

February 9, 2022

ALL IN-PERSON ATTENDEES PLEASE SIGN-IN ON ONE OF THE SHEETS

ALL ZOOM ATTENDEES PLEASE SIGN-IN VIA THE CHAT

SENATORS: Name and Department

FACULTY GUESTS: Name and Department

NON-FACULTY GUESTS: Name and Affiliation

PRESS: Name and Affiliation

Gayogohó:no' Land Acknowledgement

Cornell University is located on the traditional homelands of the Gayogohó:no' (the Cayuga Nation). The Gayogohó:no' are members of the Haudenosaunee Confederacy, an alliance of six sovereign Nations with a historic and contemporary presence on this land. The Confederacy precedes the establishment of Cornell University, New York state, and the United States of America. We acknowledge the painful history of Gayogohó:no' dispossession and honor the ongoing connection of Gayogohó:no' people, past and present, to these lands and waters.

This land acknowledgment has been reviewed and approved by the traditional Gayogohó:no' leadership.

HYBRID FORMAT	In-person and remote attendance
ZOOM CAPTIONING	Choose "Live Transcription" in the Zoom menu
TO SPEAK	2 minutes to pose a question or make a statement Identify yourself: First name, Last name and Department Zoom first (Muted until called) Floor next (to allow Senators to come up to the microphone) Back to Zoom Back to Floor
CHAT	Want to attend to statements on the floor; set to everyone Do not want to disadvantage in-person attendees; 2 minutes Please limit chat to sharing resources with each other Will be published 'as is' publicly on DoF website after meeting
RECORDING	Started at 3:30PM Audio and chat will be posted on agenda webpage after meeting

Approval of Zoom Transcription Minutes

December 8, 2021

Unanimous consent requested Raise hand (in-person or remote) for corrections only

Announcements and Updates

Eve De Rosa, Dean of Faculty

Announcements

- In Memoriam
 - Steven Beer Plant Pathology and Plant-Microbe Biology, previous Speaker of the Senate
- New Ombudsman
 - Senator Bruce Lewenstein Communication; previous Speaker of the Senate and Faculty Trustee
- New University General Counsel
 - Vice President Donica Varner will introduce herself to the Senate this semester
- RTE Task Force
 - Working with Academic HR in parallel TF committee work; goal to report at the end of the semester
- Honors and Distinction Proposed Resolution
 - Office of the Vice Provost for Undergraduate Education is still accepting feedback before revision for vote
- University-ROTC Relationships Committee
 - Common academic experience for ROTC students across Colleges
- Faculty-derived prospective Global Hubs to the Faculty Senate this semester

Part-Time Bachelor's Degree for Non-traditional Students

Academic Programs and Policies Committee Report

Chair, Mark Milstein - Management and Organizations

CAPP Summary

- Supportive of proposal: addresses why
 - Viewed as consistent with the institutional goal of educating "any person" in "any study"
 - Aligns with changing market conditions
 - Prevalence of non-traditional students seeking 4-year university degrees
 - Competitive institutional responses

CAPP Summary

- Concerns with proposal: lacks how
 - **Prioritization in program decision-making**: quality as a function of content delivery and student support
 - Quality of education: faculty and department engagement
 - Methods of instruction: limited effectiveness of virtual, modular instruction
 - Scaling: start simply and build
 - Accessibility: basic infrastructure may not exist for target demographics

Mark Milstein (chair) • Todd Cowen • Steven Jackson • David Levitsky • Kathleen Long • Julia Markovits • Thomas Pepinsky • Fred Schneider • Claire Tempelman • Qi Wang

Part-Time Bachelor's Degree for Non-traditional Students

Educational Policy Committee Report

Chair, David Delchamps, Electrical and Computer Engineering

RASS-IRB: New human participant research protocol management system

Myles Gideon IRB Manager Office of Research Integrity and Assurance <u>mbg223@cornell.edu</u> 607-255-6182

Introducing RASS-IRB

- RASS-IRB launched Feb. 1, joining Sponsored Research on the RASS* platform (<u>https://rass.cornell.edu</u>)
- Replacing the .doc and .pdf IRB protocol forms and email-based review and approval process with a single online smart form and workflow
- All details and documents in one place, easy access for PIs as well as IRB staff and committee members.
- Connection between IRB protocols and sponsored proposals/awards

