was a question in the chat, Mike and Paul, about what fraction of the total operating Ithaca budget comes from New York State. Can you quantify that?

PAUL STREETER: For the total, it's in the range of 5%, around $120 million out of $2.5 billion budget, so around 5%. If you look at it just for the contract colleges, though, where this is going to hit, it's closer to just shy of 20%.

CHARLIE VAN LOAN: Okay. Any questions here?

NEEMA KUDVA: There's a question from Chris -- there's a question that says have there been any employees who have been laid off or furloughed, from Chris Schaffer. If so, what plans does Cornell have for these individuals and what cost would be associated with their return?

MICHAEL KOTLIKOFF: Yeah, there have been very few furloughs, Chris. The only significant ones I am aware of are in the Statler Hotel, where there were some furloughs, and in the Veterinary Hospital, where I think there were some perhaps as well. Not quite sure about that. Paul, do you know any more detail on that?

PAUL STREETER: I do know there were some in facilities; sort of shut down the campus-to-campus bus, for example. I think there were some there, and possibly in Student Campus Life. I'm not certain.

MICHAEL KOTLIKOFF: Yeah. So Chris, in terms of plans to rehire, those are in the individual units, but I know that those plans are when the Statler gets up and running, when the campus-to-campus bus comes back, the first priority is to rehire those employees.

I see --

CHRIS SCHAFFER: If I could just follow up very quickly. This is Chris Schaffer from Biomedical Engineering. I might suggest that another priority for this budget surplus is to investigate the situation that these furloughed employees are in, especially in light of changes in the federal support that they are receiving, and to evaluate whether Cornell should maybe help these individuals in the interim until they can be rehired, and that that could be another use of that surplus funding that would be very much in line with the role of Cornell in this community.

MICHAEL KOTLIKOFF: Good point, Chris. We'll look into that and look into the rehiring plans as well.

I see Paul's question about how did we get 100% in master's enrollment. Paul, that relates significantly to the online programs at every level, at master's level and even in Ph.D. level; but primarily, we were able to launch programs. Wendy Wolford launched this very creative program where we stood up in-country programs with partner colleges where our students would go to those colleges, live in their dorms in Shanghai or in Hanoi and other places, Australia, and participate as a unit in these online courses and have a bit of a cohort effect through that. So it was a very successful overall effort, but I do think it also relates to the attraction of the Cornell programs and the Cornell brands.

CHARLIE VAN LOAN: Carl.

CARL FRANCK: Thank you so much, Chris, for your question, and especially for the follow-up question and Mike's response. My question relates to the same concern. Has there been flexibility in reassigning staff in order to make use of our community's talent in these special, extraordinary times? In other words, has that been part of what's been happening for our staff?

MICHAEL KOTLIKOFF: Well, as I said, Carl, essentially all of our staff have been retained, with the exception of some of these enterprise units where the work has completely vanished.

Those individuals, the Statler Hotel individuals -- some of those have been retained, for example, in the Statler, in running the Statler as a quarantine and isolation unit, so in terms of those people cleaning rooms, dining.

And a number of us met with the Statler staff, Martha, Ryan and I, and thanked them for their services, really on the front line for these individuals. The bus drivers, I have to be frank and say I don't know the answer to that, and I'll find out, but my suspicion is that there was not the ability to transition them to different jobs.

CARL FRANCK: Thank you. Again, I appreciate your response to Chris's second -- thank you so much for your efforts.

MICHAEL KOTLIKOFF: Sure.

CHARLIE VAN LOAN: When we figured out the start date for the fall semester, that was in the summer, it was a little more stable. Now, it seems to be a bigger question over the national scene come start of February. Can you comment a little bit about how we're going to handle that, or what the model says or whatever?

MICHAEL KOTLIKOFF: Yeah. It is a great point. I'll just say broadly to the faculty, to the faculty senate that what we are seeing now is a slow, but clear shift from student infections in our population to employee, staff infections, largely in a situation in which we are seeing spikes of infections in surrounding communities. Individuals are being infected in their private lives at home, coming in, getting detected immediately in the surveillance test program.

And what we are focusing on is really making sure that we stop any transmission on campus. We have very little control about -- of course, we are communicating safe practices, et cetera throughout our private lives and at home, but the reality is that we are seeing spikes around us and people are becoming infected.

And what we're focusing on is making sure that practices are in place that prevent transmission once people come to work, if they come to work asymptomatic, not knowing that they are infected. And we've seen a couple of those. We've seen in the CUPD, we saw some transmission of infection. We have seen some of that in facilities, so we've tried very hard to communicate and prevent that from spreading and creating a risk to our community.

We've also seen some student infections mostly now associated with travel, and that's another risk that we continue to try and highlight; that we've achieved really marvelous, stunning results, beyond what any of us would have predicted in terms of driving down the prevalence in our student body and our community. It's close to zero, but what happens is people go out of that community and come back and bring it back; and so there again, we are focusing on transmission. We've done a good job of picking things up early, and that's part of the whole idea behind the surveillance program.

Charlie, the answer coming back in, starting in the spring, we will reproduce what we did before. We will gateway test, we will ask people to affirm that they have been tested. New York State regulations now says you have to be tested within three days of coming to New York state if you are from not the surrounding states, directly adjacent states, test three days before. The State says go into quarantine for four days and then get tested and be released if you're negative.

We'll do more than that. We'll test you on day of arrival, and then put you in quarantine immediately, and then test you on Day 4. And if all three of those tests are negative, released to start the semester and go directly into the surveillance program again. So all of that, we have great confidence now having done this, that we can drive down any entering infection using that process.

CHARLIE VAN LOAN: There's a question sort of about K-12 testing of children. As you know, the public school scene greatly affects a huge fraction of the faculty. Maybe a few comments on that.

MICHAEL KOTLIKOFF: Yeah. So let me remind the faculty or, if you don't know, I personally participated with School Board, Ithaca City School District. Many faculty with children approached us about extending testing to the Ithaca City School District. We did that. We donated our cost of testing to enable them to monitor their student body and provide confidence to the faculty and staff to open up, and that worked.

We also donated $200,000 to the Tompkins County community to allow any Tompkins County resident, non-Cornell-associated, to go and get a free test at the mall and go through the Cayuga Health System. So we've continued to try and respond, and right now we are in the process of considering expanding our testing capacity and providing that at the lowest price point possible to our colleagues in the other school districts, as well as our colleagues at Ithaca College and other areas.

