MINUTES OF A MEETING OF THE FACULTY SENATE  
November 10, 1999

The Speaker, Professor Howard Howland, Neurobiology and Behavior, called the meeting to order: "I would remind those present that no tape recordings or photographs are allowed during the meeting. I'd like to call on Dean Cooke for his remarks."

1. REMARKS FROM THE DEAN

J. Robert Cooke, Dean of the University Faculty: "I have two items that I would like to bring to you. One has a short time fuse and the other is something that we will revisit sometime in the future. The first one is the Corson Symposium on the Future of the Research University, which will take place on December 6 and 7, the Monday and Tuesday of study week. I have two transparencies (Appendix A, attached) that will give you some indication of the caliber of the speakers that we have and, hopefully by the end of the week, I will be able to send you the actual titles of the speeches. President Rawlings and John Brademas will give statements on the Humanities. I'll just let you read these instead of reading them to you, but I want you to see that we have an excellent set of speakers. On Monday morning and afternoon, most of the speakers are from off-campus, while on Tuesday morning, most of the speakers are from the Cornell campus with one exception, the former President of Princeton who is now the President of the Mellon Foundation. The most significant piece for you to note is that if you wish to attend the luncheons &emdash; they will be paid for so they're free to you &emdash; you must let us have your reservation by Monday because it is catered. There are two luncheons and you can attend either or both, if you wish, and three main sessions. I'll give this to you in more detail later; I don't want to take a lot of time now. Are there any questions about the Symposium?

"Now I want to share some background information that will be useful to us when we talk of other issues. This is a graph of the number of faculty, both endowed and statutory (Appendix B, attached). The endowed had increased to a maximum and has been decreasing ever since, while the statutory was pretty much flat until it took a tumble in the mid-1990s when the State of New York gave us a mandate to strengthen the size of the faculty. The punchline for all of this is that adjusting the size of the faculty has repercussions for decades. I will show you a symptom of that. This (Appendix C, attached) is the percentage of the faculty at or above a given age, divided into two categories. The first is 60 or more and the second is 65 or more. In the case of endowed, you can see that there is an upward trend on the number of faculty 60 or over. In the statutory, there is a precipitous drop from a cutback, and for over 65 there was a growth in endowed and a blip in the statutory but it fell back. In terms of changing composition of the faculty, there is the inevitable possibility that endowed is changing. Here is statutory and endowed for three older categories and one younger (Appendix D, attached). This is statutory 60-64, and you can see that it has plummeted
while 65-69 went through a blip and has been relatively constant since. The number of 70 and higher has grown slightly but it is still a small number. Therefore, the number of young faculty is of concern to the statutory colleges. It's been going down for a decade. I haven't looked at the numbers recently, but there have been new hires taking place, which has enormous repercussions for the renewal of the faculty. On the other hand, in the endowed, the numbers of 60-64 has risen from 60 to 100 and the number of 65-59 has started moving upward and the number of 70 and older is about 20 in 96-97. On the opposite side, the numbers of young faculty dropped and now has flattened out.

"This curve on the top is too busy (Laughter), but I'll leave it (Appendix E, attached) up because it's got a story. There was a hiring burst in the 1980s so for about three years, the rate was doubled. If you look at the graph, you see that the curves reach a maximum and then there is a baby-boom population shift. The hiring burst of the 1980s is moving through and the median age of the faculty is 50 but in ten years, given the people who have already been hired, it will be sixty. It's inevitable. Here is the corresponding data for endowed and then I will stop (Appendix F, attached). There was a much larger hiring spurt in endowed and it was over a longer period of time and so the same kind of wave is propagating through the endowed side. One last graph indicating lines of departure for both endowed and statutory (Appendix G, attached). The total curve and the number of departures in statutory relates to the program from the State and there is no comparable spurt in the total for endowed. The number of resignations is this other curve and the changes have not been remarkable; it has been oscillating up and down over the last number of years. I will stop here but at some other point we will revisit this so I thought it was information worth sharing with you."

Speaker Howland: "Thank you very much, Dean Cooke. I will now call on Provost Randel for questions and/or remarks."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Provost Don Randel: "We only get five minutes today?"

Speaker Howland: "Actually, you have ten."

Provost Randel: "These are, in fact, interesting figures and at the same period that we see the decline after the spurt, the 1990s, the number of undergraduates on campus grew by a thousand. No one planned it, but every college, being desperately afraid of being under-enrolled &mdash; because for at least four in the endowed, tuition means cash-money &mdash; there was this steady creep upward to remarkable numbers. I was just talking with the deans this morning about enrollment management and how we can ensure we hit the target number of freshmen that we need campus-wide and distribute them into the seven bunches in which we need them distributed, but that we have buffering mechanisms to take care of the ups and downs so that we can afford to
be under once in a while to compensate for the overages that will occur from time to
time.