*Research Administration Support Systems

RASS-IRB functionality

- Can create new protocols of various kinds, all from the same smart form, with autodetermined review type to help guide the process (e.g., exempt, expedited, full board, reliance agreement, program development/prescreening)
- All subsequent submissions related to a protocol will happen within that protocol record (i.e., amendments, continuing reviews, reporting adverse events). Version control to compare new requested changes with the previously approved version of the protocol
- All active protocols processed in the old system have been migrated to RASS
 - Note: limited data was available to be migrated, so the first time a protocol is amended in RASS-IRB, many of the fields will need to be filled out.



Initial IRB Protocol Application

Get Started		
Principal Investigator*	Gideon, Myles (mbg223) X 🛪	
College / Division*	Research Division (3400) X	
Department / Section	Office Research Integrity & Assurance (3463) X	
	Research Division > Office Research Integrity & Assurance	
IRB Protocol Title*		

Training and Support

- Step-by-step how-to documentation (written) for performing various tasks in the system
- <u>Recordings</u> of Zoom training sessions on how to create a new protocol and how to amend a protocol
- Twice weekly RASS-IRB office hours via Zoom
- IRB and RASS staff available for additional training and support, as needed.
- Everything is posted on the RASS Guide Site: <u>http://guide.rass.cornell.edu</u>



۹ Guide to Using RASS

Documentation & Training

HOME SPONSORED PROJECTS IRB COL IACUC IBC



Research Administration Support Systems

Sponsored Projects

IRB

COI

IACUC

IBC



۹ Guide to Using RASS

IBC

Documentation & Training

HOME SPONSORED PROJECTS



Research Adminis Create a Program Development Protocol

port Systems

COI



IRB

Training

Find an IRB Protocol

Create an IRB Protocol

Amend an IRB Protocol

Continuing Review

Submit a

Plan

COL

RASS-IRB Launch

IACUC

IBC

Sponsored Projects

Address Feedback from IRB Review

IACUC

Help with RASS-IRB (or just IRB)

- Email <u>rass@research.cornell.edu</u> with system-related questions or problems
- Email <u>irbhp@cornell.edu</u> to reach the IRB staff with questions about protocols or other human participant research topics
- More details about the transition to RASS-IRB: <u>https://researchservices.cornell.edu/news/rass-irb-launch-plan</u>

Office of Research Integrity and Assurance

- Export Controls
- FCOI Financial Conflicts of Interest Related to Research
- **IRB** <u>Institutional Review Board</u> (Human Participants in Research)
- IACUC Institutional Animal Care and Use Committee (Use of Animals in Research, Teaching or Testing)
- **IBC** Institutional Biosafety Committee (Use of r/sNA or Biohazardous Materials)
- RCR <u>Responsible Conduct of Research</u>; Misconduct and Integrity Issues

External Contract Addendum Why and How

RSCC Contract Addendum Working Group

Mark Hurwitz (chair), Rob Hoon, Mark Adams, Tom Blair, Aleta Gunsul, Bridget MacRae, Omar Perez, Christine Potter, Sarah Schlagter

New Federal External Contract Requirements

- OSTP, January 4, 2022 Guidance on implementation of National Security Presidential Memorandum-33 (Jan. 14, 2021)
 - "...research agencies will require that individuals disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs..."
- NSF, as of January 10, 2022
 - PIs must identify all current and pending projects regardless of source of funding.
- NIH, January 25, 2022
 - PIs and Key Personnel must upload copies of external foreign contracts related to research.

• "Foreign" entity means

• Any organization or its representatives with headquarters outside the united states, or subsidiaries of foreign registered parent companies.

External contract means

• Any external contract that is not part of a faculty member's Cornell employment duties.

Why a Contract Addendum?

- Faculty have pre-existing and primary employment obligations to Cornell

 e.g., Invention Disclosure and Assignment, Conflict of Interest and
 Commitment (Col/CoC)
- 2. Faculty have federal disclosure and regulatory obligations

e.g., federal funder disclosure requirements, Col/CoC, Export Control and anti-bribery and anti-corruption requirements.