This is a collaboration with Cayuga Health System and needs to be done in partnership with Cayuga Health System. We're having a great conversation about this and seeing how we can do that in the most effective way, to try and help them operate safely, just as we've operated safely.

CHARLIE VAN LOAN: Is there any communication with the president-elect to replicate some of what we have done at Cornell at a national level? This gets to the more general thing here, is how much are people tracking the great successes we've had here in the county? What's your reading of that?

MICHAEL KOTLIKOFF: Yeah. We've, I think, gotten some good press about this. I think we have the lowest positivity rate of any institution in the country that I've seen, and we have

gotten some press about that, Washington Post, Bloomberg. I think I'm interviewing with L.A. Times at the end of this week, and other venues. Martha has been on Bloomberg a number of times. I think the message has gotten out, and I think we -- of course, you know Peter and I were on Good Morning America for a very brief period of time, thank God. I think the message has gotten out.

I have had personally conversations with individuals at the federal level about what we've done and how it could be replicated and also conversations with large corporations run by Cornell alums about helping them in determining how they could go back and operate in person using the fundamentals of surveilling asymptomatic individuals; because the principal issue here is so many individuals that are infected with COVID-19 are asymptomatic, don't know they're infected and spread the disease, if you're only testing symptomatic individuals. So the way to stop transmission, you have to test asymptomatics. It's been clear for months; but unfortunately, we haven't pursued a federal policy accordingly.

CHARLIE VAN LOAN: Okay, well, we are just about at time. I think I speak for all the faculty, Mike and Paul, and just how terrific your management of the combined public health and financial scene has been. It makes us all extremely proud, and just want to thank you personally for all that.

MICHAEL KOTLIKOFF: Thanks, Charlie. And huge team effort. A lot of people doing this. Thanks, all.

CHARLIE VAN LOAN: Okay, thank you. Let's get the slides back up, Jill.

Today is Veterans Day, and maybe some of you read the article in The Chronicle about we're having a nice increase in the number of veterans who are in our undergraduate programs. And we wanted to have one of them come and just tell his story. Philip Kay is a junior in psychology, and I encouraged him to talk about the path he followed from when he left the

service to getting here. There are a number of important programs along the way, and I thought it would be nice for the faculty to hear this. Philip.

PHILIP KAY: Yes. First, a really quick summarized background of myself, a unique double veteran. Prior to the U.S. Army, I served six years in the Israeli Army as well. Moving to the United States, different forces motivated me and pushed me, and I joined the U.S. Army. During my four-and-a-half years in 82nd, I eventually realized that academia was my calling, so I was very fortunate that a good friend of mine, who got out of the army a year prior to me, mentored me in this process and told me about these programs; because without that, I probably would have been very lost when I first got out in April 2017.

Immediately, the first thing I did was I applied to Warrior-Scholar Project, and I just happened to get the one that was hosted on Princeton's campus in the summer of '17. The program was only a week long. It's called an academic boot camp, and a lot of the things they do there is -- they call it degreening, kind of take off the uniform, let go of many of the mindsets that veterans -- are very engrained in us, adapt to the life of a student, I would say. And also, writing classes and things like that that are taught by Princeton faculty.

And one of the most monumental moments during that program for me also was how much of the stress that the Ivy Leagues were for veterans and that we are actually wanted and welcome in the Ivy Leagues. Up until that point, to me the term Ivy League seemed like a foreign plan, something that wasn't for me. I did not grow up with any means, so I thought that's just something I hear about in the movies and these names are something I'll never get there.

So during Warrior-Scholar Project, actually no. Why am I undermining myself here? I should. I'll just work hard, get the grades, that will speak for itself. So that's what I did. Right afterwards, I started community college in Pennsylvania. And during my time in community

college, I also started working with an organization called Service to Schools that helps veterans get into the most competitive universities possible. So I completed two semesters in community college for fall '18, I was wait-listed for Princeton.

And then I just kind of rolled into my third semester, which unfortunately, in the middle of that semester, I was informed that my father was about to pass away. So I made a decision, I withdrew, went back home, saw my father before he passed away, stayed there, supported my mother. And initially, I did not plan on applying to any school for fall of '19, but Service to School reached out and said what do you have to lose. Just give it a shot.

So within a very, very short time period, I did some research, selected three universities. All I can do is three competitive applications, so I did three, which Cornell of course was one of them, sent it out. In my applications, I attached like a page-long addendum explaining my situation, why I withdrew, that my father passed away and everything I was doing in that semester, everything As, honors project, honors society, everything, but all of that was cut short. And the first two institutions that came in, also Ivy Leagues, denied me very strictly. And one of them even told me flat out it was because of that withdrawal. That is the only reason they denied me.

And then Cornell came in. And I remember sitting at home seeing that email; oh, my God, congratulations. You have been admitted to the College of Arts and Sciences. Wow, that was something else. When I came here, I did what is called the Veterans Summer Bridge Program. And that also -- I like to say it's common to say first experiences are everything. And that was my first experience of Cornell, was mind-blowing.

I took two courses here, which were phenomenal. I took an English writing seminar with Professor Ernesto Quinonez which was life-changing for me, just so thought-provoking, so amazing. And the deepest take-away I had from that, too, of course I'm older, I'm a veteran, we

all have these concerns of diversity of opinion; can we speak our minds if we disagree. And Professor Quinonez told me in the middle of the semester, Philip, I want to tell you how much I appreciate you disagreeing on things and expressing yourself, very respectful and very well. I want to encourage you to continue doing that. I think it's extremely important.

Moving forward from that also, the impact, too, of Cornell being the only one accepting me with that withdrawal made me feel that Cornell was the only school that saw me as a human being, where the other ones were like oh, your dad died, okay, cool, denied.

So as of right now, I'm about to finish my third semester at Cornell. I transferred in as a freshman second semester. And as a student here so far, it's interesting to say from the institution side, I honestly don't have one bad thing to say. Really, all my classes in psychology and my electives have been mind-blowingly phenomenal. My professors, I can't speak highly enough of all of them.

Another example I would say is Professor Vivian Zayas, so I took two classes with. And during a seminar took with her last semester, she noticed how interested I am in research and my ideas and, like, if you want to pursue research, come to my office hours and let's talk.

And by reaching out, she set me on this path of research that this whole summer I think I probably read over 200 research papers in psychology to do a material review, and I discovered this is my calling. Now I know I want to continue on to a Ph.D. I want to get into research. I would like to also be a professor, to teach at a good research university and do my own research. Like if Professor Zayas wouldn't have reached out in that way, I would not have discovered my passion for research.