"Another thing about the spike in hiring in the 1980s followed by the decline is that
seeing the bulge of slightly older faculty, a number of prefilled appointments, especially
in Arts and Sciences, were made so that the number of permanent lines didn't go up as
much as the head count did. The following decline was anticipated as the number of
prefilled appointments were captured as retirements and the number got back down to
a steady state. These days, as we begin to be able to hire assistant professors at a
somewhat greater rate than we did a few years ago, the need for the prefill technique is
attenuated but it is one way to cope with the absence in retirements.

"Let me just say a couple of things about statutory affairs and then I'll take your
questions. We had a couple of outings to Albany last week on Thursday and Friday. I
spent Friday talking to the Governor's staff and people in the Senate Finance Committee
staff, and the Governor appeared here on Saturday. We shouldn't put on airs about that;
he's a Yale football fan and that is probably what got him here. He was willing to have a
nice tour of the campus &emdash; the President and I walked him around for about an
hour and a half. We walked to Bailey Hall, pointed out Stocking, stood in the middle of
the Ag Quad, and talked about the buildings, although we were strictly enjoined not to
use this occasion for lobbying. It was a productive and pleasant discussion. Then there
was a modest press occasion connected with his having provided us with a million
dollars in the State budget for genomics. The signs are positive with the Governor and
his staff, although the concrete benefits of this have yet to be realized in real terms. The
State University of New York has not yet acted on this year's financial plan. We are now
four months into this year and there is still no official budget from the State. The
Finance Committee met this afternoon in New York and the word is that they would, at
this meeting, distribute a financial plan with numbers for all of the campuses so we may
get the notice later today. The full Board of the State University will meet later this
month on the 16th and it is presumed that if the Finance Committee does what it says it
will do, then the Board will adopt this financial plan and there will be official numbers.
In the meantime, the signs are &emdash; though no one has shared these numbers
publicly &emdash; that one of the real possibilities is that we could be asked to take in a
reduction of 2.9 million dollars in our base. The worst case, as far as we know since this
has been kept in the dark, is that there is an additional 1.7 million dollars of inflationary
costs that were not provided for in the budget, such as utility costs, library acquisitions,
rents on office space that the statutory colleges have around New York that is used to
carry out programs like Extension and the like. In that case, we simply won't spend the
money. We won't know about that for certain for about a week or so. In the meantime,
this is quite intolerable and I think that there is some prospect that we may enter into
negotiation that helps alleviate it a little bit, but realistically we must face up to the
possibility. The deans are talking about this and the department chairs have already
been told about the likelihood of having to do something about it this year. Naturally,
we must first and foremost stick to our academic priorities and do everything possible to avoid this having an impact on staff positions and so forth, but it will take some serious effort in order to reduce the base if it comes to such an amount. We clearly won't be able to do it all in one year, so we will have to get through this year while we develop the methods that may be required in the longer term.

"The salary improvement program is not affected by this. That has been authorized and legislated, so there will be a salary program as we described with the State providing 4% and we expect to be able to generate funds locally for special cases where we have serious compression of the faculty or questions of equity that need to be addressed. This program is not affected if the base is affected except that the union that represents SUNY staff has not reached an agreement with the State and even though our employees are not a member of that union, we won't know what the State is likely to make available. One can guess that the CSEA will not settle for less than the faculty have settled for and one can hope that on the staff side there will be the 4% that is provided to the faculty. Again, we won't know that for a while, as there is talk that the CSEA may not settle until February, after the new president is elected. In any case, we should know more about this within the next week or so, at least about the base budget side. Your questions?"

Speaker Howland: "Professor Stein?"

Professor Peter Stein, Physics: "Your statement about the enrollment growing by a thousand over a period of time without being planned because people are reluctant to come out below the projection opt to come out above the projection makes sense. But it's not clear to me why it should grow because if I'm a dean and I'm shooting for a thousand students, it makes sense that I would admit 1,050 instead of 950 but what do I do the next year, shoot for 1,050 again that will bump us up to 1,100? Is it always that one is trying to reach last year's total or is there an agreed upon number that is really overdoing it?"

