

Faculty Senate meeting

March 13, 2024

>> Jonathan Ochshorn: Hello everybody, we're going to begin. I'm senate speaker Jonathan Ochshorn, Emeritus Professor from Architecture. We start with a land acknowledgment. Cornell University is located on the traditional homelands of the Gayogoho:nq' (the Cayuga Nation). The Gayogoho:nq' are members of the Haudenosaunee Confederacy, an alliance of six sovereign Nations with a historic and contemporary presence on this land. The Confederacy predates -- precedes the establishment of Cornell University, New York State, and the United States of America. We acknowledge the painful history of Gayogoho:nq' and honor the ongoing connection of Gayogoho:nq' people, past and present, to these lands and waters. So, the meeting is called to order officially. Our first order of business is the approval of the minutes from February 14th, 2024. As per usual they have been posted, distributed online in the form of a verbatim transcript so if there are any corrections bring them to the attention of the Dean of Faculty. I'm assuming there are not and ask for unanimous consent. Hearing no objections, we will move on. The first order of business after the approval the minutes is an Ombuds update. So, Bruce Lewenstein will talk. He is the university Ombuds and from Communications. He will have ten minutes and then there will be ten minutes for Q&A after that.

>> Bruce Lewenstein: thank you, Jonathan. Thank you, Mr. Speaker. Thank you everybody for the invitation to be here. I'm Bruce Lewenstein. I'm the university Ombuds. I've been the Ombuds for just over two years now. I want to begin by acknowledging my predecessor, Charley Walcott, who -- I saw him somewhere up on the screen there. So, who was -- Charlie was Ombuds for 11 years before me. I am also a former speaker of the faculty senate, so I have been here for quite a while. Mostly what I want to do today is just give you a quick update and introduction to what's happening in the Ombuds office. We -- on one hand continued the way we have been for many years but on the other hand there's always small changes. Next slide, please. So, there are three of us in the office. I'm the university Ombuds. Half time I remain an active faculty member. The other half time I'm in the Ombuds office. Linda Falkson is the associate

Ombuds. She has been in the office for more than 15 years and before that she spent ten years in what is now the Office of Student Conduct and Community Standards. Last year we hired a new assistant Ombuds, Ati Alipour, who comes to us with experience at the UN and at the University of Maryland, specifically trained in conflict resolution. I put up there our backgrounds so that you can get a sense of the fact that we bring a wide expertise at the university. The Ombuds office serves everybody on campus. Student, staff and faculty. When I say campus, I'm including Cornell Tech and Geneva. I'm not -- we explicitly do not serve the medical school. Next slide, please. The Ombuds office has been on campus since 1970. We were established in the wake of the takeover of the strait and we -- our initial founding document was a committee report called the Kahn memo from former Dean of Arts and Sciences Alfred Kahn. In 55 years, the field of Ombudsing has changed And there's now an international Ombuds association with standards of conduct, almost all of which it turns out were predicted by the Kahn memo. So, when someone comes to us it's completely confidential. Everything -- the very fact that they have contact us remains confidential within the office. There are two exceptions, if we thought there is serious risk of imminent harm and if we were legally required to release some information from a subpoena or something -- we would do our best to avoid that but that does apply. We're independent of any other unit on the campus. We get our budget from the president's office, but we don't report to the president or report to the university assembly -- to the community through the UA and the information I'm giving you is from a report that I submitted to them a month or so ago. We're informal. We're not part of any formal grievance or appeals process. We help people identify those processes, talk with them about their options, different ways of approaching the issues but we ourselves are not in the room. We're not part of the process. We're not decision-makers and part of the informality is that we are not authorized to receive notice so telling us something doesn't mean you have told the university something. And -- and finally we're impartial. We don't take sides. Our job again is to help people identify options and think about the best way to approach them. Next slide, please. Where can we help? Anything that has to do with your life on campus. With student, staff or faculty, life on campus. I'll show you some stats in a few minutes, but it ranges from employment issues to advising issues to interpreting university policy issues, and so on. So, I've put up some examples and I can have the slides have been circulated with the minutes if people want to see them in detail and check open them. Next slide, please. What are we doing? We listen. Big part of what people come to the Ombuds office

for is -- they aren't sure what's going on and they just want to talk it out and figure -- figure out what issues are and so we provide a welcoming, nonjudgmental site. We provide information on the university policies. I have the university policy website as one of my main buttons on the -- on my browser. We help people who want to -- sometimes they say I want someone at the university to know about this. We help them identify where at the university that can be. We talk as I say, about different options and helping them sort those out. We can refer people to the proper office for reporting things or to try to resolve a situation. If somebody chooses to waive confidentiality, we can make some of those contacts ourselves. A lot of what we try to do is empower people to do it themselves but if appropriate we will make the contact. We try to facilitate dialogue. We do that in part by helping visitors just how we refer to cases, visitors. Helping visitors think through what their options are. We may role-play with them. We may talk about different options and what might happen in a conversation. Helping prepare them for conversations. Then in addition to working with individual visitors, we also provide feedback to other -- to administrators -- some people would call that -- used to call that upward feedback. We prefer to call it sideways feedback that we're just -- because we're not just reporting to higher up in the chain. Sometimes we're talking with an (inaudible) office and talking about, you know, we've seen two or three visitors. We have been talking with you about two or three times about a particular issue. I think -- you know -- maybe we can talk about ways that issue could be addressed. Next slide, please. What we don't do. We don't take sides. Big part of what we do is that we're impartial. Am I there? Okay. We don't take sides. We're not advocates for anyone. Our job again is to help individuals' identify their options and help them figure out how best to present those. We do advocate for (inaudible) and fairness on campus. Also, we don't provide legal advice. We have to remind people of that because two of our -- of the staff are trained as lawyers and -- but they very explicitly have not provided legal advice. Next slide, please. Just a couple of examples of things that we have done recently. So, for example, we have had a number of visitors where there's a question about their disability accommodations and which office can provide those, most often students who are -- for faculty and staff it's the Office of Institutional Equity. Often times there's questions about what's reasonable or what's not. What the requirements are. We can help with that. I see a lot of graduate student mentoring cases where there's conflicts between students and their advisers. Sometimes that happens at the undergraduate level as well but most often at the graduate level where we can help people figure