And finally, I would just like to say something that I've also noticed with myself and my friends here, fellow veteran students at Cornell, is how much value we do bring to campus, especially in diversity of opinion and life experience; because I notice participation in class on so

many topics. We bring that life experience into the discussion, into the classroom, and also for us as students, how much that life experience helps us excel.

So many things I learned in the classroom, instead of just trying to understand the theory, I immediately apply it to my previous life experience. Oh, I remember that theory. That explains this thing I witnessed in the army. I think that would be a great research idea. That's why currently I have four different research ideas I'm hoping to pursue in the near future. And that's it.

CHARLIE VAN LOAN: Okay. Well, thank you so much, Philip, for sharing that really remarkable story. And I'd also like to acknowledge in the audience, Philip invited three fellow vet students, Lauren Kahn, Roland Molina and Dakota Johnson. And I think I speak for all of faculty two things: First of all, thank you so much for your service, and it's so great to have veterans on campus. As you said, you bring an interesting perspective and really contribute to the overall undergraduate scene here, so thank you very much for sharing your thoughts here.

PHILIP KAY: Thank you so much. My pleasure. If I may say again, thank you so much for the honor of sharing my story with you all.

CHARLIE VAN LOAN: Okay, very good. Thank you.

Okay, it's actually a continuation of the same thing, which is to do with how we get students here. As you know, the normal application, standardized tests figure heavily in that. It's controversial. The pandemic has sort of brought this issue up to the top, and here to sort of set the stage for what might be a more ongoing discussion here in the senate is Vice Provost Jon Burdick, the Vice Provost for Enrollment. And he'll give us sort of the general background of the standardized test scene. As I said, we'll have time for questions, but then at the next meeting, we'll continue this discussion. So Jon, take it away.

JON BURDICK: Thank you, Charlie, and thank you, Jill. We can go to the next slide. I'll go through some of the information and data about the standardized testing environment that we're in. And I appreciate the opportunity to come now. We're really, in some respects, three-and-a-half months ahead of the next really important decision.

Many of you recall or might have been aware we had to make an important mid-April about the change this year from requiring tests to making testing optional, because test administration had been disrupted and looked to be disrupted more. That has continued even more so in the fall, so we're a little bit ahead of the game, but I think it's worthwhile to begin this discussion now and see how far we want to take it at Cornell.

So by February 2021, we have to make one of three decisions at the latest, but February 2021: Do we go right back to what we had as standardized testing requirement, SAT, ACT in all most recent previous years? Do we extend our current practices, which some may know we have four colleges that are test-optional and three undergraduate colleges that are score-free, meaning they're not evaluating test scores for any of their applicants. The others are evaluating scores if they arrive.

It appears that the share of students submitting scores right now -- we have a robust early decision population applying -- it is about 54% that are submitting scores at this moment. Or another option would be to extend 2020 practices indefinitely, meaning maybe this would become the new norm. There's at least one college that is sort of strongly considering that approach and moving away from returning to using tests.

A question: Which colleges are score-free? So the score-free colleges are the Johnson College of Business, both the Dyson and the School of Hotel Administration, College of Agricultural Life Sciences and the Architecture, Art and Planning Schools. They're score-free.

I'm hoping I might get results next week or so on four kind of interesting questions, somewhat inter-related questions. Some are more controversial than others. One is I think it would be valuable for Cornell to do a little bit of its own study about the scores. There are experts at Cornell, there are people who receive students with or without testing. It would be valuable to look at the practices and admissions and the sense of expert faculty.

I'm interested in whether there might be any kind of sentiment on extending the current 2020 options to the current high school juniors. For those that may not be aware, a lot of high school juniors traditionally take the test during the fall of their junior year. Most are not having the opportunity to do that, so we are already looking at a different testing year for the class of 2025, and then also beyond the class of 2026. There's already a disruption against current norms or normal practice.

One thing that is interesting, this sort of relates to the California practice and recommendations, which I'll mention a little more detail in the next slide, but there is a phenomenon called eligibility in context, which is the idea of evaluating each student in the context of their high school in their neighborhood, with the information that comes in an academic profile, at the very least, a counter way or a different way of looking at things, other than looking at test scores as a single yardstick which accurately measures all students.

And of course, Cornell is looking for enrollment growth, from as many as 15,000 now to 15,800 by 2025. The North Campus residential extension would support that. And in that growth, there could be a worthwhile investigation of the specific barriers for first-generation, low-income and underrepresented minority students and whether or not we want to move into practices that help support growth in those directions.

And then there are some problematic misuses of test results. So at this point on Cornell's campus, this is mostly rumors and conjecture that have come to me, but it's something I want to address and make sure that the faculty understand.

Review, last year, SAT or ACT was required all Cornell applicants. It has always been used in the context of holistic review. This is not always understood. Sometimes there's sort of assumption that test scores play a very outsized role in determining which students are best prepared for Cornell and which should be admitted, but they are always embedded -- and no one claims that their use in a way other than embedded with other material from the student is valid. Most Cornell applicants and students score in the 99th percentile.

I think that bears repeating and remembering that when we evaluate Cornell students in their relative performance in any way indexed to their test scores, we're looking at a very narrow band of students, test-takers word-wide, and I have not found that any Cornell recent validity study -- I have gone back at least five years and found we have not done recent assessments of scores in terms of their predictive ability. Do they predict success or do they predict retention, do they in some way help us go beyond just the admissions process?

Just to make sure you understand the contours of what's happening during the pandemic, a normal year, there are 2 to 3 million SAT exams taken. That's not quite that many takers. A lot of people take it more than once. In 2020, the College Board's ambitious goal was that they would administer as many as 1 million exams.

There were 123,000 students that canceled from just this past Saturday's exam, canceled or delayed, so it's not clear to me -- given the pandemic is still raging and growing in most parts of the country, it's not clear that that 1 million goal is not out of bounds. And there have been ACT cancellations in all recent administrations in all 50 states, so this is a nationwide

and, to some extent, a worldwide problem that the testing is just not available during the calendar year 2020.

Many of you probably participated with your colleges in sort of a quick dialogue with deans and among some faculty about the fact that we would decide to go test-optional. At the time we did that, none of the other Ivies were, in fact, doing that. And the last ones did it in June; but ultimately, our take on this was prescient.

There are places beyond our sort of Ivy League catchment area where this is a more aggressive movement to test optional and test-free, specifically the state of California. And the reason that's pretty important is that in every other circumstance in which the California, the UC system and the California schools demanded, required a change or suggested a change in their use of scores, that has led to significant reform and change from the testing agencies themselves.