Provost Randel: "Well, I think the history of it is that if one comes in a little bit over one year, one becomes a bit habituated to that and comes a little higher the next year and becomes habituated to that number. In the statutory colleges, there are deep cuts being taken and every bit of extra revenue really helps. There were considerable holes to be filled, so there is an incentive to seeing that grow slightly."

Professor Stein: "So, in a sense, it is planned?"

Provost Randel: "It's planned in all myriad of places of which Cornell is made up. Certainly, no one said 'Look, the way out of our problems is to add another 1,000 students,' but colleges one by one fell into that. In the endowed side, it doesn't really benefit the colleges directly so it has been more helter-skelter. When I was in Arts and
Sciences, I don't think that we came in every year with the number of freshmen on the nose. But there have been considerable ups and downs. I don't know where the growth has been taking place, but the aggregate has grown. Our student-faculty ratio is high by the standards of those with whom we compete and I can't see it growing by the number of faculty or shrinking by the number of students."

3. APPROVAL OF MINUTES OF OCTOBER 13 AND OCTOBER 20 MEETINGS

Speaker Howland: "I think that we're just about at time, so I'll move onto the next item. I'd like to call for approval of the minutes of the October 13 and October 20 meetings. Do I hear a motion? (Someone made the motion) Second? (Someone seconded) All in favor of the approval, please say 'aye.' All opposed, please say 'nay.' The minutes are approved. Thank you very much. I'd now like to call on Kathy Rasmussen for a Report from the Nominations and Elections Committee."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kathleen Rasmussen, Nutritional Sciences, Associate Dean and Secretary of the University Faculty: "I have two items that I would like to discuss with you today. The first is the usual report that you received with the call to the meeting on the actions of the Nominations and Elections Committee (Appendix H, attached). The Faculty Committee on Tenure Appointments has had two new members appointed and they are elected by their colleges. We have also replaced two members of the Nominations and Elections Committee. We have also filled two more of the Assemblies Committee positions.

"I am putting up the names of the members of the search committee for the Dean of the School of Hotel Administration (Appendix I, attached). I did not respond correctly to a question from the floor the last time and I wanted to correct my statement. The Nominations and Elections Committee gave Vice Provost Garza four names, three from within the School of Hotel Administration and a pair of out-of-college names from which he could choose. He went with the three in-college names that we chose but, instead of choosing someone from outside the college, he chose David Sherwyn, who is an assistant professor in Hotel Administration. My mistake was to say that there was an outside-of-the-college person that I wasn't aware of. There is no out-of-college person. The fourth member of the committee is a member of the faculty. Are there any questions?"

Speaker Howland: "Hearing none, I will now call Professor Rasmussen back to bring forward the motion concerning the October 20th vote. We don't intend to open this for debate."

5. MOTION FROM THE UNIVERSITY FACULTY COMMITTEE TO AFFIRM THE OCTOBER 20 VOTE ON MOTION 6
Professor Rasmussen: "As most of you are aware, we had a meeting on October 20th as a continuation of our meeting of October 13th. In determining the quorum, we counted the ex officio members, which is often the case in such situations. The ex officio members have voting rights but, as it turns out, we aren't actually counted for the quorum (I say 'we' because I am one of those ex officio members). Thus, in actual fact we did not have a quorum for Motion 6. What this resolution does is ask you to affirm that the vote taken was representative of the sentiments and will of the Senate. We think this is reasonable, as there was a 3 to 1 ratio in favor of this motion. We are not asking you to rediscuss the motion; we are just asking you if the vote taken stands as the Senate's will. Are there questions?"

Speaker Howland: "Is there any discussion of this? Are you ready for the question? All of those in favor of the motion, say 'aye.' All opposed, say 'nay.' Thank you, the motion passes.

WHEREAS, following the October 20th adjourned Faculty Senate meeting, it was discovered that the ex officio members were counted in determining a quorum, and

WHEREAS, the ex officio members have voting rights but are not counted in ascertaining a quorum, and

WHEREAS, the vote was sufficiently strong (i.e. 3-to-1 ratio) in favor of adopting Motion 6,

THEREFORE BE IT RESOLVED, that the Faculty Senate affirms the vote taken at the October 20th meeting as one being representative of the Senate's sentiments and consistent with the will of the Senate.

"We now have a Resolution on Diversity and Inclusiveness and I am going to call on Professor Charles Walcott to introduce this resolution to the floor."

6. RESOLUTION ON DIVERSITY AND INCLUSIVENESS

Professor Charles Walcott, Neurobiology and Behavior: "I would like to place this resolution formally upon the floor (Appendix J, attached)."