out how to resolve a conflict with an adviser or in many cases, it's someone who is already decided they are going to leave their current adviser and they are trying to figure out how to do that in a way that will preserve working relationships as widely as possible. I said we're not part of -- any formal processes. We're not part of the tenure process but we are explicitly available to people in the tenure process who want to think about what are their options, what are some of the concerns that are coming up, how should they think through those problems. We have had a number of visitors where issues of academic integrity have come up and this is actually the one place where I would like to ask the senate to -- at some point think about this more systematically. We have formal academic integrity procedures on campus. What often happens is that a -- a faculty member might say well let's not go through the formal process because that's just going to -- that's gets it all legalistic. Let's handle this informally. You know, you can just redo that paper and then that will be all done. What happens sometimes is then there's a further conflict later down the line and now there's the student sort of gets double penalized -- it's unclear what the process is. We've also had some situations where there was a pattern of misconduct and because formal procedures hadn't been used those hadn't been reported to the college academic integrity officer, every college has one or is supposed to. That was one of the things we discovered was -- some didn't exist and therefore there was no record that there was a pattern and therefore it was difficult to figure out how to work around that. So, I think -- this is something that senate might want to considerate some point is thinking about academic integrity issues. Next -- yeah. So, my slides, here we go. Visitors -- our visitors tend to divide usually it's roughly equally across staff, faculty and students. Last year it was as usual, about a third were staff, (inaudible) back up one, please? Yep. It was about a third staff. It was about 45% students, split more or less evenly between undergraduates and graduates, a few professional students and smaller number of about 17% were faculty, split between tenure track faculty and RTE faculty, even I have had to work -- a number of -- worked a number of times around issues involving RTE faculty. Next slide, please. So, with the kinds of issues that have come up so employment issues, supervision, that's true not just for staff but for faculty and students as well have come up that's -- our single largest category. Various kinds of academic actions, say academic integrity, conflicts about requirements for -- for courses, a lot of -- as I said advising issues come up. Then various sort of big red tape issues. I'm the university Ombuds. I'm supposed to help people solve big red tape problems. My own course didn't get approved until one day into the semester, so it

doesn't always work but we try. Values and ethics, these are often discrimination issues, sometimes harassment. I said we are -- we do not receive notice; part of our confidentiality is people can come to talk to us about issues like sexual harassment that there's a legal requirement that the university keep track of. They can -- talking to us is not notifying the university. People often come to talk to us in advance of going to the Title 9 office. They want to know what's going to happen when I go to Title 9? What are my options going to be? So, we get a bunch of those kinds of issues and other kinds of advice. Next slide, please. Those are the examples. Next slide. Sorry -- (inaudible) so looking ahead. We don't have an easy way of accessing what the success of the Ombuds office. Everybody thinks it's good. We think so, certainly. We get a lot of people who say at least someplace where I felt heard, so we count that as success, but we don't have real measures of success. We're talking to some other Ombudss offices around the country, trying -- university Ombuds, trying to think out besides reporting numbers and stats, how do we assess success? So, we'll think about that. We're trying to do a lot more outreach and engagement talking to different groups on campus, that's part of why I'm here today is to let people know. We engage in training. We're trying to do more of that. We do a lot of work with the Scheinman Institute in ILR which is the institute for conflict resolution. Working with HR's Office of Organizational Development and Affectedness and others and we're beginning to build some expertise in facilitated conversation where we can help actually be the third person in the room. That's not traditionally been we're we go but we're talking about things -- starting to do that a bit. I'll stop there and I'm glad to take questions. Thank you very much.

>> Jonathan Ochshorn: If you're online just raise your digital hand. If you're in the audience here, just step up to one of the microphones, either one. I guess (inaudible) seeing no hands raised or people coming down we'll move on.

>> Bruce Lewenstein: Thank you and please feel free to contact us by phone, mail or walk in, we're always glad to talk, thanks.

>> Jonathan Ochshorn: Next item, senate announcements and updates. Eve De Rosa, Dean of Faculty, Chair of the University Faculty Committee, member of the Psychology Department and Chelsea Specht -- I don't think she's here but --

>> Eve De Rosa: She's online.

>> Jonathan Ochshorn: She is online. Okay. Associate Dean of Faculty, Chair of Nominations, Elections and a member of Plant Biology. Five minutes and then five minutes for Q&A.

>> Eve De Rosa: So, first slide please. Before I get started, I just want to remind everybody -- we have sign-ins and if there are any graduate students or staff members or undergraduates who are here by invitation of a faculty member or senator, please sign in and let us know who invited you and same for the press. And, in terms of academic integrity, we are having those conversations so every semester since I learned that academic integrity sits in the Dean of Faculty office -- the academic integrity hearing board officers or chairs, and the reporters we get together -- we talk -- we try to come up with common practices and we had a half day retreat in January where we're discussing a pilot program for the computer and information sciences college because they were shared between Cals and engineering and arts and so we're piloting a common reporting system and also we're piloting a restorative justice form of sanctions. Just wanted to let you know so there's more coming though. Okay, so and we're hoping they'll come to the senate and that's actually what these updates are. These are things that will come in our last two senate meetings and the two faculty forums that we have so the first is the teaching track title, task force, T4 that was AI generated beautifully and so we have a forum at the end of this month and in that -- that forum they are going to have drafted -- I wrote it down -- (inaudible) resolution for the teaching professor -- introducing a new teaching professor title. They are going to have the title description for everybody to review and also a resolution -- a proposal or proposed resolution for the senate to consider in May and okay, and then we're also having the swim competency come for a vote at some point over the next two senate meetings and I am meeting with -- I think -- at least invited over 40 student leaders on campus. These were identified by the vice president of student and campus life and the Dean of students and so we're going to have them meet with (inaudible) leadership and then also just hear from them about the resolution before it comes to the senate in April. And the (inaudible) on our agenda for Dean (inaudible) to come back to the senate but she wanted to address some of the information that came up in the last discussion and so we'll invite her back in April and May if there is room.

Next slide, please. We had a little bit of a faux faux. We got really excited so IT thought they were going to be doing a soft launch for Microsoft copilot but, surprise, Monday message said it was this week and so they did actually pull it off and do a soft launch and I just wanted to let you know that there was a decision made also for staff and faculty to have two weeks to play with it before students get access so I think that -- that gives us a sort of comfort level with the tools, the generative ai tools and one of the -- sort of benefits of having this copilot is it uses both Dalle and GPT4 so text and -- images and text respectively and it doesn't use private information so it doesn't use (inaudible) to feed the models to its more secure than what gpt3 and we will be having that for the entire community and if you go to that website you will learn more about these different generative ai tools and they will come to the senate to update us on progress they are going to have an artificial intelligence advisory council and so we will learn about those things and how faculty can be involved in those discussions on campus. Next slide, please.

Thank you, Jill. And so, this is our job today. At least from my point of view is that we have to come up with a way for our community to have a balance between free expression and safety and so, that's my little -- like -- framework in terms of ensuring safe policies and procedures per allowing lawful protests and demonstration. We want that on campus. That is at heart of higher education and so I wanted to remind everybody that the authority for this policy sits with the university assembly. It's in their charter, 3.1 and -- so you can see the text of it and, two, we have our academic freedoms and free expression to protect. We also have a responsibility to create a non-discriminatory environment for all in our community, and with that -- that's my five-minute update and anyone who has questions, this is a good time before we kind of dive in. I should say that we are going to do ten minutes of the provost speaking, ten minutes of Senator Lieberwitz presenting the -- the pending resolution in front of the Senate and then we're open for discussion for the entire community and so, with that, I'll pass it on.

>> Jonathan Ochshorn: We have a question online. Richard Bensel, unmute.

