

Minutes of Faculty Senate Meeting

November 14, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind the body that no photos or tape recorders are allowed during the meeting, and I would like to ask you to identify yourselves and your department when you get up and speak. We don't have any Good and Welfare speakers this meeting. We can proceed now. Since the Provost is not yet here, I will call on Dean Cooke for remarks."

1. REMARKS BY DEAN J. ROBERT COOKE.

Professor J. Robert Cooke, Dean of the University Faculty: "My report can be very, very short. There is one important event that is occurring on December 10. We are sponsoring a University Faculty Forum for faculty who teach large courses, and before you say what's a large course, it really is any course, but we're trying to cater to the needs of the people who carry such a heavy part of the teaching load. But it is open to everyone on the university faculty. It is on the 10th, which is independent study week. It will start at 11:00; it will be one hour with a large group together. The university will pick up the tab for lunch, and that will be part of the conversation time. Then from 1:00 to 2:00, there will be some break out sessions on topics that you select to work on. I hope you can attend. We have got some really good university faculty, some distinguished members of the faculty, teachers, helping plan it. Patsy Brannon, Dean of Human Ecology, is the person who is going to lead it and is someone who has in fact taught large courses herself at her previous institution. I'll send you information about it, but I hope you will put it on your calendar and attend."

Speaker Howland: "Thank you, Dean Cooke. The chair would like now to call on Provost Bidy Martin for remarks, for a report on the outcome of the Gender Equity Study and to give an update on the Faculty Salary Program and to answer questions."

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Provost Bidy Martin: "Thank you. Good afternoon. I think we should start with the Gender Equity Study actually. I feel as though I should start with something more general and inspiring, but I have the feeling you will have more questions about salary data than about my inspirational speeches, so I am going to move on to the salary issues.

"First, the Gender Equity Study. I think you were all aware that we were conducting such a study. We had a Methodology Committee to begin, and the names of the members of that committee are now up on the screen ([Appendix 1](#) - Gender Equity Overheads). The expert consultant for the methodology was Fran Blau from the School of Industrial and Labor Relations. And I think Fran is here. Oh, there you are, Fran, and Jennifer Gerner is here as well and Bik Tye; I'll come to their names in a minute. Jenny was on the Methodology Committee as well. So if you have questions are the regression analyses, they can be answered by people far more expert than I. You may ask those questions in a second.

"First we developed the methodology with Fran's generous and expert help, and then we had a three-person faculty panel, which reviewed the results of the regression analyses and then visited with each

of the college deans. These are the names of the members of the three-person faculty panel, with Francille as the coordinator. What you are going to see now actually are the results, so I have this in the wrong order. What I have are the faculty salary equity variables. Just so you see something of the methodology we used. These were the salary equity variables that were taken into account in the multiple regression analyses. Let me leave that there for a second for those of who want to get a good, firm look at what the variables were.

"OK? Ready to move on? The results of the multiple regression analyses ([graph](#)) are extremely positive, I'm happy to report. We can now say there is no statistical significant difference by gender in salaries in any college at Cornell. There was one college in which there was a statistically significant difference by gender when the analysis was first run last Novemberæ small difference. But when we rechecked in July for the new salaries going forward, there were no colleges with a statistically significant difference by gender. That's the good news. I don't suppose there will be many questions about that simple fact, but if you have any questions about methodology or about that very succinct summary of the outcome, you should feel free to ask it."

Francille Firebaugh, Dean Emeritus of Human Ecology and Vice Provost: "Let me add that when the panel did the initial work, we looked only particularly at women whose actual salary was more than 5% below the projected salary. When we gave our report to the deans and to another group, they said why not look at those that were 10% below? So this is the result of looking at both men and women who were 10% or more below and 10% above on the actual versus the projected salary levels."

Provost Martin: "Can you see the distinctions well enough? There are slightly more women than men who are more than 10% below the predicted salary. There are also a higher percentage of women who are more than 10% above. Any questions?"

Professor Vicki Meyers-Wallen, Biomedical Sciences: "How did you come to the projected salary determination? How was that decided?"

Provost Martin: "Based on the regression analysis that were run using the variables we listed."

Professor Vicki Meyers-Wallen: "Right, so the question I have is - the variables in the regression analysis, but are these all the things that were used or did you use them independently?"

Provost Martin: "Say that again. I'm sorry."

Professor Vicki Meyers-Wallen: "Did you use these independently or did you somehow combine all the variables and look at . . ."

Provost Martin: "Fran will explain it to you."

Professor Fran Blau, Industrial and Labor Relations: "We considered all these variables at the same time. It's a multiple regression analysis."

Provost Martin: "Any other questions?"

Speaker Howland: "Please identify yourself."

Provost Martin: "Let's go back to the faculty panel. The faculty panel with Bik Tye from Molecular Biology and Genetics, CALS; Dorothy Mermin from the Department of English, Arts and Sciences, and Jenny Gerner, from the College of Human Ecology, served as the faculty panel. They, with Francille, visited each individual college dean to talk about their policies and salary improvement and to try to sense how the deans do

implement the salary improvement programs. One of their final recommendations was that we talk with the deans to see whether or not it would be possible to regularize to some extent the way in which salary improvement works across colleges so there would be less frustration and less confusion about how salary improvement programs actually function. And we are talking to the deans quite a bit more regularly as you can imagine, given our general faculty salary program, about salary improvement programs and their implementation. The three-person panel also suggested that we give continued attention to attracting and retaining outstanding women faculty, and that we also regularly review gender equity questions and salary at the university, and we will work with the deans to do a study every two years, running regression analyses to make sure that no gaps are emerging."