Speaker Howland: "Thank you. (Laughter.) I'm going to call on Professor Walcott again at the end of the debate time for a motion that will allow for if the Senate will take the vote today or postpone it until the December 8 meeting. I'm now going to call on Robert Harris, one of the co-chairs of the Campus Climate Committee for a brief presentation on the resolution, 'Open Doors, Open Hearts, Open Minds: Cornell's Statement on Diversity and Inclusiveness'."

Associate Professor Robert Harris, Africana Studies and Research Center: "Thank you very much. I've asked the Dean of Students, John Ford, if he would like to join me by
adding comments to this particular statement. As many of you know, after some ugly incidents on campus last fall, the Faculty Senate adopted a resolution during February of 1999 suggesting that the faculty should become more involved in creating a more open campus climate and the Dean of the Faculty, Bob Cooke, appointed a Campus Climate Committee as a result of that resolution. I co-chair the Campus Climate Committee along with Bob Johnson from CURW, and we have representatives from the Student Assembly, the University Assembly, and the Employee Assembly; about 27 members; and we've been looking at ways in which we can improve the campus climate and make Cornell University a more open, more welcoming campus for all of our students, our faculty, and our staff. One of the things that we noted as we talked about what we might be able to do is that Cornell University does not have a statement on diversity and inclusiveness. There are several other institutions that have such statements and they set a tone, a climate, for the campus. We looked specifically at diversity statements from MIT, Princeton, and Dartmouth, and we decided that many of these statements read very similar to each other. We felt that we have a tradition at Cornell University of which we can be proud, especially as an early co-educational institution, a non-sectarian institution, and an institution that welcomed students from diverse backgrounds very early in its history. With that in mind, we tried to craft a statement on diversity and inclusiveness that can be used as a principle, an ideal that we would like to see the campus strive for, that we would like to see exist on the campus. We don't have a statement now. There's nothing that exists that we can give to students as they enter the University that indicates what we expect of students, of staff, of faculty. This is a step toward improving the campus climate, something that can be used in orientation programs for new students, as well as orientation programs for faculty and staff, and in campus publications that will give a sense of what the standards are at Cornell University, what we aspire to as a campus. Thank you. Dean Ford was so directly involved in the crafting of the statement that he might want to say a word or answer questions."

Speaker Howland: "Are there any questions?"

Professor Locksley Edmondson, Africana Research and Studies Center: "May I ask a question? What is the status of this now? I was under the impression that your committee had requested some feedback by the 18th of November and that this will come to us in December, so in that sense are you here not to take a vote but to get a sense on the issue?"

John Ford, Robert W. & Elizabeth C. Staley Dean of Students: "I think that the goal was to allow the Assemblies a chance to review the statement and to suggest changes or revisions. The committee would like to reserve the right to review the feedback from the Assemblies, which comments to adopt and which not to adopt, in revising this. At the same time, we wanted the Faculty Senate to have the same opportunity, to be in step with the Assemblies in suggesting changes, which would be up to the committee to
adopt or not adopt. This would return to this body at the next meeting in December for a final vote, but that motion has not been made today."

Dean Cooke: "The request to delay this came after the mailing had already been sent to the entire faculty, so 2,000 people had already been told that it was on the agenda. My response to the group was that it belongs to the body and that was why we arranged with Professor Walcott to move to postpone the vote until December. If you agree with that, then we'll postpone the vote; but if you do not agree, then we will take the vote. In other words, once it left in a mailing, the motion belongs to the body and not to the Dean or the University Faculty Committee once it left in the mailing."

Professor Edmondson: "So then what exactly is the nature of our discussion? Are you just getting individual feedback on the issue to pass on to the committee? Are you taking a straw vote? I'm not sure what is going on."

Speaker Howland: "Perhaps the chair can clarify. The motion is before the floor. If you're in favor of the motion as it stands, you should vote for it -- if you want to do it now without changes. If you want to see what the other Assemblies think of it, you should vote for Professor Walcott's motion to delay this vote when he makes it at the end of the debate. If you're happy and want to put this one through, then vote against Professor Walcott's motion to delay."

Professor Edmondson: "With all due respect sir, but if the committee is still considering this and is receiving input through the 18th of November, then that means that they have not yet completed the statement before us and it would be irresponsible for us to vote on this if the committee is still considering it."

Speaker Howland: "Professor Stein."

Professor Stein: "Just a parliamentary suggestion that addresses the issue of whether we should postpone this is that maybe we should move that now."

Speaker Howland: "Professor Walcott?"

Professor Walcott: "Mr. Speaker, I would like to make a motion to postpone the decision on this motion until next time."