- 3. Federal sponsor scrutiny of external research support implicates new potential liabilities (incl. criminal sanctions) for faculty and Cornell due to either poorly constructed or overly broad external agreement clauses.
- 4. Cornell is NOT a party to or responsible for faculty external arrangements such as consulting contracts, however, Cornell has a vested interest in assisting our faculty comply with these pre-existing and concurrent obligations.
- 5. Faculty remain responsible for negotiating their external activity arrangements; Cornell is not taking on the responsibility for negotiating contract details, but is providing an Addendum to simply and cleanly address these compliance and employment obligations.
- 6. Adding the addendum to all new external contracts protects both the faculty and Cornell without requiring further scrutiny as to each contract or agreement.

Note:

- WCM already requires all external contracts to include the Addendum and be retained by the College;
- The Addendum has been used by Ithaca faculty who have asked for OGC's review of their agreements; and
- All Cornell faculty already need to satisfy COC and secure approval of their Chair for external consulting.

Why does my External Activity implicate 'pre-existing obligations'?

Entering an external employment or consulting arrangement can raise many issues. Primarily:

- Real or perceived conflicts of interest or commitment;
- Prospective federal funding proposal disclosures surrounding potential foreign influence

e.g., Current and Pending Support, foreign entity connections, or Other Support and Biosketch info;

- Potentially conflicting inventions and intellectual property (IP) assignment clauses;
- Non-disclosure obligations that conflict with pre-existing responsibilities to Cornell or the federal government

e.g., confidentiality applied to the agreement itself; and

• Export Controls requirements that apply regardless of the agreement's omission of such regulatory implications.

The Addendum is Short and Simple

ADDENDUM TO CONSULTING AGREEMENT ("Addendum")

This Addendum is hereby incorporated into that certain Consulting Agreement between
________("Consultant") and ________(["Company"] or ["Entity"]) dated
_______("Consulting Agreement").

1. The purpose of this Addendum is to ensure that Consultant's commitments to Company are consistent with Consultant's obligations to Cornell University and, where applicable, its Weill Cornell Medical College (collectively, "Cornell"). The undersigned agree that this Addendum is a part of the Consulting Agreement and further agree that if anything in the Consulting Agreement is inconsistent with this Addendum, this Addendum shall govern with respect to such inconsistency.

2. Company acknowledges that the terms and conditions of the Consulting Agreement are subordinate to obligations which Consultant has to Cornell as a Cornell faculty member, researcher and/or employee. Company understands and agrees that Consultant is an employee of Cornell, and that Consultant's services under the Consulting Agreement may not restrict or limit Consultant's obligations to Cornell or Consultant's activities within the course and scope of their employment with Cornell.

3. The parties further understand and agree that Consultant is required to comply with Cornell policies related to faculty conflicts of interest and commitment, patent and intellectual property, and scientific or research misconduct, and that such compliance takes priority over, and shall supersede, any obligations Consultant may have to Company under the Consulting Agreement. Consultant may not have principal investigator responsibility for research outside of Cornell, and outside activities may not include the extension of Cornell research into the consulting activity.

4. Company understands and agrees that Consultant is obliged to assign and has preemptively assigned to Cornell all of Consultant's rights in intellectual property resulting from activities conducted in the course of Consultant's employment at Cornell or supported by more than incidental use of Cornell resources. Company has no rights by reason of the Consulting Agreement in any intellectual property that is subject to Consultant's employment-related obligations to Cornell. Company further acknowledges that Consultant does not have the authority to assign, license or otherwise transfer rights in any of Cornell's inventions.

5. The undersigned acknowledge (i) that Consultant is entering into the Consulting Agreement, and providing services to Company thereunder, as a private individual and not as an employee or agent of Cornell; (ii) Cornell is not a party to the Consulting Agreement and has no liability or obligation thereunder; (iii) Cornell is intended as a third party beneficiary of this Addendum and certain provisions of this Addendum are for the benefit of Cornell and are enforceable by Cornell in its own name; and (iv) Cornell and Consultant may have current or prospective legal and regulatory obligations to report this consulting activity and disclose the Consulting Agreement to applicable funding agencies, as well as obligations under applicable privacy laws, U.S. Export Control regulations, and/or applicable anti-corruption and anti-bribery laws.

6. The above provisions shall be and hereby are applicable to the entire term of the subject Consulting Agreement between Consultant and Company.