Professor Peter Stein, Faculty Trustee: "Just an observation. That's a pretty impressive regression analysis, with some 15 or 20 variables in there. What I find a little bit odd is that except for one of the variables, which is named professorship, none of the variables address what we would like to think is what salary depends on, namely the accomplishments and merits of the particular faculty member. That strikes me, I'm almost afraid to say this out loud, but it strikes me (I don't mean anything nasty by it) as a labor union kind of analysis that people would make, mainly everything is based on seniority. I have sort of thought that at this university we were supposed to have salaries based on merit. I don't know exactly how to measure merit, but somehow it seems to me that the regression should have had that in it."

Provost Martin: "Well, go ahead. Fran has her hand up, so I'll let her answer you since I'm always responding to you."

Professor Fran Blau: "Let me say that I completely agree with you that we would have loved to have information that could measure merit, but it was not available. So these regressions were essentially designed to identify cases where there was a possibility of underpayment, given these variables, which were the variables available to us. The meetings with the deans were to determine in the individual cases where there seemed to be a large disparity if there was a good explanation for that in terms of these variables that have to do with productivity and quality at Cornell. So it was just to identify possible cases."

Provost Martin: "So predicted salary is not the same as what we expect to find about various people's salaries. The visits to the deans were, as Fran says, meant to inquire when there were people who were 5% or more below the predicted salary whether that was a merit issue or some other issue. The faculty panel left their meetings with each of the deans satisfied with what they heard."

Professor Richard Baer, Natural Resources: "'Give continued attention to attracting and retaining outstanding women faculty'. Why? My son is just finishing a Ph.D. at Yale in History. The discrimination against white males is huge at present in the job market. I have all kinds of data and stories to confirm that. There are almost 50% more women in grad schools now than men. Why should our attempt to have more women faculty be based on patent discrimination against men, especially white men, who are now in the job market looking for jobs. That seems to me unethical. It seems to me that we're trying to make ourselves feel good about what's happening at Cornell at the expense of discriminating very seriously against white males who are in the job market today. I want no part of that. I think it's unjust, and I don't think it builds a better institution."

Provost Martin: "Ron. Is it OK if I call on him?"

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "First to Peter Stein. Peter, the key assumption in the regression model is that the unobserved variable productivity is un-correlated to gender. So as long as you believe productivity is not correlated to gender, then this type of approach is fine. About the comment over here. Let me say that proportionate representation of new female Ph.Ds on the

faculty at Cornell, and in fact at all the major research universities is less than their proportion in the graduating classes, so that there is a problem at research universities in most fields in terms of the hiring and retention of female faculty."

UNKNOWN: "But if you take the . . ."

Speaker Howland: "I'm sorry, gentlemen, but we are not in debate on that right now. Just address your questions to the Provost."

Provost Martin: "Any other questions?"

Professor Vicki Meyers-Wallen: "So, are you going to follow this up with something similar to what was done at MIT, which had to do not only with questions of salary but laboratory space, personnel and those types of issues that are perhaps not easily assessed, but they clearly do make a big difference between the success of women and men."

Provost Martin: "Well, we've had suggestions. Francille has just put up a slide. These were some of the issues that various faculty committees asked us to take into account in some formal way. It's not easy to take them into account in a formal way. The one about which I will have some data, but it will come in slowly, is space. We are doing a space audit college by college anyway, having nothing in the first instance to do with gender, but as we go, we will also ask the consultants who are actually doing the space audit to take that into account. The audit will begin in the College of Engineering and then move to CALS. On these other items, these are things we have asked the deans to think about, especially in the allocation of certain forms of teaching assignments and advising, in particular. We have asked them to take this into account for all faculty (men and women), that there are faculty members who for various reasons end up taking responsibility for a much bigger advising load than others. That is something for deans and faculty chairs to be especially aware of. We are going to address that in the orientation we have for department chairs. This is something really that requires the attention of everybody. I think it is extremely difficult to study formally. Teaching assignments, I'm not sure. We can continue to consider which of these might be worthy of study, but I'm sure you all realize that teaching loads vary across the university and even across departments in the university so widely that it will not be easy in the course of one year to formulate a salary equity study to take something like teaching loads into account in a systematic and helpful way. So I'm not sure about that one. I think we actually need some focus on teaching loads and their variability across the university in general, and it's my suspicion that. . . . Who cares what my suspicion is? I don't even care."

LAUGHTER.

Professor Risa Lieberwitz, Industrial and Labor Relations: "I care what your suspicion is."

Provost Martin: "I wouldn't think that gender would be the most significant issue when we look at the variation in teaching loads."

Professor Risa Lieberwitz: "I care about something else, too. In terms of this issue of study. My understanding of the MIT study on gender issues and pay equity is that it wasn't simply a matter of what is taken into account when giving raises or assigning pay to people, but the question of whether there was a finding of inequity on the basis of the way in which things are meted out. So you have space listed, but it sounds as though there is actually going to be some information coming in as to whether that's true, whether women are, in fact, given equal space and equipment. But there is one thing that is missing there, in addition to that, which it seems that we need to know more than just saying to deans, 'Well, when you are making assignments think about these things' which is the question of having some data about where

women are with regard to decision-making power within the university. Obviously there is going to be some disagreement over how to measure that, but I'd like to be able to study this concern with that issue as well in terms of what women are holding what positions, in terms of not only how many deanships but other types of positions within the hierarchy of the administration, chairs of committees, which committees they are chairs on, those kinds of things. They are important. It seems like having an actual report of this is important to have a sense of pay equity broadly defined. Is that what you are going to do?"

Provost Martin: "That's not anything we had intended to do, but we can certainly do a study. It wouldn't take long to do a count of the number of women who are in deanships or provost positions or vice provostships. So we could do that."

Professor Risa Lieberwitz : "I think the colleges and the committees, and my understanding as well at the time that the pay equity study here was started when I raised that issue and other people raised that issue, we were told, 'Well, look it makes sense to go ahead and do the numbers on the actual salary first, because we can get that; it can be measured quickly. That's important to do.' And then we said, 'Well, can we then expect that it is going to be followed up with issues like space, equipment and decision-making powers that women have.' And even though, clearly there was no promise made to us, my understanding was that there would be an attempt to do that. So I think the question is will there be an attempt to do that?"