California's about 15% of the test-taking market, and so if you're running College Board or ACT, you have a hard time ignoring that group. And California, as many know, through lawsuit and also decisions at the central UC level, has declared they're test-optional already and all campuses will be test-free starting in the fall of 2023. The impacts on the testing agencies would seem to be great, just from what's going on in California alone. Then you see the peer set that are currently announced test-optional for exactly one year.

Here's the colleges. I mentioned this before, but it is important -- I think everyone on here probably has heard or understands to some degree that Cornell is uncommon in that each college conducts its own undergraduate admission review. Many of the policies and practices are unique to each college, and that tradition has continued, even during the pandemic, that different colleges have reached different conclusions about the right way to approach and use or not use tests.

So this is what's going on right now. The reading season has begun in earnest, and there's been a lot of activity among the readers in the colleges to start to figure out how to proceed either as a test-optional or a score-free environment.

Landscape is listed on here. Arts and Sciences, Engineering also indicated they would like to use Landscape. Landscape, somewhat ironically, is a College Board tool. It provides a set of third party analyses to determine which high schools in the country have the roughest conditions, based on unemployment, student mobility, household size, wealth, crime rates, a lot of social conditions that they know have an impact on testing access and ability, and high school access and ability in general.

They have come up with a very simple, but proprietary formula for analyzing that, and they distributed all U.S. high schools across a 1-to-100 scale. Landscape provides a pretty quick tool, if you're not able to discern from the student's transcript, application or the school profile, whether or not a school is from a relatively challenged environment. The Landscape tool provides you that access, and its use a underway at Cornell and at about 50 other colleges. Most of Cornell's peers are also using Landscape in one form or another; relatively new tool.

I mentioned that I think there was some problematic practices. This is not unique to Cornell. It's something that I think if we're going to take up the question of testing in general and broad strokes, it is worth taking up in these particulars also.

One would be the use of SAT and ACT for advising and placement. Of course, that's not what the tests are designed to do. They are designed to assess students' readiness, not necessarily to be visited upon students as a thought about their capability and readiness beyond the actual taking of the test itself and submitting it. At the very least, according to both College Board and ACT, if you have a use like this of using test scores to guide and advise students, or

especially to place them in courses, you need to disclose that in a way they know, as they undertake the test, that this is one of the consequences of what their test score will be.

And of course, in this current year and the incoming first-year class of next year, with a very large fraction, as many as half not taking the test, if there are processes that use test scores for guidance and placement, there will be a bunch of students that simply don't have that option, so we will at the very least need to search for other ways to support those students and get them properly set.

And then another thing, and again, not unique to Cornell, but a pretty big phenomenon, and Cornell certainly has done this in the past, is reporting test score averages or test score range as sort of a metric of the general quality and qualifications of the class, which somewhat belies the idea that test scores are part of a fabric of an overall selection process.

They don't really have an independent existence in assessing students' readiness; but of course, at Cornell's range, for us to say that we meaningfully improve the qualifications and readiness for a class with even a 10-point increase in SAT somewhat belies the fact that all these students are already pretty much operating in the top range anyway. It isn't really a meaningful data point or for anything that's predictive.

And maybe it gets used for bragging rights, but the question is whether that's being driven by something that's true and important at Cornell for itself or whether that's something that's somewhat related to U.S. News and World Report or other ranking systems, whether we're just applying an external validation to that use.

And then, of course, there's no tie between these year-over-year increases across an average pool and real predictability or the standards for admission. There's no aggregated score that really can be tied directly to any one student's likelihood of success. So these are things I'd like to have some opportunity to investigate with faculty, if we get the opportunity.

Some things we do know about tests, so I think it's worthwhile sort of filling in that. The clearest measurement that tests have is not success on college campuses like Cornell or anywhere, but the fact that it's tied very intimately to household income. Higher income households have a variety of tools, some of them very legitimate, better educational value, communicated, better access to better schools; and also maybe less legitimate or not quite as savory from our standpoint. Better access to test prep opportunities across a number of years and intensively test prep for a long time was denied by the College Board as having any bearing on students' test scores.

About five years ago, they reversed that characterization and actually partnered with Khan Academy to produce test prep kinds of conditions online and inexpensively. It is not clear after five years whether that partnership has actually moved the needle on lowest-income students having equivalent access to test prep as highest-income students. There's many different ways the test prep is offered, and many of them require a pretty substantial payment.

I want to leave this slide in, only because I want to make sure that it's well understood that what the SAT measures -- and this is going to the question of advising and placement -- what the SAT measures is something Cornell would consider characteristic of students' 9th or 10th grade experience. It's not designed to measure things that they do through AP, advanced honor courses, calculus through their junior and senior year.

There's no trig on the math section of the SAT. It's not, therefore, very well-predictive of how a student's prepared for an introductory physics course. There's no calculus at all or anything that would intimate calculus. 20% to 25% of it is arithmetic, so it is measuring things that are different than what we say we would need or expect for our first-year students.

And we have other kinds of measurements, course completions and grades that are closer in time and closer to what we are looking for in trying to evaluate student success. One

of the ways I know this is true is CALS would be a good example. In going score-free, they also have decided to require calculus as a bedrock achievement of students before they will be admitted into CALS Science and Technology programs for this first-year class, so they've made a substitution already for what would have been a relatively poor predictor in the math SAT.

These were the UC faculty recommendations. The UC undertook a three-year study with a report that they filed in January 2020. They made six specific recommendations about the SAT. They're all listed here. Things that are long term, like finding eligibility factors other than GPA and scores that are predictive and helpful, expanding academic and social support services. Cornell, of course, has a vast array of those and a big commitment to that.

Potentially extending research into the question of test design bias. They didn't come to a conclusion about bias in testing, but they did say this was worthy of additional study. And they have set California on a course to develop a new, broader assessment, something that assesses a broader set of skills than the current math and reading/writing section on the SAT. It assesses other things that might have value as good inputs to admissions decisions.

But I wanted to focus on the two highlighted in the middle, 2 and 3. They made a specific recommendation to go beyond California's current practice, which is that students in the top 9% of their high school are considered baseline UC-eligible, as long as they've completed the A through G course requirements. Cornell's practices would be roughly similar in that we're looking at the rigor and breadth of students' course completions, and then looking at their performance and doing an evaluation in that way.

Then they specifically, as Cornell also might choose to do, wanted to look comprehensively at the admissions process and make sure we were reducing process barriers that specifically have a negative impact for first-generation, low-income and underrepresented minority students.