AGREED and ACCEPTED:

Authorized Official of Company	Signature	Date
Consultant	Signature	Date

Exceptions

- Part-time faculty will not be required to use the addendum.
- Contracts unrelated to your work for the university
 - e.g. using your house as an Airbnb.
- Contracts with Cornell or its units
 - e.g., sponsored research, employment and royalty agreements for Cornell IP.
- Traditional scholarship activities
 - e.g., publishing agreements and book deals.
- Serving as consulting or expert witness in litigation.

The Addendum is Accepted by Corporations

- Brookhaven Science Associates, LLC
- Honda
- ETH Zurich
- Samsung
- Syngenta
- Intel
- Waymo

- Weizmann Institute
- SHY Therapeutics LLC
- Neurosciences Cognitive Laboratory
- Cross Chem LLC
- Stratuscent Inc
- Symbrosia Inc.
- BirdgeBio Pharma

Promulgation Timeline

- February 9 Introduction to the Faculty Senate
- March/April Answer any questions that may arise from the Senate
- May Update the Faculty Handbook and provide links to COI addendum page from referencing websites

Senate Discussion

Pending Resolution: Inclusion and Prioritization of a New Natatorium in the 'Do the Greatest Good' Capital Campaign

Senator Ashleigh Newman, Population Medicine & Diagnostic Sciences

Unless we act now, Cornell will be without a functioning pool.

The goal of this resolution is to provide facts on the current state of the pools and implore the administration to act and make a new natatorium a priority.

Who uses the pools at Cornell?

- Physical Education classes
 - beginner, intermediate, and conditioning swimming; diving, scuba diving, lifeguarding, synchronized swimming, and kayaking
- Varsity swimming and diving
- Open swim students (43%); faculty, staff, retirees (57%)*
- Naval ROTC
- Autonomous underwater vehicle club
- Club swimming
- Club water polo
- Physical therapy
- Group fitness classes Aqua Fit, Zumba
- Intramural inner tube water polo

Benefits of aquatic exercise

- Physical health
- Mental health
 - Improved self-esteem in college students
 - Preventative measure to combat depression, winter blues, and seasonal affective disorder

Health Benefits of Water-based Exercise, Center for Disease Control and Prevention.

Howley, EK. <u>4 Reasons Why Swimming is Great for Mental Health. U.S. Masters Swimming</u>. January 6, 2021.

Zhang, Hui, Luo Shi. Empirical Analysis of the Influence of Swimming Training on Mental Health and Positive

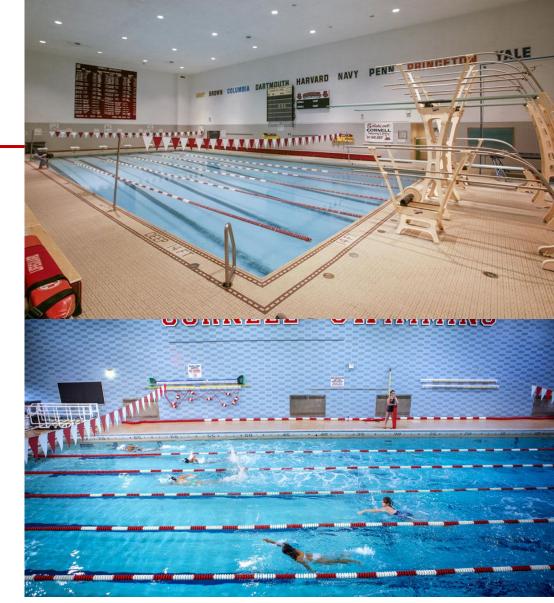
Emotions of College Students. Revista Argentina de Clinica Psicologica; Buenos Aires. Vol 29, Issue 1, 2020: 242.

Muhamad, TA et al. Effects of Swimming on Self-Esteem among Female College Students. Asian Social Science. Vol. 9 No. 16; 2013:74-80.

Huttunen P, et al. 2004. <u>Winter swimming improves general well-being</u>. *Int J Circumpolar Health*, 63:2, 140-144. Cornell Health. Beating the Winter Blues: <u>A Guide on Getting Through Winter at Cornell</u>. October 2019.