Provost Martin: "Well, I think I want to address the question of space and equipment and on the question of who makes decisions, I'm not sure about its relationship to salary, actually, because there is, of course, a difference between faculty based salary and administrative compensation."

Professor Risa Lieberwitz: "I'm talking about chairs of committees, too, in terms of one situation in regard to the climate in the . . ."

Provost Martin: "I think one can safely say, generally speaking, there are far fewer women full professors, in some fields almost none. There is a distinction there between men and women, and that has historical roots. It is changing. At the assistant professor level and the associate professor level, it is not nearly as far of a difference. Are there more men than women in chair positions and chairs of committees? I would think yes, but I must say compared to some of our peer institutions, it appears to me that we are doing pretty well and I'm not convinced that it would have a significant effect on the salary data, on salary equity questions. But we can talk about other things to pursue. Right now, the only thing we are pursuing formally though is space and equipment as we go to the next phase of it generally.

"I think the news is good and I actually think that the kinds of climate issues that concern a lot of women on this campus and men too who support the women who feel the climate is not great for women, I think those are worth worrying about and trying to address, but I don't think formal equity studies of this sort are necessarily the way to address that. You probably disagree about that, but it's hard for me to see exactly how they would serve that purpose. I simply want to say to Dick Baer that wanting to attract and retain strong women candidates I think does not imply, certainly isn't meant to imply, that there will therefore be discrimination against anybody. We want to hire and retain the best faculty, whether they are men or women or some other species, I guess if that ever occurs or cyberlings. I think that the active desire to recruit more women and minorities so that we have a more diverse faculty and more diverse student body need not imply that we would discriminate in our measure of who the highest quality candidates would be. We will not discriminate.

"The news on the salary program for this past year I think is also quite good. The overall increase for continuing faculty for the university is 8.1%. The increase for continuing faculty on the endowed side is 8.4%, and the overall increase in the statutory colleges is 7.7%. That's our news. The salary program, as I'm

sure you have already read, continues despite the economic constraints we face. We plan to continue aggressively to address faculty salary. Are there any questions about the salary program? Yes, Bill."

Professor William Arms, Computer Science: "It seems the biggest salary problem the university has is the difference between the endowed side and the statutory side. Can you tell us of any progress in that area?"

Provost Martin: "I don't yet know exactly. I wish I had better data. It has just come out, and we have to look at whether we have actually made up any ground there, but there are certainly doubts that remain. We simply have to continue working with the deans to do as well as we can over these next few years, to see if we can not only reach the average of the peers that remain for the contract colleges, but also to reduce the gap, to close it, between statutory and endowed. I don't actually think we apply it for six years and close the gap entirely. But, of course, it also differs by discipline. There are some faculty in the contract colleges who are in the same disciplines as their counterparts on the endowed side where the salaries are equal. So to some extent it's also a discipline problem, but that doesn't explain it all. I realize that, and we just have to continue to do that best we can."

Professor William Fry, Plant Pathology: " I just want to say that . . . "

Speaker Howland: "I can't hear you, sir."

Professor Fry: "It was my understanding that the salary program was over five years for the endowed colleges and over six years for the contract colleges. Would that explain the difference?"

Provost Martin: "It explains, um . . . I don't think that explains the difference actually, but what does to some extent explain the difference is the different timing on which the contract colleges and the endowed colleges implement salary increases. The contract colleges, CALS in particular as you know, tend to spread it out over the course of a year, so we don't actually have exactly the figure we might ideally want about what's going on in CALS right now. Whereas, Arts and Sciences, Engineering and Art, Architecture and Planning implement a salary program punctually on the 1st of July, and that's more or less it. Even if people gets increases by virtue of outside offers or for any other reason, they typically go into effect the following July 1st. So that accounts for some of the difference in percentage, but it may well turn out that we have a higher percentage increase overall on the endowed side. Keep in mind that the endowed side includes the Johnson School and the Law School where salaries are high already which would have nothing to do with percentages you would quickly point out, but where percentage increases might also be a little higher.

Professor Steven Beer, Plant Pathology: "The figures that you give about 8% overall increase, is that the total money spent on salaries or is that the mean increase in individuals' salaries?"

Provost Martin: "No, that 8.1% increase is overall on continuing faculty salary bases, but individuals would have gotten a wide range of different salary increases I would guess. Again, the college does the salary increase differently, and I'm sure that some of you got increases that far exceed 8.1%, and there will be individuals who got increases far lower than that."

Professor Beer: "So then that is the overall amount of money going into faculty salaries?"

Provost Martin: "Yes, that's right. Continuing faculty salaries. Yes, Terry."

Professor Terrence Fine, Electrical and Computer Engineering: "This may be stupid, particularly since Steve already laid it there, but if I take the faculty that are here now, I take the faculty who will be here next year, and take the salaries of this group and subtract the two, subtract my salary next year from my salary this

year, if I . . ."

Provost Martin: "I should take your salary from last year ? "

Professor Fine: "We have their salary that they are going to get; there's the continuation of this year; we subtract the two, divide by the number of faculty and come up with 8.4 on the endowed side or 8.1 for the university?"

Provost Martin: "Yes. Of the faculty who were here last year and are still here this year, the increase overall for that group of faculty, excluding the ones who are on leave without pay this year and the ones who went half-time this year, blah, blah, blah, but for full-time continuing faculty there was overall an 8.4% increase on the endowed side, 7.7% on the contract college side, and an 8.1% increase overall. That does not mean that anyone in this room actually got as high as an 8% increase. I realize that and I'm sure that many of us didn't. It also doesn't mean that some of us in this room didn't get 40% increases, because I'm sure there are probably people in the room who did. Well, actually, I'm not sure about that.'

LAUGHTER.