Many of you in Arts and Sciences will know that last year, in 2019, there was the robust discussion and a vote of the faculty to eliminate the SAT 2 exams, partly driven by that impulse to reduce barriers and make it more possible. And that has been wildly successful. There's been a substantial increase in Arts and Sciences and Engineering that had done the same thing before in first-generation, low-income students and underrepresented minority students.

Things we won't be able to have before February '21, so we can't count on using these things as part of our evaluation in choice. We won't have any longitudinal comparability for Cornell classes, the class of 2024 that's here right now -- much less the class is having a different experience with Cornell right now -- classes of 2025 and '26 will have potentially different experiences at Cornell and already very different experiences at their high schools, so that backwards comparability is not a feature that's available for us anymore as part of evaluating our use of testing.

We won't have predictable yield modeling, which is a bit of a problem. We want to be able to have instruments that help us predict whether students are likely to accept their Cornell offer. And of course, we won't have first-year performance data that we can consider as the same or meaningful in the same way for the students who are taking or not taking the SAT right now.

We also won't really necessarily know what other universities are doing. We may or may not be right in the wheelhouse in making an announcement of extending changing or going back in February. That's kind of important to recognize because, if our instinct is to sort of stay with the herd and sort of keep that up, we have a few things mitigating against that.

One is there's probably a lot of colleges and universities that are considering whether they need to and want to return to using test scores, possibly based on the antiracism

movement that gained traction shortly after the pandemic started, and that's a dialogue taking place on a lot of campuses now. Having gone away, they might not come back.

Some have already announced this is a two- or three-year test, like Cal Tech is on a two-year score-free exam period to change and do something different. We know California is moving out, so we don't entirely know what the testing agencies themselves will do in response.

Then the next slide is information we will have and might be worth considering. We are undertaking something new this year. We're evaluating all transcripts equally before they get to the colleges, looking for comparable choices about the rigor that's available within the context of the high school and comparable performance data, so that's being undertaken. It's sort of a sublevel as a potential proxy value that can help us replace or understand the impact of test scores.

We will have information about how that has gone in this current year. We will know the number, the percentage and the performance of those students who do submit tests this year. For early decision, it's a little more than half right now, but we don't know how that will continue or sustain. We'll have all these different colleges pursuing their review experience in different ways. We'll have that review experience, we'll have some idea of what the testing environment was through December of this year, including what was possible for the current high school juniors, and we may have some announcements from the College Board and ACT about their plans for 2021.

So there is some information that is not available now, but will be available three-and-a-half months from now that might help to guide our thinking. I think there might be one more slide.

Yeah, just back to my sort of requests, kind of informal requests, semi-related, you could say yes to one, no to others or not take up some; but basically, do we see enough value in

producing a group to evaluate this in greater depth, however long that might take. That probably takes us well past February 2021, so there will be some intermediate decisions we have to make or to recommend.

Could we consider extending the 2020 options right now to the current high school juniors? That would provide an enormous set of relief for our audiences. Or could we at least empower the colleges to make that choice to extend beyond one year, experiment to two years, sort of in light of what's happened in the last six months, since our announcement in April about testing? Could we adopt eligibility and context as one of the guiding principles for Cornell's planned expected expansion, sort of look at the Cornell context along the lines of how they're approaching this in California?

One of the things I would remind us of, it's an unpleasant truth, is that we do not know how much longer admissions offices at Cornell will be able to use race as a factor in admissions. With the current makeup of the Supreme Court, there's a lot of reason to believe that's at risk in a very short span number of years. There are four cases already working their way forward from different regions of the country into appellate court circumstances, so eligibility in context may have expansive value, given how racially divided the high schools are typically.

And then I'd like to sort of work with a group to start to act on the problematic misuses of test results, to the extent that these notions exist, if we're using SATs in a way that guides students into experiences that are not taking in account the other things we know about their admission status and ability.

That's it. I see a lot of questions. I can jump into the chat questions, Charlie or Neema, or can take questions, however you think is right.

CHARLIE VAN LOAN: Let's see if anyone wants to raise their hand right now. There are a lot of questions in the chat, as you observed. We'll make a point of getting answers and

reporting back and so on, but let's maybe handle a couple questions from the floor. Richard Bensel.

RICHARD BENSEL: Yes. That was very clear and nicely done. I have a question about financial aid. Once you eliminate or at least address class bias in scores and so forth in admissions, then financial aid kicks in. For domestic students, it's a needs-based thing, so that works; but I've heard over the years that for foreign students, financial aid is not need-based and, therefore, has a class basis to it. Could you address that?

JON BURDICK: Yeah, I'm glad to say that's inaccurate. Financial aid for international students is also based on need. What is different for international students is we're not -- we are need-aware in our admissions practices. So a student who applies for financial aid as an international applicant gets evaluated differently than a domestic applicant. There's a consideration of the fact that they are a need-based aid applicant, because we are fitting in with a -- about 5% of the total financial aid budget is devoted to international students' financial aid, and so they're essentially in a competition with each other.

That is not true of domestic students. Domestic students, as you heard from Mike earlier, the aid could have gone way up, it can go way down. It is based on their actual need, whatever that turns out to be, and we've committed to that up front. With international students, we're only committed to those students we choose to admit, and we are aware of their aid status before we make the commitment.

RICHARD BENSEL: So there is a bias in admissions.

JON BURDICK: A much larger percentage of international students who enroll at Cornell are paying their own freight, full pay, much more so than domestic. So maybe 90/10 split for international students, and closer to 50/50 for everybody else.

RICHARD BENSEL: Yeah, thank you.

CHARLIE VAN LOAN: Any other questions from the floor? People were mystified Cornell students are all in the 99th percentile claim there. A bunch of draws dropped. Is that really true?

JON BURDICK: Yeah, so the 99th percentile is at about a 1450 combined SAT, and Cornell's applicant pool this year so far already is at exactly -- that's actually quite a bit higher at the moment. I think the people who applied early are even higher-scoring. So a very, very large number of students we admit to Cornell score what you'd call a 1500 combined SAT, both scores in the 700s; often math score is a bit higher than the evidence-based reading and writing score.

There are other students we admit with lower scores than that; again, looking at all the context of who they are and what they've done with their grades and what their other achievements and values are, but there aren't very many at Cornell admitted that would drop as low as below the 92nd or 93rd percentile. That's just sort of out of Cornell's range.

CHARLIE VAN LOAN: Okay. Senators will be taking this up in the next meeting. Lots of questions in the chat. We'll make sure we get answers, and one of the things that Jon posed for us is to have more of an institutionalized faculty presence in the admissions scene, especially as some of these big decisions come up, so we'll pick up on all these things at the next meeting and so on.