Speaker Howland: "Do I hear a second? (Someone seconded the motion). Is there any discussion on the motion to postpone?"

Professor Stein: "Point of order. Could Professor Walcott speak to the rationale for the motion to postpone? Usually people speak to the motion when they make one."
Professor Walcott: "The rationale is very simple. As this motion is still being considered by the other Assemblies — the Student Assembly, the University Assembly, and the Employee Assembly — by the next meeting we should have a better understanding of what they're thinking about this and that would perhaps be a more suitable time to approve this."

Speaker Howland: "Yes?"

Professor Richard Galik, Physics: "Unfortunately, Professor Stein's parliamentary maneuver has cost us the ability, at this meeting, to get some feedback from this group. Now we will vote on Professor Walcott's motion and I'm sure it will pass and then it will leave the floor to be discussed at our next meeting. For the second resolution before the House we have also postponed the voting until December and now there may be very little time for discussion at the December meeting."

Speaker Howland: "Professor Harris?"

Professor Harris: "Yes, well, one of the things that we hoped to get today was some feedback or responses because this would be the first opportunity that the Senate would have to discuss this proposal. I didn't realize that if the motion is postponed that it eliminates discussion."

Professor Stein: "Yeah, I didn't mean to throw sand in the gears, it just seemed to me that people were reluctant to discuss this because the question was, 'Is it proper to discuss this?' if it is going to be postponed. Certainly, you can discuss the motion. If you like the motion, you can say it shouldn't be postponed; and if it's bad, you should say it should be postponed."

Professor Edmondson: "Is there any way that we can agree to have a discussion on this so that the committee can get feedback without committing ourselves."

Speaker Howland: "I think Professor Stein was saying that. Is there any feedback?"

Professor Richard Baer, Natural Resources: "I'm also hesitant to move in any definitive way on this because I've put a lot of time in thinking about some aspects of this and I submitted a memo to the Faculty Forum early in October and it took close to a month to be posted — I think it was posted just last week. I would love to have more opportunities to engage each other on related issues of diversity and I think that it is important for that reason to not do anything definitive today."

Speaker Howland: "Further comments on Professor Walcott's motion? Professor Stein."

Professor Stein: "Well, it seems to me a reasonable motion, so I guess I'm against postponing it, but I haven't heard anyone criticize it. These broad sentiments that are
stressed are certainly my sentiments as well as those of some people I know, so I'm willing to vote on it today or next December. If people have any objections I think it might be appropriate to bring them up at this point."

Speaker Howland: "Yes?"

Associate Professor David Stipanuk, Hotel Administration: "I'll start with a few comments. Going back to the third 'Whereas' where it says, 'and inclusive land grant university.' I would hope that more than the land grant university portion of the institution that is Cornell University would be considered there. Then, also, I doubt in reality that we resolve to attract individuals from 'all segments of the community.' I know that those are wonderful words to use in defining things under 'Open Hearts,' but I believe that there are, in fact, some segments of society that the campus does not welcome and would not like to have present and I think that we need to recognize in these discussions on diversity that there are standards and concerns that we have about what activities we welcome to our campus. Statements like this are broad and if we look at what we're saying, I don't think that we would welcome drug dealers to our campus, but they represent a segment of society. We are not going to throw our doors open and say, 'boy, we don't have enough drug dealers represented in the group that is here.' I think we need to be cautious when we say that it is all things that we want here. I would also like a clarification on the statement, 'Cornell's mission.' Is that a mission for Cornell University, or does it reflect another body's information, materials, or things like that? Are we developing one in this document that will then be used elsewhere?"

Speaker Howland: "Perhaps Professor Harris would like to address those."

Professor Harris: "Well, on welcoming individuals from every segment of society, I guess that it could be interpreted in the way that you suggested, but that's certainly not our intent in attracting students and employees. The other part on the mission, there is a statement on Cornell's website on the mission and values and this was basically taken from that."

Speaker Howland: "First Kay and then Professor Ahl."

Professor S. Kay Obendorf, Textiles and Apparel and Faculty Trustee: "On the comment about 'land grant,' it is my understanding that the entire University is the land grant University and the Provost is shaking his head 'yes.'"

Speaker Howland: "Thank you. Professor Ahl."

Professor Fred Ahl, Classics: "The statement of Ezra Cornell that 'any person can find instruction in any study' is no longer true. In fact, we've eliminated some areas of study and I'm a little anxious that our leadoff statement should be something that Ezra didn't
quite have in mind. I understand that we've had to alter our programs in a certain way, but there are some people who find a certain irony in that statement and I just wondered if you want to talk about diversity if you would really want to lead-off with something that has not been fulfilled."