Provost Martin: "Somebody had to do pretty well unless everyone got 8%."

Professor Lisa Earle, Plant Breeding: "In many years the people in CALS and the other contract colleges did have delayed implementation of their salary increases, so you got a little in July and some in January and so on. This particular year it's my understanding that the full salary increase was implemented on July 1st, and so that explanation for the difference between the two parts of the university doesn't really hold up and can't really be pointed to as a reason for the differences."

Provost Martin: "I believe you are right formally, but I believe the deans continue to make adjustments in individual salaries which will affect the final count. As I said before, that doesn't necessarily mean that it will go up from 7.7% to 8 or 8.3, but there will be differences, because even though you are right about the formal salary programæ the timing of its arrival from the state and the actual implementation of the salary program, you are right. Nonetheless, the deans tell us and have shown us that they continue to make adjustments in individual faculty salaries on the statutory side."

3. APPROVAL OF MINUTES OF THE OCTOBER 10, 2001 SENATE MEETING.

Speaker Howland: "Thank you, Provost Martin. The chair would like now to call for approval of the minutes of the October 10 Faculty Senate Meeting. Are there any corrections to the minutes? Hearing no objections, let's move unanimous approval. The chair would now like to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE: CHARLES WALCOTT, ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY.

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary: "You have already received I believe this in the call to the meeting, so I will just display them briefly so that you can see them. And there they are ([Appendix 2](#)). If anybody would be willing to serve on the University Assemblies, we would be very grateful to hear from you. It has been remarkably difficult to find faculty that are willing to

participate on that. So if anybody here has a friend they would like to suggest or would be willing to do it themselves, I would be grateful. That's my report. Thank you."

Speaker Howland: "Thank you. The chair calls for unanimous consent of the report. Hearing no objections, it is approved. The chair will now call on Senior Faculty-Elected Trustee, Professor William Fry, Plant Pathology, for an annual report.

5. ANNUAL REPORT BY THE SENIOR FACULTY-ELECTED TRUSTEE, PROFESSOR WILIAM FRY, PLANT PATHOLOGY.

Professor William Fry, Plant Pathology and Senior Faculty-Elected Trustee: "I will speak very briefly about first of all the structure of the Board of Trustees, secondly some of my impressions of the trustees and reactions as to how faculty can contribute to the Board of Trustees. Hopefully, this will be very short and subsequently you can ask me questions, and if I can't answer them, Peter probably could. ([Overheads - Appendix 3](#)).

"The board is a fairly large board. There are 42 trustees who are voting members, and there are 22 trustee-fellows, who are not voting members of the board. In addition to that, there are also emeritus trustees who attend full board meetings. The board meets four times a year as a full board, and then there are various committees, which meet at different times during the year. The structure of the board is kind of interesting. There are four ex-officio members who I've never seen at a board meeting. Excuse me, there are three I've never seen a board meetings. Hunter Rawlings is always there. There is one life appointed member; that's Ezra Cornell. He has been there a long time and makes points from time to time. Three are appointed by the governor, and the rest of us are elected. Cornell is, I think, unique in terms of the structure. There are two student-elected trustees; they have two-year terms. Khary Barnes will end his appointment this coming spring, and Leslie Barkemeyer will end her appointment in 2003. There are also two faculty elected trustees—myself and Peter Stein, and we have four-year terms. All the other elected members of the board have four-year terms. There is one employee-elected member, Cindy Tkachuck, eight elected from the faculty and twenty-one elected at large with a proviso that there has to be at least two from agriculture, two from labor and it turns out many are from business.

"Now, most of the activities of the board are conducted in committee, and actually full board meetings consist of reports, information to the board about either the Medical School or about the Ithaca campus. Most of the work of the board occurs in the various committees. The executive committee meets quite regularly. Biddy, I don't know how often."

Provost Martin: "Many times."

Professor Fry: "Many times a year. Academic Affairs and Campus Life on which I serve meets four times a year. The Investments Committee meets also in addition to the full board meetings. Audit is another committee. Finance is a committee that I'm on. It meets also in addition to the full board meetings. I don't know why I'm on it; I know nothing about finance, except that I am able to provide some sort of faculty perspective on issues that this particular committee may not appreciate. Membership is another committee. Land Grant and Statutory College Affairs meets at the time of the full board meetings. Buildings and Properties also meets a few times in addition to the times that the full board meets. Alumni Affairs and Development, there are a lot of sub-committees there. They meet with the full board, and then there is an Ithaca based committee, which is the Trustee-Community Communications Committee, and those trustees who are near Ithaca are members of that. It meets when there is an emergency and so far since I've been

on the board, there hasn't been one—an emergency that is.

"One thing that is very clear to new board members during the election process or once one is appointed or elected, and that is all members are selected from constituencies. It is very clear that as a trustee one's first attention is to the university and to one's constituency second. Therefore, I am not a representative of the faculty to the Board of Trustees. What I would say is that Bob Cooke is a representative of the faculty to the Board of Trustees. He has an agenda item regularly on the board meetings and has brought issues of importance to the faculty to the board with some vigor at times. And I've heard that when Peter Stein was Dean of the Faculty, he also brought several issues with some vigor to the Board of Trustees.

"Next, I would like to give you just a few impressions that I have developed during my time on the board. The individual trustees are almost invariably, completely, very successful people from very diverse backgrounds. I expected that. What I didn't appreciate fully is the remarkable affection and dedication that these people have for this university. It is, I think until you see it, it's quite hard to believe. They devote a lot of time. Some of them devote a tremendous amount of money. Some of us devote less money. And they devote a tremendous amount of effort to this university. So there is no doubt in my mind that they desire the very best for this university. Certainly, that would be reflected in different ways because they are a diverse group of people, and there is not always unanimity on the board. Sometimes there is; sometimes there is not. Another observation is that the students are very, very important to this board. I think one explanation is that almost all the trustees were students here. They understand what student life is like at Cornell. They are very concerned about student life at Cornell. They understand what it's like to be a student in 30 degree weather trudging up a 30 degree slope, and getting 30% on a prelim. The faculty, however, are not so clearly understood by the board, and that's because while some of the members of the board are in fact faculty, but most are not. They don't really have an understanding of what our lives are like and the kinds of things that are very important to us or what make us tick. They hear that, but they don't have a real, clear, consistent understanding of that. And therefore I think it is really important that there be faculty members on the board so that there can be conversations, during board meetings, during breaks or whenever, to get faculty views on issues before the board.