>> Richard Bensel: Thank you. Eve. I posed the question in the chat -- it was a long one so took several messages, but I'll repeat it here. On October 15th, 2023, Russell Rickford, addressed a rally -- at the commons. He spoke as a private citizen. On October 17th, President Pollack and the Board of Trustees condemned Russell Rickford's comments at reprehensible. The statement

ended with this passage, the university is taking this incident seriously and is currently reviewing it consistent with our procedures. This statement can only be interpreted as a veiled threat and several days later Russell Rickford took a leave of absence, and a colleague assumed his teaching responsibilities for the remainder of the semester. He is now on extended leave of absence this semester as well. During the faculty forum on February 28th, the Dean of Faculty made the following remarks taken verbatim from the recording -- the link is provided below. Nothing has happened to Russell Rickford. He has taken a leave of absence. I can say that to you that nothing has happened definitively. He has taken a leave of absence. I can say that -- I can -- definitively tell you that nothing has held over his head. He personally decided to take a leave of absence and he is now on that leave of absence until the end of the academic year and no action has been taken by the university. Given this definitive knowledge of this incident and its subsequent repercussions would you please describe the involvement of the Dean of Faculty office in the preparation of the October 17th statement released by President Pollack and the Board of Trustees?

>> Eve De Rosa: Absolutely, so I still stand by those comments. Professor Rickford, Senator Rickford in fact -- he voluntarily took a leave of absence, and he is on that, and he took it for the entire academic year. And I am bringing together the protections that are afforded to us by tenure, academic freedom and -- freedom of free speech and private speech and with the concerns that were brought and complaints that were brought to the Dean of Faculty office. So, explicitly we were asked for his termination, suspension, and we are going to give a report to the Board of Trustees and this conversation is ongoing but, know that Professor Rickford was not dismissed or terminated or suspended. He chose to take -- the (inaudible) leave of absence for the academic year.

>> Jonathan Ochshorn: Other question, comments? Hearing, seeing none, we will move on then to our next agenda items. We start with the Provost Michael Kotlikoff, also from the Department of Molecular Physiology and Donica Varner, Vice President and General Counsel. They will speak for ten minutes. There will be no Q&A immediately following provost but there will be opportunities after the next agenda item since they're very much related. Go head.

>> Michael Kotlikoff: Thank you. Thanks. Donica, you're not coming up, I'm on my own? Is that right? So let me just make a couple of high-level statements, some of which has been gone over before. We really required an interim policy for a number of reasons. Our policies around expressive activities were scattered over a number of individual codes of conducts and policies and both for the clear understanding of what's an appropriate expressive activity and for our Title 6 obligations. We felt we needed to put in place an interim policy. Donica Varner, Chief Counsel, went through this process -- the development of it, talked with the assemblies, talks with the UFC -- I think might have come to the senate itself to have a presentation. Through that process developed an interim policy. So, I want to make it clear that the need for that policy was really -- this was not something that was imposed externally. It was something that was really a lack of our own clarity in policy and something that clearly as our Title 6 obligations -- became much -- more aggressively asserted by the federal government and the office of Civil Rights. Clearly something that the university had to put in place. So, we put it in interim policy in place. Now I've heard a lot of the feedback. I listened to the faculty forum about this. Listened to the senate conversation about this. Think a lot of the faculty feedback has been appropriately concerned that in aggregating all of these individual policies in one place and adding some new sort of best practices -- what was felt to be best practices, safety policies, that we were in danger of inappropriately restricting nondisruptive, legitimate protest. That was not the intent of this policy. I'm -- I think the discussion of this has been healthy. It is led us to look at some of this. I got a very humorous letter from one of our colleagues that was on poster-sized paper that indicated that this would be restricted by our current policy. I thought it was a nice demonstration of what we're not trying to do and so, I think you saw the letter from Mark and me a couple of days ago that has pulled back some of those areas that are guidelines mainly around public safety but certainly we can -- there is a tension between ensuring public safety and inhibiting legitimate protest. So, we've had that conversation. I think the -- the -- focus on that is appropriate but I think what is more important is the conversation that we have not had yet and we're going to have, and we anticipate having. That is how we balance -- how we limit disruptive protests. How we limit those protests that shout down speakers, that interrupt classes, that interrupt studying in libraries or other spaces where our students are trying to work or trying to learn. So, I'm very sympathetic and I -- I think the discussion has been very thoughtful around legitimate protests. I'm less sympathetic and -- about what I've heard some arguments which is that the university

should in no way limit disruptive protests. That position is really inconsistent with our Title 6 responsibilities. It's inconsistent with the First Amendment and it's really inconsistent with our duty of care to our students to provide educational activities or programs for our students. So, the question then becomes, how do we balance -- what are the appropriate ways to limit disruptive protests? And that is the conversation that I think we need to have and the plan as you saw in the letter a couple of days ago is for us to appoint a broad committee of faculty, staff, and students to work over this semester and the summer to come up with those guidelines to then vet those guidelines at assemblies and the faculty senate, in our consultative process and then activate a finalized policy. So that is our plan but I want to really emphasize the fact that, to me, most of the discussion that we've been having so far is -- is not around the real issue that we have to come to grips with which is balancing our Title 6 obligations and our first amendment obligations to allow everybody to speak and allow our teaching activities to go on while also not preventing protests in a way that's so draconian or limiting that -- that we don't -- we cease to exist as a university. So those are my comments -- I'll turn to over to Donica.

>> Donica Varner: Thanks so much. I just wanted to step to the microphone just to clarify our deliberate -- our consultation process pre and post-the publication of the interim policy. So, pre-publication of the -- policy we have been consulting with administrative leaders. We consulted with the UCF, student and life leadership consulted with -- with student leaders before the policy was published in January. Since the publication as part of our plan to continue broad based collaborative consultation I have spoken to -- presented to this body -- to the university assembly -- we'll be talking to the student assembly, have spoken policy the employee assembly so there's both broad consultation in the time period before the interim policy was adopted as well as what Mike described as the process going forward so just wanted to be clear because those of you who are in faculty senate will know that I didn't come to you before January so I just wanted to acknowledge that. Thank you.

>> Jonathan Ochshorn: Thank you. We're going to now go to the proposed resolution concerning the faculty senate's governance responsibility to consider and vote on the Cornell interim expressive activity policy with Risa Lieberwitz from Industrial and Labor Relations and then after this ten minutes we'll have a substantial amount of time for either Risa or the provost if you

have questions and comments.