Speaker Howland: "Are there any more questions or comments?"

Professor Stephen Hamilton, Human Development: "My major point was already made by Professor Obendorf, but I also wanted to add my endorsement to this statement as one that captures the kind of message that I would like delivered as a member of the Cornell community."

Provost Randel: "First let me reinforce the notion that all of Cornell University is a land grant institution of the State of New York and that we operate under contract for statutory colleges. Let me say just a bit about our founders' statement as well. It says, 'any study' not 'every study' and I think it's important to bear in mind that Cornell was founded in the context of a time where universities were sectarian in one way or another, which limited what could be taught on the basis of that kind, limited who could attend on the basis of gender, and so forth. The notion of the founder was, I believe, that this would be an institution in which any study would be legitimate. That is, that the intellectual inquiry would not be bound by sectarian interests or interests of prior servitude but that this institution would be free to pursue whatever subject it found worthy to be pursued, including certain practical subjects that had been excluded from other universities of the time. It was not to say that all possible subjects would be studied at any given time. I think that's absurd."

Speaker Howland: "Yes?"

Professor Galik: "While I certainly agree with all of the sentiments expressed here, I'm a little concerned about the two 'Be it Resolves.' We agree that open hearts, minds, and doors are what we wish to include and have and post everywhere, but I hope that in the two 'Be it Resolves' that we could make it more strident, that everyone is urged to double their efforts to achieve the goal. I would hope that the wording would say that we need to make a better effort to reach our goal."

Speaker Howland: "Back there, yes."

Associate Professor Bruce Lewenstein, Communication: "I serve as the chair of the Committee on Academic Diversity for the Ag School and I want to second the point that Professor Galik made, which is that one of the important issues that we face is that given a statement like this, one that is symbolic, it is not likely that it will be resisted. The question is how to we put it in more active implementation. We should include in
the motion a sense of action that would add to its symbolic use, in terms of being able to use it in practice."

Speaker Howland: "Professor Edmondson and then Professor Baer."

Professor Edmondson: "About Ezra Cornell, I wasn't around then, so I don't know what he would feel. It seems to be that this thing would give the impression that Cornell has taken on more power than it has. It's a feel good document. To be more precise, I think that in the first paragraph the statement proclaims an ideal of Cornell University's commitment, and it was an ideal, and I think it will be difficult to tell if it has been fulfilled in its entirety but I think it's something that we ought to think about. Another thing that I wanted to say is that it is a beautiful statement. It says nice things, but it does not mention any of the issues with which we continually cope on this campus. It doesn't talk about harassment, which is nowhere near the ideal, and I was wondering if it couldn't be strengthened in certain areas. I know that the Board of Trustees have a statement from May 1990 in which it comes out much clearer."

Speaker Howland: "Thank you. Professor Baer."

Professor Baer: "What I tried to address in my memo is that, in fact, Cornell is a highly sectarian institution. I think that we would be far better served if we admitted that. It's sectarian in that it continues to presuppose that secular reason is epistemologically privileged and normative religion is strictly excluded from the University. About 8 or 10 years ago, Charles Kern, an eminent Catholic theologian was here as a visiting professor, generously funded by CalCana, and a group of faculty in the Arts college tried to get him to not talk about theology while he was here, even though it was his field. This institution is highly discriminatory against certain types of ideas and people who hold those types of ideas are discriminated against as a result. They feel unwelcome in many ways. A Government Department that has 33 faculty members and one conservative, who just walked in the door &mdash; I swear this wasn't planned &mdash; is not a very attractive Government Department. It's far sooner indoctrinating students than educating them. Six years ago, a group of students came to me and told me that they thought they were being discriminated against in Human Development and Family Studies, and we tried to talk about it with the deans and the department chairs, but they would not even agree to meet with us to talk about those issues until eight months later when President Rhodes intervened on our behalf. We were not trying to censor anyone or challenge anyone's academic freedom. We simply were asking for more diversity of ideas. Universities are about ideas. I'm totally in favor of the sentiments of this proposal. We want a civil society to welcome people and to make them feel at home, but this University is a sectarian institution. It's one-sided and privileges certain ideas and discriminates against others, not because those who are discriminated against are unworthy but because they are unpopular in this institution. My college, CALS, is thinking about a normative ethics requirement of all students and
it dawned on me the other day that even though I teach ethics, I probably will oppose that move unless ethics is opened up and becomes a real marketplace of ideas. To exclude normative ideas, Jewish, Muslim, Christian, and other ethics from the marketplace is to be a sectarian institution. What troubles me about this kind of resolution is that there is a kind of hypocrisy about it. In some ways, the curriculum is not broad; it is narrow. My observation over the years is that there are many faculty members who do not want an open marketplace of ideas. They do not want a broader curriculum. How else do you explain the extraordinary narrowness and high level of indoctrination that goes on in many of our departments. I would like to have time to open up the discussion to talk about ideas and what universities are about. I'm in favor of what we're doing here in its own limited way, but it gives the impression that we're solving the problem that at a fundamental level we're not. I urge you to read the memo at the front table; I turned it in close to a month ago and because there needed to be discussion on the time line for it, which I'm not opposed to since there needs to be some rules and regulations, it wasn't posted until late last week and most of you haven't seen it. I would urge us to use this as an opportunity to ask ourselves about the nature of the University and discuss the issue. I'd be willing to debate any of you, I think that this is a sectarian institution in many ways and it's time we admitted it or stopped talking about being a non-sectarian institution."