"So next I would like to talk about some of the roles that I see for a trustee who is also a faculty member. That is to bring a faculty view not the faculty view to this board. There are many issues where that has come up. When eCornell was debated, there were many conversations on the telephone, during the board meetings and after board meetings concerning this particular issue. Peter Stein and Bob Cooke have been very effective in talking about faculty salaries. Faculty salaries are a priority for the board. They want to see faculty salaries improve. The siting of the Life Sciences Technology Building is an issue for the board. You may have heard that the location of that building is not yet decided, whereas it was thought that the siting might have occurred at the last board meeting, but it turned out that was not the case. The task force was instructed to begin to look at the siting of that particular building. I volunteered and asked quite aggressively to be a participant on that task force, because first of all, genomics is important to me as a faculty member and the university is very important. So I am a member of that task force, and we are meeting now between the last board meeting and the next Building and Properties Committee meeting to begin to address issues for the siting of that building. Another issue that is important to this faculty is undergraduate teaching at Qatar. I sit on the Finance Committee and had some comments when that committee was looking at the total cost for Cornell, and that was important. I also served on the Trustee Committee that helped with the accreditation review this past year. There are some faculty trustees who have made tremendous contributions to specific issues and Dick Schuler, my immediate predecessor, was one of these who had a lot to say about policy and contributed to the way in which Lake Source Cooling was implemented. Finally, I think having faculty on the Board of Trustees is an additional route for information to get to the trustees, to get to the administration, on issues that are of importance to the university in

general.

"My final reactions are that I think that it's an honor, and it's very important that faculty are on this Board of Trustees. My reaction is that the actual time required far exceeds what I expected. There is much more to do than I had expected, and that was a surprise. The experience is also one that I wish all faculty could experience, because it creates in me a sense of optimism about this university and to know that this group of people who are very successful care so much about the university. With that I'll stop. And if there are questions or comments if there is time?"

Speaker Howland: "We have a minute."

Professor Fry: "A minute? And if there's not, we'll get out a minute earlier."

Speaker Howland: "Any questions for Professor Fry?"

UNKNOWN: "Sounds like this was a pitch to get us to be on the Board or something."

Professor Fry: "There will be an election this spring at which time my successor will be elected. The Nominations and Elections Committee will do that."

6. CAPP MOTION REGARDING WIDESPREAD CONSULTATION ON ACADEMIC UNIT CHANGES TO NAME OR DEGREE DESIGNATIONS, PROFESSOR TERRANCE FINE, ELECTRICAL AND COMPUTER ENGINEERING AND CHAIR, COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES.

Speaker Howland: "Thank you. The chair will now call on Professor Terrence Fine, Chair of the Committee on Academic Programs and Policies for a motion regarding widespread consultation on academic unit changes to a name or degree designations. ([Appendix 4.](#))

Professor Terrance Fine, Electrical and Computer Engineering: "These last few years there have been a good number of name changes of departments. Some of them were: Geology went to Earth and Atmospheric Science, my own department Electrical Engineering went to Electrical and Computer Engineering. Most of the others have managed to put some form of biology into their name change. One I think has put the word biology in twice. Given that background, given that this would impact on the department, and given information on that and the process for that are usually not well understood and one hears of these things very indirectly, the CAPP Committee is proposing that we recommend to the Provost basically that she just undertake to inform all departments of an impending name change and give them a chance for an informed response back. This does not suggest anything about any legislative force here. This is really just expressing our judgement. If you agree with this motion, that this would be a very good thing to engage in, that is that this information be provided in a timely fashion so that everybody could respond if they felt that the name change had some affect on their unit."

Speaker Howland: "The motion is before you. Is there any discussion?"

Professor Manfred Lindau, Applied and Engineering Physics: "Is it sufficiently clear what an academic unit is?"

Professor Fine: "There are a number of terms in here, perhaps....."

Professor Lindau: "It says 'e.g. departments, schools' that's why I'm asking."

Professor Fine: "Yes, this motion is not an algorithm. You've asked me a good question. It is not an algorithm. We tried to explicate what these things are. We're hoping that we don't have to make an official definition of them, because the sense of the motion I'm sure would be well understood if you—by the Provost—what we are talking about. But we did try to amplify what these terms meant. OK? And things will fall through the cracks. There's a list of deans, directors and department heads. It's not up to date. So there will be issues in bringing this out. What is the process by which this happens? Some name changes went to the trustees, some apparently didn't so far as we are aware. So, yes, this is not an algorithm; there are some things that are not well defined in here, but we hope that the sense that we produce something which will be helpful. "

Speaker Howland: "Further discussion? Are you then ready for a vote? Apparently so. So the motion is before you. All those in favor say, 'aye.'

AYE.

Speaker Howland: "Opposed? It passes unanimously. Thank you, Professor Fine. The speaker would now like to call on Professor Peter Stein, Physics and Chair of the Task Force on Appeals and Grievance Procedures for a report and resolution."

7. REPORT AND RESOLUTION FROM TASK FORCE ON APPEALS AND GRIEVANCE PROCEDURES, PROFESSOR PETER STEIN, PHYSICS AND CHAIR OF TASK FORCE.