>> Risa Lieberwitz: Yeah, that's more comfortable. Great. Thanks so much. Okay, great. I appreciate the chance to present this resolution. This is one that I -- that you have seen already from the last faculty senate meeting, but we didn't have a chance to really discuss it. I wanted to just mention that we have nine senate co-sponsors on it now. There are an additional 57 faculty members who are not senators who have also co-sponsored, so it's quite broadly supported. Next -- next slide, please. So first I want to just remind us of some basic ideas about the central roles of faculty senate in considering policies concerning academic freedom and freedom of expression. This is from -- what I have done is I have brought in various whereas provisions. I'm not just going to rehearse that with you from the resolution and resolve clauses but I'm trying to put it into a context that I hope will be helpful for discussion and so a reminder about the Cornell University policy statement on academic freedom and freedom of speech and expression which is so important and that we have other provisions of course in other places in the university policies for freedom expression and academic freedom and also a reminder that according to the bylaws of the university and the delegation of the function of the university faculty under the bylaws to the faculty senate that it is the faculty senate that has the jurisdiction over questions of educational policy. That include educational policies that's general in nature and so this certainly would include academic freedom and freedom of expression such as these interim policies. Of course, the university assembly should be part of this discussion as the Dean of Faculty pointed out but there's nothing in the language that we saw there that made it either an exclusive venue for discussing these issues. The faculty senate has jurisdiction over these matters, and we should assert it and it certainly should be respected. Next slide, please. So, I want to talk about the process first and that is -- that this has been a flawed process from the very start. What we had was the university administration issuing interim policies without consultation with the faculty senate. There -- apparently were confidentiality-imposed meetings, one meeting perhaps with the USC, other kind of confidential meetings, administrators were consulted but there was no consultation with us. This was done completely backwards. You don't put out a policy and then say, well, now this is what we're enforcing which is what we're told and if you have anything to say about it, we're listening. That is not the way to engage in respectful Democratic consultation with those who are experts such as the faculty and those who have jurisdiction over these matters

including the faculty senate. This was imposed during the winter break which is clearly not a good way to have people engaged in talking about it and it was really a *fait accompli*, and it avoided the kind of governance process that we should expect to be respected. Next slide. And so, after widespread protests by Faculty, students and staff, the administration did revise the policy somewhat and so I have up here the lines through the expectation of registration for outdoor demonstrations, that's removed. The expectation of registration for indoor demonstrations, that's removed. The no candle rule which was also removed. You can now have six-inch candles -- actually less than six-inch candles -- six-inch candles will violate the policy apparently and the revised provisions also provide that registration of outdoor and indoor events is encouraged but not required. So that's good. It's good that was -- that there was this revision but it's not enough either in process or in content. So next slide, please. So, what's remaining in the policy, outdoor demonstrations may not disrupt the regular conduct of the university teaching, et cetera including without limitations the activities of groups who have previously reserved particular space. This relates to the prior slide because this still puts a privilege on registration and therefore this implies that if one group does register space, let's say for an outdoor demonstration that another group that is engaging in a counter protest or some other kind of protest in the area will not have the same access and the same rights that those who have registered and I want to compare this to what I think is important to recognize and the administration has avoided including this in any comparisons, from the campus code of conduct, which is a prior code of conduct that we had here for many years this includes language that says the presence of a counter-protest does not itself constitute a disruption to a university function or authorized event. And so, I think that we should learn from that prior language. Next slide, please. So, What else is still there in the -- interim policies? The no sticks or poles at indoor or outdoor demonstrations, clearly, you know, picket signs use sticks and they -- they work well so that people can actually communicate. The requirement of poster signs, flyers, banners being dated, including the name of sponsoring organizations or individuals. I'm not going to go through all them you can see it right there in terms of the limitations on postings and signs, et cetera and then also the public address systems or amplified sound prohibition outside of 12 to 1 on Hope Plaza and in front of Day Hall. Now, this is also the interim policies -- are also we're told being enforced even as they change and so there will be discipline but we don't know what the specified penalties will be, that's not in there either. Next slide, please. And so, what we have

now is a process that's continuing but it's still flawed, and this comes out of the March 1st statement by President Pollack. This consultative process is being set by the Cornell administration, once again, it is a process that is coming from the top down as opposed to from the -- the governance bodies themselves. It is really an end run from the start around the governance bodies. I'm quoting here, we will convene, that is the administration will convene, faculty, students and staff to develop a finalized version of the policy even as the current one is being enforced. The charge will be to engage the campus community and to issue a report by next semester but then it goes back to the administration. We will advance a version through the policy review process and present a final policy to the university assembly. The we again is the university administration. Next slide. And so, what would real consultation look like? Now I'm focusing here on the faculty senate. It should include the other governance bodies as well and here I have the resolved clauses from the resolution. Number one, too really have consultation it would be appropriate and would call on the Cornell administration to suspend any implementation of any new restrictions in this interim policy until the senate has a chance to completely and thoroughly discuss the policy which we have yet to do. And then we further resolve that the senate shall engage in a full discussion and debate about the interim policy including concerns about academic freedom and freedom of expression and the contradictions that exist and then finally resolved that after the senate fully considers the policy it's the senate -- the senate's job -- it's our obligation, it's our jurisdiction to vote on that policy including any and all faculty senate resolutions for amending the policy and I just want to point out a couple of things with regard to this. Number one, a full review should take place of all the provisions, not just the new one. Not just the new provisions. Our discussions thus far are protests, our -- our -- our calling on the administration to actually take a consultative process seriously includes opening up the possibilities that there are unreasonable time, place and manner, provisions that have existed and that deserve attention right now and that includes the amplification provision and the kind of narrowness of it and possibly other provisions when we look at those in addition to these new provisions. And we need to emphasize reasonable time, place and manner as opposed to convenient to keep people quiet or to avoid anything that could be called disruption as opposed to substantial disruption which is language that's used, I believe, in the student code of conduct and so we need to do that without the sort of Damocles of this interim policy hanging over people's heads with this kind of mystery about how it'll be enforced and with what kind of

sanctions. And also, a full review should recognize that the faculty senate has faculty experts, and we should be encouraging our colleagues to engage in this kind of discussion through the faculty senate and to do that in a way that respects both our expertise on these issues of academic freedom and also our expertise and our commitment to democratic governance and in doing this we can really unpack the issues of chilling effects on academic freedom. We can unpack the issues of the relationship between external kinds of protests and what happens in the classroom, that is they're not separate. People are feeling chilled in the classroom right now because of this kind of repression that we've been experiencing but we have to have a place to discuss this openly, fully, and democratically. Thank you.

>> Jonathan Ochshorn: Thank you. We have time for questions and comments. The first one from the provost and if you have any questions or comments in house come to the microphones. If you are online raise your digital hand.

>> Michael Kotlikoff: I just want to respond to my colleague, Risa. I don't really think we're that far apart. I think the -- the clear there is concern about the interim policy and I understand that. I believe we needed such a policy for lots of reasons as I have stated but -- putting that aside the role of the faculty and faculty senate in discussing and voting on this subsequent full policy, finalized policy is fully acknowledged. So, I don't -- I don't see an issue there. I will say one correction, Risa, around the idea that somehow there are draconian -- implications to violating the interim policy. We haven't changed anything about the process of a complainant lodging a complaint around harassment or violating the policy. It goes to the student -- the student organizations which developed the adjudicating boards and none of that has changed so we're -- we're really not talking about (inaudible) here. We're not talking about -- let's be -- let's be honest about what's going on. Those individuals that have been identified as -- as disrupting classroom activities or library activities, et cetera. They have been asked for their -- complaints have been lodged -- they have been asked for their ID's and they go through the normal consultative process that we've always had. Thank you.

>> Jonathan Ochshorn: Come on up. Try to identify yourself and your department and then also keep it to two minutes if you can.