Speaker Howland: "I think we've reached the limit on the time. Professor Harris?"

Professor Harris: "I would just like to encourage any reactions or comments that you would like to make after thinking further about this. You can send them to me at rlh10 and I will send them to the committee. Thank you also for the suggestions you already made."

Professor Galik: "Is there still a vote open on the floor?"

Speaker Howland: "Yes, do you move the question?"

Professor Galik: "Yes."

Speaker Howland: "Okay, all in favor of hearing Professor Walcott's motion, say 'aye.' All opposed, say 'nay.' The motion before you is to postpone voting on this proposal until the December meeting. Are you ready to vote on this? All in favor, say 'aye.' All opposed, say 'nay.' Motion is approved. Thank you very much. I now call on Richard Galik, Chair of the Educational Policy Committee, for a resolution on inappropriate use of class notes. The motion here is for discussion only; the vote will take place at the December meeting."

**7. RESOLUTION ON INAPPROPRIATE USE OF CLASS NOTES**
Professor Galik: "For a number of years now, it has become apparent that there are certain corporations that benefit from asking students, either graduate students or undergraduate students, to take notes and then post those notes on some sort of electronic or printed media for distribution or sale. Some of these are very beneficial and are done with the permission of the course professor, but these have been local. Recently, about two years ago, there was a corporation called Gorilla Notes and this year there are several corporations, the most commonly known is called Versity.com, which virtually ignored the wishes of the faculty. They didn't even bother to ask the faculty if the notes could be published and oftentimes employ students who are taking the course for the first time to be note-takers. There are several faculty members in the University whose courses are in Versity.com, but those who communicated directly to me were Professors Stein, Lowi, and Albrecht. It was up to my committee, the Educational Policy Committee, to come up with some sort of policy which would preclude this kind of activity from the classroom. When Peter Stein was the Dean of the Faculty, he actually started down this road, but ran into many of the same problems as we did in that we had a lot of consultation with the University Counsel in terms of what we could and could not say in such a resolution, what would actually be considered legal and would stand up in court, what fell under intellectual property rights, and so on. I should note, as the UFC noted, that this is still in the preliminary stages. We are going to discuss this today and go over the rationale to let you know how we got to where we did. Since the resolution (Appendix K, attached) went through our committee two weeks ago, there actually has been some progress in terms of trying to find a home for this policy, which is perhaps the weakest point of the resolution.

"In the resolution, I have listed the three top objections that the faculty have to these services. I want to have you notice that we've been talking about this in terms of notes, but it's not just notes, it could be audio, video, and a host of things that go on in the classroom in which we expect a level of trust among the participants that is somehow being violated. Furthermore, I think that those of us in the physical sciences have been somewhat concerned about the accuracy of the information that gets transmitted. After all, many of the students taking these notes are taking the courses for the first time and we all know that there is likely to be some critical errors when a student takes notes of something that he or she is seeing for the first time. Third, is the issue involving intellectual property. You will note that we use the words 'should be' as courts have not upheld that lectures that you give are your own intellectual property, but we thought that we should at least express that the Senate thinks that they should be even though they may not be.