Professor Peter Stein, Physics and Chair of the Task Force on Appeals and Grievance Procedures: "Well, I guess I can move the resolution on this, right? (Appendix 5 - [resolution](#), [rationale](#) and [report](#)). I move this resolution, and since it's coming from committee I guess it doesn't require a second. It has been distributed in the mail, and let me describe to you what it is all about. Bob Cooke asked me some months ago in the summer time to chair a small committee, so small it wasn't even a committee. It was a task force, to chair a task force on making some minor changes to the procedures for appealing negative tenure decisions, and also for the document that sets up the ground rules for faculty grievance committees in the university. I agreed to do that. In particular, the focus of this effort was to be the procedures that exist in what are called the small colleges. The small colleges are defined as Hotel, ILR, Law and Business. There were particular problems in the tenure appeals procedures and also the grievance procedures that affected those procedures in the small colleges. So Bob formed a small task force, with myself as the chair, and one member from each of those colleges. Risa Lieberwitz is from ILR, Neal Geller from the Hotel School, Martha Fineman from the Law School and Tom Dyckman is from JGSM. We were also advised by the Ombudsman on certain problems that had arisen. We met two or three times and wrote a resolution to bring before you - wrote a report, and what we are bringing before you is a resolution to approve that report and send it to the Board of Trustees. These documents that we are describing are trustee documents, so the Senate does not have the power to change them but only to recommend to the Board of Trustees that they be changed. What I would like to do is to take you through our report and the four items that we propose and tell you what the issues are and why we propose them.

"The first item, and this is unnecessarily wordy but we tried hard to make it less wordy and couldn't make it less wordy. Every time we tried hard to make it less wordy it got a little bit more wordy. So item number one has a lot of words in it, but it doesn't amount to a hill of beans. OK? The Ombudsman pointed out that in a document, which has a clock that starts ticking at the date of notification, there ought to be a definition as to what the date of notification is. A verbal notification is hard to pin down, so he suggested that all notifications in the denial of tenure appeals documents be written, and we agreed with that. Secondly, there are a number of places in those negative tenure decision appeals procedures that refer to the terminal year of appointment. Presumably if somebody is denied tenure, then they have another year to

complete their work and look for another job. There has been some problem in the past defining what is a terminal year. This very wordy definition I think embodies everything we always thought a terminal year was. The previous wording was less clear. I think that's not controversial.

"The other three items need some more discussion. In item number two, let me tell you what the problem here isæ a faculty member who is denied tenure in a large college (a large college are the six colleges that are not small colleges). In a large college if a faculty member is denied tenure by a vote of his or her department, that faculty member has the right to ask the dean to form an ad hoc committee to look at the case. The tenure appeals procedures specifically eliminates the faculty member who is denied tenure in one of the four small colleges from having that right. There has been apparently a fair amount of concern which says that we are one university and should have one set of procedures, and if a faculty member in a large college has a right to have an ad hoc committee look over a decision that a department has made, then a faculty member in a small college ought to have that right also. Of course the notion of the ad hoc committee is an independent set of eyes looking at it that has not had previous contact with the candidate. The reason it was done that way was not capricious but because of the fact that there really isn't a departmental structure in the small colleges. So essentially the faculty votes as a whole and in several of the small colleges, in particular the College of Law, it is not routine procedure to appoint an ad hoc committee, even in positive decisions. In the other three colleges it is. So anyway, we talked about that and the unanimous conclusion of our committee was that if it's a right of a faculty member in the six large colleges, it should also be a right of a faculty member in the four small colleges. So that's item number two.

"Item number three is a change which I will . . . the changes in here are in upper case font. This is just a technical change, but the one down here is not a technical change. This says something about the composition of ad hoc committees. I think that those of us in large colleges have always assumed, though I'm not sure it's ever written down any place, that an ad hoc committee follows this set of rules. Namely, that nobody who has taken part in the procedure before that should be on the ad hoc committee. It becomes a little bit awkward in the small colleges were in certain cases all of the faculty have taken part in the procedure. So it doesn't seem appropriate that somebody who has already expressed an opinion ought to be on an ad hoc committee, since the point of the ad hoc committee is to give an independent judgement. So we add that restriction to apply equally well to large colleges and small colleges, namely that says that the ad hoc committee has to be independent. So that is item number three. That is somewhat more controversial and I will talk a little bit after I'm finished presenting it as to what the points of controversy are, but that's change number three.

"And now change number four has got somewhat more leeway. It turns out that in 1975 the trustees adopted a document, at whose behest I have no idea, but in 1975 from this Board of Trustees came a requirement to the deans of the colleges, and the requirement to the deans of the colleges was that each college had to set up a procedure by which a faculty member could have a grievance that he or she had and that there would be a committee to hear the grievance and that committee would then report to the dean. It's not a grievance committee that has any authority necessarily, although a college could give a grievance committee authority, but merely that there be a procedure by which a faculty member can have a grievance heard. It specifically says that a grievance may not be a failure to promote, because that's a failure to promote or failure to have tenure, but the class of grievances that can be heard is very widespread. It could be salary; it could be lab space; it could be almost anything, or it could even be that the person next door is being mean to them or something like that. And there have been such grievances that I know about, at least one. So the trustees set up a document, and it didn't say precisely how the grievance ought to be heard, but it gave a general framework for grievances and instructed every college to adopt a set of procedures which conforms to this general guideline. OK? Now, there were some issues that came up in a couple of grievances that took place in the small colleges, and we talked about those. After talking

about them, we thought there was at least one point of general equity that ought to apply to both the small and large colleges. So, that is the framework.

"Let me tell you what it is that we want to do. Again, what we are doing is recommending that the trustees change their document for the guidelines for the grievance committees to conform to, and what I've done is the text of the trustee document is always small font and in large font is what we are proposing here. We don't propose to take out anything. First in item 'e', this is one part of a long list of things a grievance committee has to abide by. We say what we thought was a reasonable thing to put on a grievance committee. If a grievance committee hears the grievance, nobody on the grievance committee ought to have a stake in the action that is being grieved. OK? So that is just a straightforward—that isn't said in the document, and we thought that it should be said and that it should be true not only in small colleges but in the large colleges. That seems to be not very controversial.