>> Shannon Gleeson: Great. Thank you. My name is Shannon Gleeson. I'm chair of the Department of Global Labor and Work in the ILR School and I just have a few comments both to my colleagues here and our university leadership. I just want to reiterate that the lack of the policy is being framed as the central problem here, but I think there is a broader conversation to be had here about process. We're framing this specifically as a question of enactment but actually really there's also a concern here about implementation. I want to articulate two of the goals that have been repeatedly stated to me by my colleagues here. One is that there is a desire to bring down the temperature on our campus and two, as stated repeatedly here, to achieve a nondiscriminatory approach to free expression and I want to understand better how these particular policies are going to do that because I'm seeing quite the opposite effect. I would like to understand better how you think that this achieves this goal and how in particular, because we know that the law is not neutral and the university is not a neutral institution, how we are actually going to ensure equitable implementation, especially among our most vulnerable students on campus for whom these consequences will be quite uneven. I would like to also note that there has been a string of what some might interpret as gas lighting but -- or at least the very -- at the very least confusion. There has been a string of contradictions in terms of how this policy has been articulated -- candles are prohibited expressly, request for clarification, also reiterating that's the race and now we're told, no, they were always allowed, that was not our intent and so I think there's a process of rebuilding trust that is needed among our campus community. Lastly, I want to point to the way we understand that this disruptive protest and disruptive activity is policed on this campus. I would like to know more about what constitutes a disruptive protest, how CUPD and partner enforcement agencies on this campus are going to be trained around this because the long term consequences of fueling additional policing and surveillance of our campus community is something I think we want to avoid and I cosigned the call for full review of these policies which as we were told were on the books but were never implemented and I assume that was for a good reason. Thank you very much.

>> Jonathan Ochshorn: I think what we'll do, is if the provost or Risa has a response, we'll do that, otherwise we'll go to the online comment. We have -- we generally alternate between in-house and online so well go to Saida. Identify yourself and unmute.

>> Saida Hodžić: Thank you very much. My name is Saida Hodžić. I'm an associate professor of Anthropology and I'm an interim senator for Anthropology. I have some questions and also, I want to articulate a question of trust and broken trust around the communication that we have had surrounding this policy but also today. So, we have just heard from our provost is that he is not -- or he or they are not very far apart from what Risa is proposing but I hear very different ideas about faculty governance and the place of faculty governance including faculty senate in the formulation of this resolution verses the statement that we received which is that a group of students, faculty and staff will be involved in the formulation of this policy. So, who have these groups, how are they going to be determined. Are they going to circumvent existing bodies. Like all of those questions are unclear. I also have some substantive comments about trust more broadly - I feel very strongly that my trust and the trust of so many members of the community has been broken by the way that this policy has been formulated and thus far communicated and implemented. I understand as it's been explained to us that the university is under pressure, but I feel like we are at this crossroads of either accepting the right wing restrictions on the democratic space or rejecting these restrictions and skillfully navigating them, so I feel that every concession to authoritarian models of rule leads to another concession until it's too late and we have full blown authoritarianism. I also feel that -- and from what can see from AUP's at other universities that the current title of investigations are not actually in keeping with the law but at times make mockery of law. And so, to me this policy is not some kind of compromise that will keep the university safe or protected. It's a compromise that's too great for us. It's great -- too great for individuals' students and staff and faculty who might be affected but also for the moral fabric of our community. To see our community members potentially criminalized and disciplined at this particular moment in time which is for speaking against the atrocities that the International Court of Justice has deemed a plausible genocide harms not only those individuals, it harms all of us. It shatters who we are and what we stand for. I agree with my colleague Shannon Gleeson that's uneven burden of police contact potential and existing as well as formal disciplinary procedures constitute an injustice. Cornell and all the universities should be spaces where students of color, migrant students, international students can have a reprieve from criminalization and can live free of fear. This policy inverts that and makes actually society beyond Cornell safer than Cornell itself and that is profoundly wrong. I also believe that it may

be illegal, so we have been told about this Title 6 investigation, but I believe that we need another investigation which is an investigation into Cornell's own disciplinary and policing practices with the question of whether these have been historically content neutral and democratic. The indication we have right now in the present is that they are not, and this is a serious concern. I've been here for just over a decade and I've occasionally heard testimonies from students who were intimidated and threatened by the Cornell police who have had their email messages surveilled in response to their free expression, who were called on their cell phones by Cornell police officers and harangued into conversations they were in the prepared to have, especially not in that context and then who felt isolated in disciplinary hearings. I've heard them after the time, after the moment had passed -- those students were isolated when those things happened and all of those students had protested against two things, racial and gender injustice and importantly also against Cornell's lackluster commitment to creating a community of belonging for all and all those students were also students of color and immigrant students. And so, I want to propose an amendment to the resolution that we're discussing namely that Cornell authorize and conduct an independent investigation into its history of police and disciplinary charges against students' political activity and freedom of speech. Thank you.

>> Jonathan Ochshorn: Yeah. We'll have a response and then you're on next.

>> Michael Kotlikoff: Just quickly -- I certainly respect the passion of my colleague. I -- I think that the comments, the data that have been stated do not correspond to our own surveys of our students. The feelings of certain students of color, students -- all students so that's the first point I would make. The second point I would make is that I think we have a duty to all of our community. I'm a little concerned about pulling out certain aspects of our community and identifying or isolating our duty to those. I've heard from many faculty, many of our colleagues who are concerned about their -- the impact that certain demonstrations are having on them and their ability to be comfortable in the community, their ability to learn in the community. I think we owe it to all of our community to have a duty of care and to listen and to construct policies that are fair for everybody.

>> Jonathan Ochshorn: Identity yourself.

>> Beth Milles: Hi, my name is Beth Milles. I'm in the Department of Performing and Media Arts. I just want to -- quickly address this -- this term consultation and connected to consultation and intention. I am on University Faculty Committee. I'm one of the faculty senators on the University Faculty Committee. It is true we did meet with Vice President Varner in December. At that time, we will say, and I said in a meeting with Vice President Varner last week we did not understand the imminence, the requirement or the urgency. Many of us were in foreign countries, semester had ended, and we did not understand the timeline and if I misunderstood that please tell me directly, but we have discussed it because it's a big concern of ours that we are members of faculty senate and on the University Faculty Committee, but we keep hearing faculty members were consulted. The faculty senate did not meet until February 14th. There is no way to consult if we're not meeting until February and the policy was introduced in January. So obviously, there's some frustration that I have about that term consult keeping on addressing consultation with faculty. The other thing I wanted to say is I'm a member also of university assembly. I'm on the executive committee for university assembly and there's a lot of concern as we are -- articulated as the body that is now responsible for addressing a response. University assembly is a space for shared governance. Many people don't even know what it is. I didn't know when I was asked to be on it what it was, but this is a space where we as -- I as a faculty representative and as the faculty representative in the executive committee am responsible for listening to my colleagues across the university. It's my responsibility to hear the concerns of students, of staff and employees, of graduate students and of other faculty members. To be able to provide a response I do need the faculty response to be taken into account. I need to speak to people who have a response that's a tangible and articulate robust response and there needs to be the appropriate time for such a response, but I encourage everybody to speak to me or a -- participating committees who are making a response to come and speak to me. The other thing I want to address is the word intent because we can all have the best intent in the world, but it doesn't mean that the community is healthy and that trust hasn't been broken and we keep hearing that trust has been broken, our students are frightened. Our faculty colleagues are frightened. Our staff members don't even want to speak because they're frightened about retaliation, about what are the punitive responses, So I feel there's a larger responsibility -- we all have as Cornell to take responsibility for that breach of trust and for the anxiety on campus right

now. Even if the intent is good and -- even if I want to protect everything that has been said we want to protect today by everybody who has spoken so far. Thank you.