Thank you very much, Jon, for coming. A lot of information and, of course, this is incredibly important, what our whole undergraduate setup looks like.

JON BURDICK: Thank you, Charlie and Jill. Thank you.

CHARLIE VAN LOAN: Okay, Jill, let's go back to the slides. We had a number of resolutions and they sort of piled up, and there are a lot of them. There are so many of them, the way we -- we just didn't have time to do them in the meeting itself. Before, we've done

electronic voting by email, but that's when you have sort of one thing to vote on, so we've set up a Qualtrics survey. And you'll get a copy of it right after this meeting.

I just want to step through the resolutions here, just to refresh your memory. All these have been discussed at two or three previous meetings; but nevertheless, we're all so busy, we might forget some of the details, so I'm going to step through them. And if any of these are unclear, let me know.

The first one is the Barbara McClintock dorm naming thing. If the resolution passes, we'll have a submission to the committee that's considering these namings, and we'll have a very powerful case. That's all about the dorm rename setup. You click on any of those links, you will get all the details.

Recall at the September 30 meeting, the Business School came to us with a professor of the practice policy. The scene there is that three different units came together, as you all know, about four years ago. They each walked into that with their own POP policies, and the college shaped them into a unified policy that squares with all the legislation. What was missing at the September 30th meeting, and it's partly my fault, was insufficient data regarding the internal votes.

For the two populations, tenure track and RTE, what you want to have is at least two-thirds of the people voting; and that is the case. You want to make sure that at least half of the electorate is in favor of the proposal; and that, too, is satisfied. That table was missing about month ago. Now there it is. And what this means, then, is that the proposal, which has been approved by CAPP, satisfies all the details that apply to the vote tallies.

This whole thing about the RTE percent limitation. These are rules about the ratio of tenure track to RTE faculty. The legislation that's been around since the early 2000s was kind of

vague, giving the colleges not enough guidance in terms of putting their proposals together; so we went through that, provided greater clarity.

Yes, you have to do a comparison with peer schools. Yes, you have to make a case that it squares with your strategic plan. Yes, you've got to tell us about how the proposal wound its way through your internal governance and so on. This is not whether you're in favor of this, of more RTE or not. It's nothing to do with that. It's simply have a clear policy, so a college can show up in the senate and that we can then make a scientific judgment of the proposal.

The Vet College came to us in the end of May with a plan to change their percent limitation computation. Usually, these computations are the form that you can't have more than 10 percent professors of the practice or clinical professors. The Vet College has tremendous clinical needs, both for their public health operation and the hospital, and so on.

And they were up against it and felt they could not hire the right kind of people, given the constraints. They have lecturers doing clinical work, so there was a mismatch between people's jobs and their formal job descriptions. Their proposal is all about sort of a novel way of expanding the RTE population and making sure, then, that they can realize their clinical and public health obligations while at the same time -- and this is always very important in these things -- that the tenure system is respected and is not undermined in any way, and it's not going to affect the creation and hiring in the tenure track side.

We had a single resolution dealing with various academic integrity things. It was split three ways for various reasons. One resolution, but there are three basic parts. They are all driven by experiences in the spring semester. And here's the first one.

The first one has to do with the grade option. Usually, it's a standard sanction, might be I'm going to reduce your grade from X to Y. Now, if you're S/U, you don't have too many choices. It goes down to a U. All this does is give the faculty member the chance to talk to the

students, saying there's an option where we could switch you to a letter grade, and then do some kind of sanction based on that. This gives faculty more flexibility to impose, say, fair and consistent sanctions.

The next part of the academic integrity resolution had to do with the independent witness. And this is, in fact, why there was concern about allowing staff to serve in that capacity. Right now, faculty members serve as independent witnesses. This is a relaxation of it, and that we would allow staff to serve in this capacity.

The independent witness is just that; sort of a note-taker, someone to lend a little bit of stability to the whole proceeding and, should there be questions about how things transpired in an appeal, the independent witness would be that person to chime in.

Last, unfortunately, we have giant cases because of online uploading of illegal material; put it that way. And a primary hearing can take half an hour or an hour. And if you have a case that involves 50 students, you cannot expect the instructor to handle all of them, so this is a system whereby the primary hearings can be run by a designate. The instructor still has the final say. The primary hearing would be recorded, so the instructor, in an efficient manner, can make the right judgments. This is about large cases.

I'm out of breath. Sorry for the pileup here of all these things. It's important that we get through this, because I know we are all swept away with the emergency situation, so to speak, and we do have to pay attention to regular business and to push these things forward. We have experts in the audience who are associated with these resolutions. Is there any confusion over what you're voting on?

ALEX TRAVIS: Charlie, can I jump in?

CHARLIE VAN LOAN: Yeah, sure.

ALEX TRAVIS: I just wrote a note in the chat. I just wanted to clarify that our proposal with the CVM, which is Number 4, is not going to increase the proportion of RTE faculty. We're looking into the majority being tenure track positions, which is what we have now. All it's doing is giving us the freedom to use the most appropriate RTE titles within the RTE pool, as opposed to right now, where we have some of those titles capped and some not capped, and that forces us to mismatch and use inappropriate titles. Thank you.

CHARLIE VAN LOAN: Thank you.

Right after Jill hangs up from this, she's going to trigger the Qualtrics survey that will come your way. You will have a week to do it, but maybe earlier the better. Especially if these things are fresh in your mind, you will be reminded that we have to get quorum for all this stuff to pass. And again, it's very important that we continue, so to speak, regular business, because it's self-explanatory.

I sort of talked my way through the next slide there. You will get this link, and you will have a week. Okay, thanks an awful lot. Now let's go to the last presentation, which has to do with Policy 6.4. This is the Title IX bias sexual misconduct policy. Very important, and it's being reviewed.

And we have two people here to bring us up to date on that review. Laura Rugless from the Title IX Office and Office of Institutional Equity will start out. And Risa, Senator Lieberwitz is our representative on this committee, and she will have some things to say after that that pertain to faculty especially.

Laura, take it away.

LAURA RUGLESS: Okay, great. Hi, Charlie and senators. Thank you so much for this time with you today. Charlie, do I just let you know when I want to -- there we go. Awesome.

CHARLIE VAN LOAN: Say Jill, advance the slide.

LAURA RUGLESS: Okay, thanks, Jill. First, just introduction about myself. I came to Cornell in January, and have not had a chance to be with the faculty senate yet, so this is our first chance to really interact. Policy 6.4, a policy which probably is known to many of you, but covers, among other things, our Title IX responsibilities.