Existing pools

- Teagle Hall (built 1951)
 - Main pool: 6-lane, 25-yard
 - Diving well integrated into main pool footprint
 - 'Learn to swim' pool: 4-lane, 20-yard
 - Originally built as the male-only athletic facility*
- Helen Newman Hall (built 1963)
 - 6-lane, 25-yard
 - Originally built as the female-only athletic facility*



*Even with modifications, they have inequitable bathrooms and showers for opposite gender, transgender, and gender non-conforming persons. University Assembly Resolution #12 Increasing Access to Gender Neutral Bathrooms on Campus, passed March 2018.

What are the issues?

- Supply < Demand
- Aged, failing facilities
 - Swimming pool turnover rates insufficient for pool usage, contributing to poor water quality
 - Teagle Hall roof replacement needed
- Increased pool closures
- 2020: \$750,000 invested in all pools to prolong their life by ~5 years → 2025
 - Including structural shoring
- Approval, fundraising, planning, construction → up to 10 years



If started **today**:



Why a 50-meter pool?

PAPTMOU

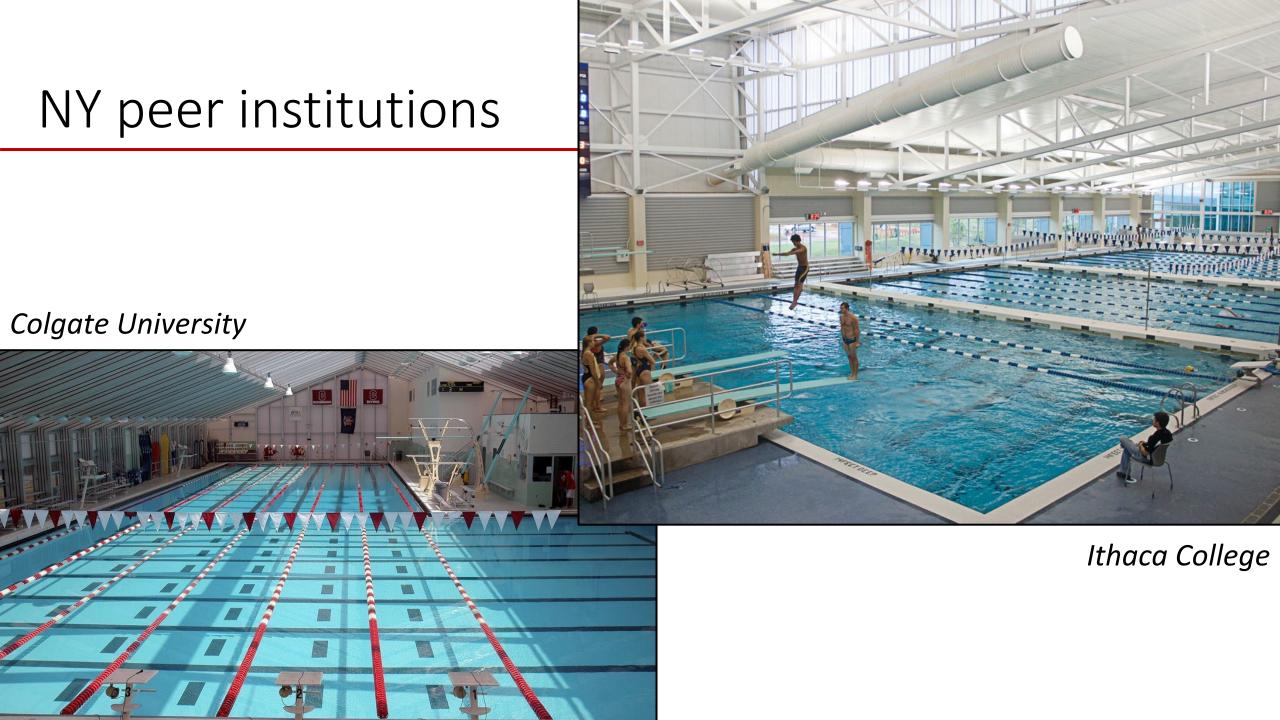
PRINCET

DIVING

VVVV

- Solve the supply vs. demand issue
- More optimal hours of availability

-



A Cornell University without a pool...