>> Eve De Rosa: So, I should own this. So the University Faculty Committee was consulted at the end of December and we knew that the interim policy would be dropped just before the beginning of the semester with the intent, and this is the distinction, the intent to get full public commentary from all the assemblies and with that, you know, the process from that point has been very public so we -- the very first senate meeting of the semester we brought this to the faculty senate. We have had a faculty forum. We have had a town hall, and we are having another faculty senate meeting and that was always the intention. Is it sufficient? Obviously, we have learned no. Hence, there is now a new process in place that will then again bring back the -- the role of the faculty senate and so, yes, there was an intention to use this public comment time for the next -- for February and March but that obviously was not sufficient, but the intention was good.

>> Jonathan Ochshorn: Go ahead. Next.

>> Yuval Grossman: Yuval Grossman, Senator from Physics. So, Cornell is my employer as well as the employer of many others and federal and state law as well as the responsibility required Cornell to provide reasonable working environment. Cornell is also the home of many students. Cornell is required to provide student with reasonable study environment. Unfortunately, Cornell is failing to provide a reasonable working and learning environment to employee and student. This is not a onetime failure. This failure has been going on for half a year and it has severely implications for people on campus. Yet, we do not see how the problem will be fixed with new regulations. Talking to the provost you mentioned that we need to discuss the issue over the summer and I'm very happy to hear it from you. Yet, my question is, is that plan that for the rest of the semester that the disruptions at the level that we see so far will be allowed?

>> Jonathan Ochshorn: Go ahead.

>> Michael Kotlikoff: Yuval, our intention is to start this process as soon as possible to develop,

to -- to form a broadly representative committee that includes, as I said, students, faculty and staff. But I have to say that we're not in a position -- we have an existing policy. It doesn't have the kinds of enforcement guidelines that I think you would like to see, and I think we're -- I have to say we're -- we're -- we're -- have to live with the policy that we currently have, and I hear from you and from others in our community that you feel it's not sufficient. The only thing that I can say is this is the policy that we've had. We've got an interim policy that basically just brings the existing policy into one place with a couple of tweaks, but it doesn't address the concerns that you have, and I think it doesn't really effectively allow the university to live up to its Title 6 and first amendment obligations.

>> Jonathan Ochshorn: Okay, we have comment from the floor.

>> Alexander Vladimirovsky: I'm Alex Vladimirovsky, Department of Mathematics. It is undisputable that both the freedom of expression and the commitment to a safe inclusive, welcoming work, study environment are among the most fundamental values for any modern research university. It is precisely the tension between these two foundational values that makes it so hard to formulate fair rules governing where, when, and how one should be allowed to post political materials, or stage protests on campus. So, personally I'm pleased to see the recently announced changes to the interim expressive activity policy. My hope is that by removing the prior restraints on speech and protest, by removing the ambiguity present in the original version that the administration has now a policy that is more likely to eventually gain support by the majority of faculty, staff and students. And -- while a full consensus is probably unachievable it is very important to have a broad agreement before the permanent policy is put in place. However, it is largely irrelevant how well meaning, fair-minded and broadly supported the policy is unless it is actually robustly enforced in practice. Others have mentioned the Cornell should be the community of belonging for all. Emphasis on all. Disruptive protests are not a minor thing. They impact many lives of instructors, students and staff in significant and, yes, substantial ways. A student whose class is canceled and evacuated, in some cases with police escort or after the (inaudible) has been commandeered by protestors -- that student is intimidated and might be deeply affected by this experience, particularly when these protestors are aggressively heckling anyone who does not agree with their position. A student who paid the tuition to Cornell should

reasonably expect our university to provide the safe, inclusive and orderly environment for their studies. So (inaudible) the policies implemented in a fair and content-neutral fashion, otherwise the university opens itself to accusations of political biases and selective enforcement, leading to much negative publicity, lasting reputational damage, and quite possibly, even to class action lawsuits from the affected students whose rights to safe and inclusive learning environment continue to be violated. I urge the administration and the faculty to avoid this outcome.

>> Jonathan Ochshorn: Thank you. We have another comment in-house and then we're going to go to David Lee online and then a couple more in-house.

>> Chris Schaffer: Chris Schaffer, Biomedical Engineering. This will be quick. Thank you both so much for coming here and accepting all of this criticism. I know it's tough. I just wanted to point out that details matter and some of these details that are in this current policy -- I don't see how it's going to lead to a reduction in conflict. So, for example, the prohibition on sticks and poles. I understand the university of Virginia Charlottesville, that some of the folks carrying sticks and poles hit other people and there were some minor injuries associated with it but it's very dangerous to make policy on niche cases and bringing a placard on a stick or pole is a standard way to protest in this country. So, who is going to enforce this policy and in what way are you going to enforce the policy so when 50 people come walking by with sticks and poles are you going to send the police there? If so, is that actually making that a safer environment where for students who express their ideas? I don't think so, and who is going to get the ruler to measure how long everybody's candle is at the candlelight vigil? Can we just say you can have a candlelight vigil but don't bring shit that's going to start a big fire. Right as determined by the fire Marshall, someone who knows about first. Yes, you can quote me in the policy. Fine, yeah. As you like. These details matter. That's why we should have a slow, deliberate consultative process to get people's ideas in here so that we can get these right. Thank you.

>> Jonathan Ochshorn: Go ahead.

>> Donica Varner: I'm sorry, if it's okay, if I can respond --

>> Jonathan Ochshorn: Sure, go ahead.

>> Donica Varner: Thank you, Chris, for your comment. Some of you who have heard me speak on this have heard me say that the purpose of this interim policy is to begin a conversation so that we can dig deeper into these questions, right? The policy is designed to be content neutral in its enforcement which means regardless of the viewpoints being expressed whether through art, demonstration or protest that these rules are rules that as a community we can agree to in terms of how and when we engage in expressive activity. I do think it's important as this body continues -- particularly that -- that provision to think about what it means to be in conflict on our campus and how we might engage in spirited, healthy, vigorous debate and how that conversation could go off the rails quickly. I also am not interested in building policy off of edge cases. I am interested in learning from those cases and the body of activity that we see on our campuses across this country to inform best and next practices for this institution that allow for the safe engagement in expressive activity. So, I appreciate the energy that you're bringing to this conversation and the particularly around that issue, but I hope that that's energy that you will contribute as you think about what are the environments for every single person on this campus whether you agree with the speech or not and in the people who are asked to help enforce these policies, right? The second thing I think is really important is that this policy is designed to reflect the educational nature of this community. Right? We're all educators. We're here to support a thriving academic community. What are the tools and spaces that we need to be able to do that effectively and I think it's really helpful to think about answering that question outside of the context of this current moment because that's how the lawyers in my office think about this, right? It's not the current moment, it's about what can sustain a healthy community consistent with our institutional values over a long period of time. And so, we will talk about that particular issue of poles and sticks and candles, right? We should talk about it and our goal is to get you excited enough to have this conversation and also to hear from your colleagues who are saying I know students, faculty and staff who do not feel that they have equal access to the educational and employment opportunities of this campus because of the ways in which protest activity is occurring, that's limiting their fair and equal access. So, as we engage in this conversation, I hope we can hold both principles at the same time and I think we should, right? It's not an either or, we have to get to the and.