And this summer, back in May, the U.S. Department of Education issued final regulations, published those, which have been out there for some time, so you may have heard about them. And although Title IX broadly prohibits sex discrimination, these regulations are specific to sexual harassment and to sexual harassment as the regulations define them. These are now new legal requirements that apply to Cornell and, as a result, we had to make some revisions to Policy 6.4 and the procedures of Policy 6.4 to be in compliance with these requirements.

We made those changes. I think we had about 100 days, amidst everything else that was going on, to make these legally required changes. So we did that, but we did it on an interim basis, because we know how important this policy is to the community and wanted an opportunity to review as stakeholders what the changes were and gather input.

Now, through the policy process, we have convened a stakeholder review group, and that includes representatives from all the assemblies, so through the shared governance process here, from the Tech Campus and Weill Campus, and we also have a representative from the Department of Inclusion and Workforce Diversity, because they are our partner, they are the partner office to Office of Institutional Equity and Title IX in helping to administer Policy 6.4 around the bias issues.

The review group has convened and has met, and one of the first things that we have attempted to do is sort of hone in on some of the issues. It would take a great deal of time today to walk you through the regulations and exactly what they require. Some of that

information is in HR 300, which is a training and CU learn that's been assigned to all employees, so hopefully you've gotten that, maybe even taken it. The deadline comes up Monday. We're going to touch upon some of the things in the regulations, but really focus more on the policy itself.

The regulations allow for schools to choose their evidentiary standard as between preponderance of the evidence and clear and convincing. Preponderance of the evidence, just more likely than not, slightly more than 50%. Clear and convincing, highly probable. Previously, before the interim changes, the evidentiary standard was preponderance, and that remains unchanged. So preponderance of the evidence, that more likely than not standard remains what we investigate and adjudicate these cases by. And that applies to all equity cases, not just the Title IX cases specifically.

One change that was made as a result of some clarification that was offered through the regulations is from this broad duty to consult, where all confidential employees were required to report to the Title IX office any information involving student sexual assault, dating or domestic violence or stalking.

And you may remember back several years ago when this change went into effect, at a lot of universities -- I wasn't here at Cornell, but I'm aware from other places I've been that, in particular, faculty found this problematic. They thought it really sort of intruded upon the types of mentorship and relationships that they wanted to build professionally with the students and that they could not serve as a resource in the way that they had previously.

This hopefully will be welcome news to many of you that most of you are no longer required to report, you are no longer under this broad duty to consult. What we have now instead are Policy 6.4 designated reporters. That list is linked into the policy. It dovetails with,

for example, reporting officials under the minors policy, and it was also kind of triangulated with CSA reporting to a certain extent under the Student and Campus Life area.

Take a look at that list. If you have any questions about whether you are included or not, please reach out to me, to our office. We're happy to offer any clarification. Those are really kind of the higher-level policy pieces here.

Then the regulations specify a number of things that have to be included in a grievance process addressing sexual harassment as defined in the regulations. Many of those things Cornell was already doing. Again, we won't go into a lot of detail; but for example, the university has to provide advisors to people who are involved in these processes, and Cornell was already doing that through a law student program, and doing it I think quite well, actually.

One area that we are taking a look at is alternate resolution, so we made some changes to the procedures to allow for informal, which means that there is not a finding of responsibility for policy violation. And there's many different types of terms that can be included in an informal resolution, regardless of whether it's informal or formal. And formal means there is an acceptance of a finding of responsibility for a policy violation.

Regardless of whether informal or formal, the terms are agreed to by the parties, as well as the Title IX coordinator, and it's set out in writing; and that's the resolution, instead of going through an investigation and a hearing process.

To comply with the regulations, we added to the hearing panel process realtime cross-examination conducted orally by the party's advisors. Already, there was cross-examination included in the process; however, it was a written submission by the parties themselves during the hearing, which was reviewed by the panel chair.

Additionally, through the stakeholder review group, some members have identified that they would like to spell out more clearly what happens when people report bias incidents that

don't rise to the level of a policy violation and define the protected statuses; for example, gender identity, religion, disability, that list of protected statuses.

This is just to give you a really broad brush stroke of the different processes now that exist. It can be a little complicated, and I'm just focusing on the upper two rows there, the employee procedures. We went from, under Policy 6.4, three sets of procedures that apply to employees. We had one set of employee procedures when it was sexual misconduct, and then we had separate faculty or staff procedures when it was non-sexual prohibited discrimination.

What we have done is we have made now those three procedures into two sets of employee procedures; so employee, inclusive of faculty and staff. So if the Title IX regs apply, the Title IX procedures are going to be applicable. If the Title IX regulations do not apply in an employee case, the non-Title IX procedures are going to be applicable.

A lot of detail in the procedures around these different processes, but what's perhaps important to know here, and I think Risa's going to talk about a little bit more, is in the employee cases, the Title IX cases, there is a hearing panel process with that cross-examination that I just talked about. In the non-Title IX cases, there are a lot of processes built in, but it is not a hearing panel process. It is conducted by an investigator and a coinvestigator who matches the affiliation of the employee/respondent. So faculty coinvestigator, a staff coinvestigator.

I hope I haven't gone over time. I tried to jam a lot in there. Risa, I know, is going to go into a little more detail, and then I'll look forward to any questions or further discussion. I guess what I would say is what we're looking for from all of you is just feedback about the policy. Whether it is related to those discussion items on the slide that I identified or something else, if you would like to share that with us, then we can factor that into our review. Thank you.

CHARLIE VAN LOAN: Thanks, Laura. So we'll go to Risa, and we'll pay strict attention to what's in the chat and make sure things come your way. Risa.

RISA LIEBERWITZ: I am going to focus in particular on the blank box, the second line blank box, where it says "hearing panel process," and there's nothing checked there. But before I do that, I want to say something generally, which is when we talk about Title IX policies, those are, as Laura pointed out, the specific Department of Education policies related to sexual harassment.

When the university talks about non-Title IX policies, those are university policies and prohibitions that may not be required in terms of the definitions or the content by the Department of Education, but are still prohibited, and they also include sexual harassment, as well as other sexual misconduct which may be included under Title IX, and also includes discrimination issues that aren't included under the Title IX regulations.