- Only Ivy League, Non-Ivy Peer, and Regional (New York) college/university without one
- Termination of all aquatic activities previously described, including **Beginning Swimming at Cornell (PE 1100)**
 - People of color: 89.7% of enrolled students (2018 2020)
- Participation in formal swimming lessons reduces drowning risk
 - Drowning deaths rates for Black people 1.5x higher than white people
 - Drowning death rates for American Indian or Alaska Native 2-3.5x higher than white people

Beginning Swimming Testimonials

"I left the course gaining a whole new life skill. I had a few traumatic experiences with drowning as a child and never thought that I would be able to learn how to swim."

"This class was amazing. Not only did she teach me how to swim, but she helped me and my other classmates get over our fear of the water."

"...provided me with a safe environment to destress while also learning valuable knowledge..."

A Changing Perspective Of The Swim Test

JAIN | Retracting a Former Column

By Akshay Jain

Cornell's 2020 Mental Health Review Final Report

- "culture of competition [that] may take on an unhealthy cycle of expectation and behavior that can reach traumatizing levels for students, faculty, and staff."
- Section B: Promote social connectedness, and resilience, Opportunities:
 - "It is important to note that when asked for their recommendations, undergraduate, graduate, and professional students consistently prioritized the need for access to free physical fitness opportunities to cope with stress and build resilience. With Ithaca's climate, students want free and convenient indoor fitness options."
- Recommendation B.2.2 under Wellbeing
 - "Prioritize fundraising for free physical fitness under Affordability within the capital campaign."
- "Virtual fitness classes" and "virtual and augmented reality" proposed in lieu of a fitness center

"To Do the Greatest Good"

- A new natatorium would do **an enormous amount of good** benefitting students, faculty, staff, and retirees
- Despite talks of a new pool at Cornell since the 1980s and pools that could fail at any time, a new natatorium is <u>still</u> not a University priority item and is not included in the capital campaign
- Capital campaign only way to prevent Cornell from having to pay for the entire project
- Need to reach major donors across all of Cornell with the assistance of Alumni Affairs and Development

Faculty Senator Co-Sponsors (n=13)

- Ashleigh Newman
- Yuval Grossman
- Doug Antczak
- Elizabeth Bunting
- Thomas Bjorkman
- Abigail Cohn
- Kelly Hume
- Carolyn McDaniel
- Thomas Overton
- Itziar Rodriguez de Rivera
- Tracy Stokol
- Joe Wakshlag
- David Zax
- Faculty Advisory Committee on Athletics and Physical Education

Proposed Resolution

Whereas, the pools in Teagle Hall and Helen Newman Hall (further referred to as "the pools") serve a large and diverse population of Cornell community members including students, faculty, and staff in endeavors including varsity athletics, physical education classes, aquatic-based physical therapy, clubs – both academic and athletic, open lap swimming, ROTC training, and group fitness classes.

Whereas, the pools no longer meet the needs of the Cornell community as detailed above, and have a finite lifespan, which are estimated to end at any time between now and 2025.

Whereas, approving, planning, fundraising, and building a new natatorium can take up to ten years. Cornell University faces the certain reality of having no operational pool on its campus.

Whereas, Cornell University has long valued swimming as an important life skill to prevent fatal unintentional drowning, as demonstrated by its graduation requirement for all undergraduate students to swim 75 yards.

Whereas, providing an inviting, modern, safe, and accessible environment for aquatic activities provides Cornell students, faculty, and staff the ability to exercise year-round, which is a proven positive contributor to mental health.

Whereas, recommendation B.2.2 of the Cornell University Mental Health Review Final Report reads, "Prioritize fundraising for free physical fitness under Affordability within the capital campaign."

Whereas, we recognize there are many needs of the University, it would be in the University's best interest to serve those that are of the most imminent need to its community.

Be it resolved, that the Faculty Senate implore the administration to include and prioritize a new natatorium to the list of fundraisings items donors may directly contribute to in Cornell University's 'To Do the Greatest Good' capital campaign.

Be it further resolved, that a new natatorium should be of sufficient size and quality to meet the current and future needs of the Cornell community. To help ensure this, the planning needs to involve Cornell leaders with knowledge and expertise in this area including the Directors of Athletics, Aquatics, Physical Education, Recreational Services, and Head Varsity Swimming Coaches.