>> Jonathan Ochshorn: David Lee online, unmute yourself, and then a couple of comments in house.

>> David Lee: David Lee, in the Dyson School of Business and Faculty Elected Trustee. I wanted to thank both Mike and Donica for coming and for -- for listening to the comments and for your responses. I had two questions, and they are both on process, not substance. One for Mike and one for Risa. Mike, in the interest of what some of the other faculty have identified, issues of trust, and the interest of consultation and engagement and so forth, wouldn't it be a good idea -- a better idea to have the individual bodies involved here -- the student assembly, employee assembly, faculty senate nominate their own members, their own representatives to a committee -- the proposed committee and I -- I should say I think the committee is a great idea. I think that's definitely the way to go but -- just to -- in terms of where we are at right now in this addressing these issues of consultation and trust wouldn't it be a better idea to have those bodies nominate their own people for the committee? And then for Risa, I'm just wondering -- you did put up the revised -- the revised motion but the -- the release -- the changes that were made in Martha Pollack's email on Monday -- don't they merit sort of further refinement of the original resolution before bringing it to a faculty vote in it seems to me those changes the other day were substantive enough that the resolution needs to be more carefully tailored than it currently is. So, if -- -- if both of you could address those questions I -- I would appreciate it. Thank you.

>> Michael Kotlikoff: Yeah, thanks David. It is a very reasonable question. You know we haven't really thought yet about the composition of this committee. I'm very -- you know -- I think it has to include an addition to representatives of the assembly and the faculty senate. Also, obviously students and staff. I think this policy will affect everybody so we -- we want to be inclusive in our community but -- I will absolutely take that under advisement and I would love to see recommendations, appropriate recommendations from the -- from the representative bodies and consider those as part of this committee.

>> David Lee. Thanks.

>> Risa Lieberwitz: All right. Thanks, David. I thought about that question that you had just raised about whether the resolution needed to be changed in some way and I thought about it before coming here. My view is that the resolution is ready to be voted on. It -- it calls for the -- the be it resolved provisions calls for what I think still needs to be done which is to suspend any implementation of any new restrictions in the interim expressive policy and there are still new restrictions that are there and that I think are, in my view, are not reasonable time, place and manner restrictions but what we need is a suspension of these so that we can have that full discussion instead the mystery of what those things mean or whether they are reasonable and also, I would note as Mike said, you know, there are student conduct procedures. This -- we've been told over and over again is bringing together an interim policy that applies to everybody on campus and so the processes are really quite murky, and people are -- are walking around saying, well, what actually is the potential process that would be used and the potential sanctions? So, I think that that's also a problem that merits suspending this right away and then the other further resolve clauses also open up the discussion by the senate to look at the entire body of prohibitions to discuss them, so I think the resolution is ready to go.

>> Jonathan Ochshorn: Thank you. We have about -- go ahead quickly.

>> Michael Kotlikoff: I'm sorry. Very quickly. I just point out that if we were to suspend this policy the murk still exists. You know, we're currently -- we have no clarity around -- there are all these separate policies, so I don't think eliminating the policy eliminating the murk.

>> Jonathan Ochshorn: Okay we have -- four speakers and about to nine minutes so if we could keep it to two minutes, we'll all get to talk. Go ahead.

>> Andy Horbal: Andy Horbal, RTE Faculty Senator at Large but I'm in the library. I also have a process question and I think this is for you, Eve though I would welcome anyone's input on it. You had stated at the outset of this section of the meeting devoted to this topic that this is the jurisdiction of the university assembly and what I'm hearing and seeing in the restriction is disagreement there that this in fact should have come before the full faculty senate for discussion. We have also heard that it went before the University Faculty Committee prior to

implementation and so my question I think for you Eve, is -- is it your opinion that this is the jurisdiction of the university assembly and not faculty senate or is it your opinion that this is within the purview of faculty senate faculty senate was consulted either UFC or interest or university assembly and if so, which one?

>> Eve De Rosa: So, I think of this as under the purview of 3.1, university assembly charter but we are here to discuss it. We have had two senate meetings, a faculty forum, a town hall, we are happy to continue the conversation but, yes, it's with the UA.

>> Donica Varner: Can I add to that?

>> Jonathan Ochshorn: Very quickly.

>> Donica Varner: Very quickly in terms of the process. So, the university has a policy, and I can't think of the number right now, policy on policies that talk about the ways in which we get in front of the executive policy review group to present policies that then go into the formal online policy registry. In that process, if that policy -- it allows -- it -- it requires the university to consult with the appropriate bodies to get feedback that is then shared with the EPRG before adoption. For the university assembly, that's the body when you are talking about policies that span faculty, staff and student and spanned campuses -- that is the appropriate body to be that consultative body. That does not mean you that all in any of these assemblies can't take up the issue and you can take up the issue as a way of gathering your thoughts to then bring to the university assembly. So, I don't think it as an either or. I do want to speak directly to the question of -- does this have to go to the faculty senate? I don't believe it does. The faculty senate has authority over educational policies, this is not -- that's a very broad and -- an interesting perspective to pull educational policy that broadly. This is a university policy. The president is delegated by the board of trustees in an earlier article of the bylaws to -- to provide for the maintenance of the student experience on campus. So just wanted to offer that perspective.

>> Mark Lewis: Hi, I'm Mark Lewis --

>> Eve De Rosa -- before you go, Mark, I just wanted to say that yes, the faculty senate will continue to have these conversations, and this is -- yes, we are going to compile faculty input here to share elsewhere.

>> Mark Lewis: Ok, so I think I've heard almost everything that I was going to say -- everybody speaking so I'm Mark Lewis. I'm from the School of Operation Research and Information Engineering. I'm on the UFC. I just wanted to say a couple of things. The one thing that -- Donica just pointed out is that it doesn't seem to me that the university assembly is the wrong place. It doesn't seem to me that the university faculty -- the faculty senate is the wrong place. Certainly faculty, staff and students should all have a say in this thing. What's crucial in rebuilding the trust that we're talking about, to me, is how that committee is chosen. They should talk to -- about Mike and you heard David Lee talk about one possibility of ways to choose those people and the second thing which I think is more important than even that piece is the charge of the committee. And it would seem to me that -- I hear what you are saying that it's not a requirement that they discuss the pending policy with the faculty and senate, but it could certainly be in the charge of the committee that they have to discuss it with the faculty and the senate. Similarly, the employee assembly, similar which with the university assembly so it does seem to me you can gather all the information if you write the right charge and so, both pieces are crucial to the next steps in this process in my opinion. Thank you.

>> Jonathan Ochshorn: Thank you. Quick response.