I think there's first of all some lack of clarity between what is in the Title IX policy, what's covered by those and what behavior is covered under non-Title IX policies. I think that's something that we need to work on, but the general point I also want to make is that I think that it's important to recognize that we can take seriously, and obviously should take seriously the need to prohibit, eliminate and redress any problems of sex discrimination, of sexual harassment, of sexual misconduct or other sorts of harassment or discrimination based on one's status, whether it's race or sex, national origin, religion.

We can take that seriously at the same time that we provide fair process, fair and full hearings to everybody. And in fact, they're connected. If we would like to really address problems of harassment, discrimination, then we must have fair process. That's the piece I wanted to stress.

And also, before I go on, Charlie, I want to suggest that because we're actually over time today, and I appreciate people staying, that this is such an important issue that I'll make a couple of quick points, but that I certainly hope this can be on our next agenda so that it can be something we fully address for the faculty.

What I want to point out to you is I want to focus on the process issues. I appreciate what Laura's addressed in terms of the positive things. I think the change in the designated reporter policy is wonderful. I think it's absolutely what we needed. I think that having full and fair hearings before decisions are made is essential for us to do that, whether you are a student or a faculty charged with misconduct.

And the term respondent relates to faculty or students, depending on who it is, who's charged with sexual misconduct or other sexual harassment or other sexual misconduct. As you see here, what I've put up here is Title IX cases. Under the new regulations from the Department of Education, which are the Title IX cases, what you have is a correspondence between the hearings that are provided for students as well as for faculty charged with misconduct, that there's an investigator who decides is there enough evidence to send it to a hearing panel. If not, it's dismissed. If yes, it goes to a hearing panel and there's a full hearing. For the students, that's called Hearing A, and there's a full hearing prior to conclusions on the allegations. It's the same exact process for faculty, and that makes sense.

You might say well, why wouldn't you have a hearing prior to conclusions on allegations, right. Isn't that logical? Yes, it is, but let's go to the next slide, and I think what you'll see is a difference when we go to non-Title IX cases. Again, these include sexual misconduct, they include sexual harassment and other harassment or discrimination.

For students, I think appropriately, we maintain the situation where the investigator decides whether there's enough evidence to send a case to the hearing panel. And there are

still full hearings, whether it's a Title IX case or a non-Title IX case. If you are a student who faces the potential of suspension or dismissal, you get the full fair hearing that you would get under a Title IX proceeding; same hearing. If you face a lesser sanction than suspension or dismissal, you still get a full hearing, but there are some differences with regard to the way that cross-examination is conducted.

Faculty respondents, it's a different ball game. And this also applies to other employees. And I'm concerned about that as well; but in the interest of time, I'm only talking about faculty here. For faculty, it's much more of an investigator model. The investigator concludes, after an investigation, whether misconduct occurred, without a hearing, and recommends sanctions.

The only time you get a full hearing as a faculty member is if there's a subordinate/supervisory relationship or where there's an academic freedom issue and the Senate Committee on Academic Freedom disagrees that one of those exists. And they have a full hearing, but only after the investigator reaches the conclusion that there's misconduct, and that's made part of the Academic Freedom Committee's record.

For all other non-Title IX cases, there is no hearing at all provided on misconduct or on sanctions. It's the investigator report. It goes to the dean. The dean reviews, makes a decision, a final decision on the merits and on sanctions and -- I'm not sure if you can see it clearly, but at the end, there is the ability to file a grievance on what the dean does under college-level grievance processes, but there is no full hearing provided before decision.

So that's what I've got. We are way over time. I think this deserves attention, and I hope that I've gotten your attention to say if students are given full hearings in all cases, it certainly seems like faculty and other employees should have full hearings, if needed, in all cases, if they want to go to a full hearing.

CHARLIE VAN LOAN: Okay, thank you, Risa. I know we're past 5:00. We're a little more relaxed about end of meeting because of Zoom, but we could entertain a question or two right here. Again, people can always leave, but we have the chat line, and I think your last segment there sets the stage for an excellent subsequent discussion.

Would anyone like to pose a question from the floor to Risa right now? You certainly can do that.

Richard Bensel.

RICHARD BENSEL: This isn't really a question. I agree with Risa. I think we should really look at the faculty side on hearings and so forth. I think this needs a full exploration.

CHARLIE VAN LOAN: Neema, did we see your hand up?

NEEMA KUDVA: I was just going to echo Richard and Risa. I kind of can understand why that's so, but I guess it just points to the fact that we need a larger discussion on these questions.

CHARLIE VAN LOAN: Yeah, agreed. Very busy meeting. We got a lot done, learned a lot. And certainly, going forward, we have a number of things, both on the admissions side, the standardized test thing, and the comments here in the last segment.

UNIDENTIFIED SPEAKER: You have a hand raised there by Michael Fontaine. I don't know if you can see.

CHARLIE VAN LOAN: No, I can't. Michael Fontaine.

MICHAEL FONTAINE: Thanks. Risa, you are right. Huge, critical issue. I wanted to hear from Ms. Rugless why Title IX is not releasing any statistics about the number of these complaints that are pleaded out through the alternate resolution process. Can you help us understand that, please?

LAURA RUGLESS: "Pleaded out," I wouldn't necessarily use that terminology. We do have statistics on our website, but if I'm hearing you correctly, Professor Fontaine, what you're looking for are alternate resolutions, those statistics.

MICHAEL FONTAINE: Those are not on your website. I think there ought to be many statistics on your website. There's a real lack of transparency from the office, so I would be happy to see as much as you are collecting.

LAURA RUGLESS: Two things. First, I agree with you. I think alternative resolution statistics should be on our website. Our case statistics are on the website. The sexual assault climate statistics are on the website. If there's other things that people would like to see, please let us know. We do want to be as transparent as possible, so I will take that suggestion back. I agree with it. Thank you very much for raising that issue.

One thing that we are working on is a different type of reporting dashboard. If you go to our site and you look at the statistics, it's more or less like a Word table. If you wanted to compare one year to another year or you wanted to see the total of sexual assault cases over a five-year period, it's really difficult to do that. You really can't manipulate the data that way. So we're looking to create more of a sort of an online way to build out your own dashboard of reports and statistics.

That's a project that we'll be working on over the next year. It's pretty involved. And we're partnering with DIWD, so it includes, for example, bias reports as well, the spectrum of things that are reported under 6.4. And I'm glad to come back to the group with more information to continue this conversation.

Thank you so much for your time. I apologize that I went over. I have to sign off. If there are other questions, please reach out to me or Risa, and we'll also take this information back to the stakeholder review group. Thanks so much.

CHARLIE VAN LOAN: Thank you, Laura. A lot of follow-up from today's meeting. And we'll now have Jill turn off the microphone.