Senate Discussion

The Cornell Swim Test Data

Faculty Advisory Committee on Athletics and Physical Education Chair, Frank Rossi – Horticulture

Jennifer Gudaz – Senior Associate Director of Athletics

Rationale

Drowning is the 5th leading cause of unintentional death in the United States overall and the 2nd leading cause of unintentional death in children.

The CDC reports 10 people/day die from drowning.

Most drownings occur in situations where the parents of the victim were non-swimmers. Because they feared the water, they passed that fear on to their children and the children did not learn to swim.

If we teach people how to swim and make it a life skill, that will in some ways help to break the cycle of parents who do not know how to swim and therefore do not encourage their children to learn to swim. Fear of the water, although unpleasant, can almost always be overcome.

https://pe.cornell.edu/requirements/information/history-cornell-swim-test

Results of Swim Test Administered Fall 2017 and Fall 2018

Fall Swim Test Numbers	F'17	F'18
Men (passed)	1,349	1,292
Men (failed)	17	13
Women (passed)	1,525	1,530
Women (failed)	1	18
Total passed	2,874	2,822

0.6-0.7% fail rate

Number of Seniors who paid to take Swim Test

Senior \$100 Swim Tests	SP18	SP19
Male and Female	231	215

<10% of annual swim tests administered

Recent Fall enrollment from PE 1100 Beginning Swimming

	n=226	182			n=226	182
Domestic	F'18	F'19	D	omestic	F'18	F'19
Female	62%	65%	N	1ale	38%	35%
Asian	34%	35%		sian	33%	31%
Black	22%	34%	В	lack	34%	31%
Hispanic	4%	7%	H	ispanic	10%	11%
Multi	15%	16%	N	1ulti	11%	17%
Not	5%	6%	N	ot	2%	5%
White	4%	3%	N	/hite	8%	5%

Majority of enrolled in swim class- URM

The number of students for whom the requirement has been waived because of disability or religious observance.

From S' 16 thru S'19 1 Religious exemption 3 disability exemptions*

*Historically, students with a physical disability want to take their swim test.

The Cornell Swim Test

Ryan Lombardi, Vice President of Student & Campus Life

Q: Should passing the swim test still be a condition of graduation from Cornell?

*Not intended to be a debate about whether swimming is a valuable life skill. It is.

History:

Instituted in 1905 for men to prepare them to be effective soldiers.

Instituted in 1920 for women to provide a well-rounded education.

Columbia, Cornell and Dartmouth are the three (3) Ivies that maintain this requirement today

In addition to the swim test, undergraduate students must complete two (2) physical education (P.E.) courses prior to graduation.

Students choose P.E. courses from nearly 50 options.

Drowning is a leading cause of unintentional death by injury in the U.S.

Poisoning, including drug overdose (65K)
 Motor vehicles (40K)
 Falls (36K)
 Suffocation (5K)
 Drowning (4K)

Students are encouraged to complete the swim test during their first year of enrollment.

Frequent clinics are offered during orientation and throughout the fall semester.

Transfer students (~12% of undergraduates) do not have to complete the swim test.

Requirement is only for undergraduates that matriculate as new first-year students.

Impact of Covid: swim test requirement has been paused since March 2020.

Intend to resume in Fall 2022.

Accommodations are available. Four (4) exemptions were granted between 2016-19.

Students who do not pass or want to learn to swim prior to completing the test enroll in P.E. 1100: Beginning Swimming.

Course evaluations from P.E. 1100 are positive. Students cite high quality of instruction and increased levels of comfort with swimming.

P.E. 1100 cumulative enrollment in three semesters (F18, S19, & F19) preceding Covid pause:

60% women 90% students of color

The data underscores the perception that this requirement disproportionately impacts students of color.

Staff report anecdotes that this is an added stress for some students of color.

Swim test as a graduation requirement has been in place for >100 years

Swimming is a valuable life skill

Undergraduates that matriculate as new first-year students (~88%) are required to pass the test

Women and students of color take P.E. 1100 at high rates

Swim test may be perceived as an added hurdle for students of color

Does the faculty senate think the swim test should continue as a condition of graduation from Cornell?

Senate Discussion

Good of the Order

CORNELL UNIVERSITY FACULTY SENATE



Adjournment