>> Michael Kotlikoff: Let me just respond By assuring you, Mark, that it is the intent to come back to the faculty senate to have any policy discussed and consult and have the -- the faculty senate discuss and make motions and consult on any policy.

>> Jonathan Ochshorn: Richard Bensel, online.

>> Richard Bensel: Yeah, thank you. I'm -- I wanted to comment a bit on Vice President Varner's notion that the interim policy is intended to begin a conversation. Disciplinary hearings are being held now. Are we to consider the disciplinary hearings against students to be part of a

conversation? The second thing is, it's really remarkable to have the vice president of Cornell University say that freedom of speech and academic freedom is not part of the constituency of the faculty senate. I find that really, really remarkable. I think someone should revise that position.

>> Donica Varner: Yeah, I think it would be remarkable if that's what you took from my conversation, my comments. So, what I -- so this policy really is about the balancing of those core principles, right? How do you balance our strong commitment, our fundamental commitment to academic freedom, freedom of inquiry, speech, with our similarly important commitment to being a community of belonging, right? To me you have to value those and hopefully this community will value those similarly, right? And so, what we're talking about are reasonable time, place and manner guidelines to help us navigate that space and that tension. So, the -- the bylaws are clear. What's delegated to the faculty senate, issues of educational policy, the cross academic units. This is not just about academic policy. A lot of this activity is actually happening outside of the classroom. I have heard faculty share with me. They thought this policy didn't go far enough in addressing classroom issues. That is -- that is not -- that is the role of faculty senate. So, the issues of feeling intimidated with in the classroom, the issues of feeling that your students are doxxing and intimidating you. That is the work that we expect to come out of the faculty senate.

>> Michael Kotlikoff: And if I could just add to Richard's question, on the first point the -- the -- the responses to complaints about current conduct, expressive activity conduct are being adjudicated by the same way they have always been adjudicated. There are no special panels. There's no difference in terms so that activity -- that -- the way, you know, these disciplinary hearings that Richard is -- my ex-neighbor is referring to are simply the application of our existing policy.

>> Jonathan Ochshorn: We have a final -- potentially final comment. Saida Hodžić online. Two minutes and then maybe one more for two minutes here. Okay.

>> Saida Hodžić: Thank you very much. I seem to have a problem starting my video so I'm just

going to speak. There we go. I have heard that there are different desires that a community has, and it sounds to me like those different desires have to do with the content. It seems to me that a community is divided around the question of the war/genocide in Palestine. I did not see the community divided on the question of free speech as such. From what I have seen of the university assembly site. That's -- far the most open forum that we've had for comments and the majority of those comments were in a position to the intermix (inaudible). It's also a really good idea and a really good principle to have a policy that is going to be implemented irrespective of the content, right? and that -- but that's not what we're seeing and it's -- we're also not seeing it with respect to the actors so, yesterday, I attended a rally, a free speech rally that violated the policy, yet my ID was not taken from me nor were the IDs of the other faculty who were violating the policy. But the IDs of students were taken, or their names were taken, and they are now subject to disciplinary procedures. So Those are two concerns that I have.

>> Jonathan Ochshorn: Thank you. We have a final comment in house. Apparently, we have been able to adjust the agenda sufficiently to make this happen. Two minutes and then we'll have the good of the order.

>> Paul Ginsberg: Try to make this within two minutes. I just wanted to relate -- I've been listening to this. I apologize. I'm sorry. I'm Paul Ginsberg from Info-Si (sic). You don't know who I am? The -- I wanted to -- I came in here late because I had a conflict until 3:30 so I apologize if I'm repeating some things but, I had some discussions with my colleague Yuval who told me about some of the incidents in the library, and the affect this was having on students and, you know, I can understand that but it didn't really register for me until the Thursday before the February break I was in my office in Gates Hall and I heard a loud demonstration coming through and I wrote -- and now I'm capable of writing adversarial letters -- this was not one. I wrote to the president and the provost who is smiling because he knows what is coming just describing the experience and so I will read just the beginning part of this message. Very interested group of 40 to 50 students Marched through the second floor of Gates Hall about an hour ago chanting among other things, from the river to the sea, Palestine will be free interrupting a variety of different academic activities, perhaps they did go to other floors. We know from surveys taken in December that many students of ignorance, not even knowing to

which river or which sea this refers or for that matter where the history of the expression used in the 1960s by the PLO is shorthand calling for the destruction of the state of Israel and it's (inaudible) Jews, so we've been failing our students by not educating them to the underlying meaning of their sloganeering. Now, did I go out there, interrupt them and ask them did they know which river, which sea? No. Absolutely not. I cowardly closed my office door, waited for them to exit and then took a video of them exiting the building so I could see how many people it was. That's how I would know it was on the order of 50. I went outside afterwards and asked the police because there was a police presence, there was this -- telegraphed in advance, was this compliant with rules, they said they didn't know, they had no idea, I said did you take any student ID's, they said no they did not but they did -- and -- the exact opposite of what just was related there, they did take my ID and I happily gave it to them, I guess I was acting in a suspect manner. So, I did -- I -- I received very, very nice messages from both the president's office and rather embarrassing if I email to provost@cornell.edu I'm expecting it to go to an office, not to the person who tells me he is in Africa for a week and, you know, I was so embarrassed by that I didn't even reply to you -- but, you know, just telling me about all the (inaudible) where these things were being discussed and the university assembly, did I go to such and such a meeting that you had organized, no it turns out I have a very demanding day job and I wasn't able to go to all the meetings but I did feed my input to the university assembly. This is just to say, sorry, to run on but there was a set up for this -- this is the first time I had absolute complete empathy for what the students are experiencing, for the students in the libraries, who have to listen to these protests and just the feeling I'm absolutely in favor of free speech. I know that we need, you know, some kind of balance but we have to be very, very empathetic and this is -- very difficult unless you have experienced the protests and realize you just have to shut your eyes and -- I'm free of this. I didn't have to experience another one and I just hope we can find some policy that's fair, distributes the equity but also as was mentioned earlier protects the students who would feel very infringed upon by these activities.

>> Jonathan Ochshorn: Thank you. Final order of business, somewhat truncated, is the good of the order with Yuval Grossman. From Physics.

>> Yuval Grossman: Yuval Grossman, Physics, and today I was happy to see or hear to actually

echo what I was saying and the reason I wanted to stand here because I was feeling that until now I was basically the only person who actually stood up and stand for what we really need to do and I wanted to come -- I had a five minute speech but I cut it to two so let me just say what I believe. I believe that many of us do not really understand what's going on our student.

Unfortunately, for the last half a year I met many students, many parents, okay, the stories are hard. This is bad, okay? Luckily nothing physical happened that I know about, okay, but these affects are severe, really, okay? These disruptions are really, really bad and we are here, we are the faculty member. We should lead by example, okay? And, on Monday there was a letter mentioning the Cornell Daily Sun with faculty member are encouraging students to go and do disruption. Faculty member involved in those disruptions and I'm here basically just asking you, please, these disruptions are real. Okay? They are a real, real implication. Let us as faculty member please, please, please, let us calm down this campus. We really, really need it. Thank you.

>> Jonathan Ochshorn: Thank you, and meeting is adjourned.