"The next two are sort of controversial. These are two new paragraphs that we would like to insert, and let me try to explain what this is about. The way that grievances are handled in most of the colleges, I think in six of the ten colleges, and that's not necessarily the six large colleges, but in six of the ten colleges, they use a procedure which is I believe a standard procedure in arbitration cases. Namely, that if a dispute comes up (I know this goes on in lots of labor contracts) then a three-person board hears the dispute. The way the three-person board is constituted is that each side to the grievance appoints one person and those two persons appoint a third person, who is then the chair. That's the way it's done in six out of the ten colleges if you have a grievance. Indeed, Professor Lesser and I are now serving on a grievance procedure of a faculty member who brought a grievance in a college, and the procedure was handled in that particular way. He was appointed by one side, and I was appointed by the other side. Then we got together and talked about who would be a good chair, and then we agreed on a good chair and we asked that person. That person said they would be happy to do it, and then that person is the chair and that committee is now meeting and trying to come to a conclusion.

"Now, what our small task force felt is that in a case where a dean is on one side of the dispute, where it's a dispute of a faculty member against a dean, then there is something awkward about a dean appointing as his or her representative somebody over whom the dean has academic power. The feeling was that that this really does not leave a person free to make a decision that is counter to the dean, and since the dean already has the power to simply reject the finding, because the finding is only a recommendation to the dean, it seemed to us that a dean ought not to have the authority to appoint someone who is beholden to the dean to be his or her representative on this grievance committee. That is what this long paragraph says, and I won't go through it, but I'll tell you we labored over this, trying to write it in such a way that it said that, so we think that it says that. OK? Also, it's generalized; it says nobody ought to be able to appoint anyone whom they have power over to a grievance committee to hear a grievance to which they are a part. So that's that.

"Now 'g', this is my last point over here. The four faculty members that represented the small colleges felt the following. Let me go back. The Board of Trustees' legislation says that you can hear a grievance in any way, either by an ad hoc committee, which is what I just described, or a college can have a permanent grievance committee that's elected or even appointed, I guess, by the dean, I'm not sure. There are, I think, now three, no four, colleges that in fact have some form of elected committee which hears grievances. Although one of the four colleges in 1975 responded very quickly to the trustees, set up a procedure by which they would elect a grievance committee and never elected a committee for the past 26 years. OK? So it exists on paper, but it doesn't really exist. But the people on my committee felt that an appointed committee was not a good thing in a small college, that the culture of a small college is different than the culture of a large college, that all the people know each other and somehow it's hard for a person who is,

what shall I say, not in the center of the mainstream to have a fair hearing from an elected committee. They felt that at least one of the people on the committee ought to be a person that is directly nominated by the person who is bringing the grievance. That's what this says. It mandates that in the small colleges, that this three-person arbitration type committee that I described before be the required way of handling a grievance in the colleges. So that's what we recommend that this body recommends to the Board of Trustees.

"After we wrote these recommendations, I went around and talked to the four deans of the small colleges just to see how they would react to it. Three of the deans said, 'Fine with me.' The fourth dean said, 'This is a major change, and I would like to bring it to the faculty and ask the faculty to give their opinion.' Because of the timing, I heard this after it got on the agenda. So what we would like. . . far be it from us to say that the faculty of a college shouldn't have something to say, so we would like to hear your responses and how you feel about this, and at the end of the discussion if someone wishes to move that we delay it until that college's faculty has an opportunity to give a point of view, we certainly would support that."

Speaker Howland: "The chair is informed that such a motion will be made. So this is open for discussion. Yes."

Professor Tony Simons, Hotel School: "Do I understand from this that if somebody in one of the small schools were to raise a grievance. . . it sounds like if one of the parties to the grievance were a dean, which seems likely, nothing against our dean, it just seems like most grievances are against deans, would that mean that the entire faculty of that college is excluded from being on that committee that it could only be heard by people outside of that college?"

Professor Stein: "No. You are two thirds right, but not one third right."

Professor Simons: "So the grieving person could bring up someone?"

Professor Stein: "The grieving person could bring up somebody that is a faculty member in the college, but the dean could not nominate someone who is a faculty member."

Professor Simons: "Even though that person is beholden to the dean, even though that person does report to the dean?"

Professor Stein: "Right. That's why the wording is so complicated. OK? The wording is so complicated because it allows, if you read it very carefully, like as some really important document, you will find that it is written in such a way as to allow the grievant—there are thises and thats in there—that person rather than any person, which is supposed to say that."

Professor Steven Shiffrin, Law School: "I'll be making a motion later to put it back to committee but not for this reason. I don't think the language you've got up there about reporting directly or indirectly to that party is as precise as it might be. I agree that it can be interpreted the way you interpret it, but it seems to me that you describe it as somebody having academic power over someone.

Professor Stein: "Well it not just academic power, it is economic power, and .."

Professor Shiffrin: "I can imagine the argument, that I'm a faculty member; I don't report to the dean. The administrators report to the dean. I only indirectly report to the dean. So it seems to me if the issue really is power and subordination that you ought to craft something in terms of that. The second point I would make is I think it's a very odd procedure that the dean presides in the end over grievances made about the dean, and I wonder if . . ."

Professor Stein: "The dean presides?"

Professor Shiffrin: "Well, what you're saying is this grievance committee reports to a dean about a grievance made about the dean, and I'm wondering if you have considered the possibility that if it's the dean against whom a grievance has been made, that maybe somebody else should be making the decision. That's a more ambitious, uh"

Professor Stein: "If I can respond to your first point. We spent a lot of time trying to craft the language so that it said that, and I would be delighted if a legislation writer who is used to writing and understanding English that says exactly what you wanted it to say would help. We would be delighted to receive that. There's no intention to obfuscate here; this is just the best we can do trying to say that. Number two, I certainly think a case can be made for what you Oh, by the way, about reporting—you may not think you report to your dean, but your dean thinks you report to your dean."

LAUGHTER.

Professor Stein: "In my college I report to my chair and my chair reports to the dean, and that's what indirectly means. OK? So the word academic power does seem to be a little vague. It's hard to say who has academic power over who, but 'reports to' directly or indirectly, perhaps I'm wrong, but I think it's a clear way of saying it. Now, with regard to your major objection, I don't think there is a chance in the world that the trustees would accept something that said what you are saying. In fact, I spoke to the University Counsel who was quite disturbed about the radical nature of what we are proposing now. And I think that . . . I can hardly get the words out of my mouth to say that the dean shouldn't be able to turn down the recommendations"

Professor Shiffrin: "There may be some compromise on that."

Professor Stein: "Anyway, that's"

Professor Vicki Meyers-Wallen, Biomedical Sciences: "Isn't it true, though, that if the dean turns down the recommendation of the grievance committee, that the person who is grieving can go to the university level? Isn't that right?"

Professor Stein: "That's right. That is certainly correct. Whether or not, I mean it's not clear, of course, what the university grievance committee—likewise the university grievance committee has no power, it can't make a ruling. I don't know who they report to. Who do they report to? Do they report to you?"

Dean Cooke: "You're right. It's not binding, unless the parties agree ahead of time."

Professor Lisa Earle, Plant Breeding: "Is it the case that most of these grievances are grievances against the dean or is the more usual case that they are grievances at the departmental level?"

Professor Stein: "I know of two grievances; I have personal knowledge of two and only two grievances, and one was against a dean and one was against a department chair."

Speaker Howland: "Additional discussion? Yes."

Professor William Arms, Computer Science: "Could I just say that I, like my colleague from the Law School, in looking at this wording didn't know whether a faculty member is considered to report to anybody. I find that language ambiguous also."

Professor Stein: "Well, again, I invite anyone, since this is almost surely going to be referred back to my committee in just a moment If anybody has any suggested wording to say this better, we certainly would be delighted to hear it, and I'm pcs1@cornell.edu."

Lieutenant Colonel Robert Sova, Military Science: "I just had a discussion, and I want and would certainly also make a motion to refer back to committee, because there is an anomaly, and it's the Department of Military Science. Certainly we have the URRC Council, but in our department, our grievance would be to the university if we had a department grievance. How would that be formulated here? So I think that needs to be considered in the language as we go back to it."

Professor Stein: "I accept what you say, and I would be lying if I said that we thought about that . . . or the right way to handle that."

LAUGHTER.

Speaker Howland: "Any further discussion?"

Provost Martin: "I think the response to your comment. . . . I think I'm right in saying that the provost's office acts as the dean for your unit."

Lieutenant Colonel Sova: "Vice-Provost, Walter Cohen."

Provost Martin: "But it's officially the provost. So you are not only an anomaly, but you're not a college, so you wouldn't"

Lieutenant Colonel Sova: "But we are a department; that goes back to the original question—e.g. what's a department? And do we have a definition?"

Professor Stein: "I am sure that the Department of Military Science has not made a grievance procedure. Remember this is not—the trustees didn't have a grievance procedure, they just mandated that every unit have a grievance procedure, and I have seen"

Lieutenant Colonel Sova: "But we may in the near future. We just had a discussion with the Vice-Provost. That's why I bring it up."

Provost Martin: "Yes. I mean grievances have been brought against the department by students, for example. I suppose they have gone through a different part of the university."

Professor Stein: "We certainly will think about that. Thank you for pointing that out."

Lieutenant Colonel Sova: "Thank you."

Speaker Howland: "Further discussion?"

Professor Shiffrin: "Seeing none, I'd like to move to refer this to the committee. The Law School Dean particularly would like the Law School faculty to discuss various aspects of this."

Speaker Howland: "Is there a second to the motion?"

UNKNOWN: "Second."

Speaker Howland: "Any discussion on the motion?"

Professor Terrence Fine: "Is there any understanding as to how long this referral is for? I think this should be for a rather limited time."

Professor Stein: "It depends on what you mean by limited time. I think that when I spoke to Dean Teitelbaum, he said the first meeting the first meeting would be in February, was it? Is that right?"

Professor Shiffrin: "Yes. That is we have in the next couple of months a number of very significant issues that can't be delayed. So it would be the first meeting this spring which will be the first Wednesday of February. That would mean that it could then be on the Senate agenda in March."

Professor Stein: "I mean just let me say in response that this is not high on the list of the university's most pressing problems to solve, I think, and we as a committee don't have any strong objections to waiting until that time."

Speaker Howland: "Further discussion on the motion?"

Professor Fine: "Can it be a stated time? Can the motion state a time?"

Speaker Howland: "It can be for a stated time."

Professor Shiffrin: "I then make a motion to postpone this issue until the March meeting."

Speaker Howland: "Is that allowed? Any objections to accepting unanimously? OK. So the motion is to postpone to a particular date."

Professor Shiffrin: "The March meeting of the Senate."

Speaker Howland: "Second to that motion? Do I hear a second?"

UNKNOWN: "Second."

Speaker Howland: "All right, that's the motion. Any discussion on that? Hearing none, all in favor of the motion say 'aye'."

AYE.

Speaker Howland: "Opposed? No opposition. We have no Good and Welfare. That brings us to the end of the meeting. Excuse me, Provost Martin?"

Provost Martin: "I've just run across one other piece of information you might be interested in. The overall average increase for full professors at the university is 7.9%, because that was one of your concerns, I believe, that the increase was not to benefit unduly junior faculty or associate professors at the expense of senior faculty. The increase for full professors across the university is 7.9%."

Speaker Howland: "Thank you for that announcement. We are adjourned."

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