"So that includes the resolution and here is the 'Be it Resolved': 'lectures and course materials presented, transmitted or distributed by Cornell faculty and/or class participants are intended exclusively for use by students enrolled in the subject class in furtherance of their academic pursuits.' Someone actually suggested that class participants was too broad and general. I tried thinking of all the possible list of things
that could go in there, but for now I thought to leave it because I think that the faculty member should be the one to judge whether or not someone can participate in their class. I think that in this sense it will always have to be somewhat broad. I should note that while there is some impetus to get this put in place for next semester so that we have something to latch onto for the faculty who are bothered by such activities, we don't want to get in the situation where every semester some new activity occurs and we have to come up with a new resolution to handle that new activity. So, we'd like to try to make this as broad as we possibly can without watering it down to the point where it becomes totally ineffective. So, following that, 'students are not authorized to replicate, reproduce, copy or transmit such materials, or "derivative" materials [which was a suggestion of Counsel as a way to describe materials], including class notes' and the most important thing here was the written consent of the faculty member. Some people suggest that it is the money that is an issue, but many of us disagree with that, that the principle is beyond the money, maybe it's prestige &emdash; that a student feels it is a prestigious thing they've been asked to do. Other people have said that it's okay to do it within Cornell, just not on the Web. We disagreed with that policy as well and made it a more general problem.

"This is where we ran into problems with the UFC. We came up with a statement about violations, which was as general as we could be, and still have the approval of Counsel. The reason for this was that we wanted to put this either in the Code of Academic Integrity or in the Campus Code of Conduct but we have had problems with this as of two weeks ago. The Judicial Administrator handles things by assigning community service, not by actually forcing people from withdrawing from classes. So, it didn't seem that it would fit in the Campus Code of Conduct. In the Code of Academic Integrity, in which we would generally define this as misrepresenting your work, this is exactly not what these students are doing. These notes are worthless unless they have the professor's name proudly on them as being the professor's work. So it's not a direct Academic Integrity violation. This is the best that we could do for the moment.

"Then we asked the Dean of the Faculty to see about this policy, to find a place to place it in. Since then, we have had some discussion with Katherine Long, who chairs the Academic Integrity Hearing Board, and Lynne Abel, who is the Chair of the Educational Policies Committee for Arts & Sciences, and who is involved a lot in academic integrity issues. We thought that something we might do &emdash; now this hasn't gone through the committee yet: it's from this afternoon &emdash; is that we formally call this 'Academic Misconduct,' and there are places in the Code of Academic Integrity in which academic misconduct is referenced as being handled by the Academic Integrity Hearing Board. So that the faculty member could impose an academic penalty that could include forced withdrawal from the course. If the student were to go through an appeal, that process would be in place through the Code of Academic Integrity.
"The last part of the resolution would include the notion that the dean has to see to it that Code of Academic Integrity gets slightly modified in the appropriate ways such that this academic misconduct is listed specifically as an example."

Speaker Howland: "Good, the motion is now open for discussion and questions. Yes."

Associate Professor Stephen Vavasis, Computer Science: "Could you say a word about what other universities are doing about this problem?"

Professor Galik: "Well, actually, that is significant. Most universities have done nothing about this problem. In fact, we asked all of the committee members, of whom there are nine, to go and ask a colleague, and as far as we can tell, we are way ahead of most of our colleagues in terms of this. The State of California schools, like UCLA, actually have a statement that this is violation of California state law. No one has yet challenged that in court. Whereas in Florida, and one other state, such suppositions have been challenged in court and the universities have lost."

Speaker Howland: "Yes, Professor Stein."

Professor Stein: "Yes, I have a couple of questions. First, I thought that the wording was a bit overdoing it with what we are forbidding students to do because, read strictly, if one student misses a class and asks another student to see her notes, that would be forbidden without the exclusive permission of the professor and that seems to be harsh. The second question I had is did you ever ask Counsel that if we did this would we have legal leverage against the firm, where we could sue them because they were asking or enticing a student to do something illegal? Because if we could do that, then this would seem to be a great idea because I would rather proceed against the firm than against an individual student."

Professor Galik: "Yes, that issue did come up but I do not recall if we made a resolution of it. Is there anyone here from Counsel's Office, by the way? I do not think that the university feels that there is any legal recourse against Versity.com. However, I don't have anything definitive on that. I should also point out in response to your first statement that this says, 'for sale or general distribution.' I do not think that if I miss class and ask you to copy your notes would count as general distribution."

Speaker Howland: "Yes, one question over here."

Professor Andreas C. Albrecht, Chemistry and Chemical Biology: "At some point, I just wanted to tell you about my experiences with Versity.com that has filled me with rage. I got a letter from them on the 25th of August proudly saying that my course is on their list and that this will benefit the students and so on. In this letter is also their statement, 'Versity.com believes professors should play an active role in shaping and driving
Professor Edmondson: “This is in regard to Peter Stein’s query and your response to that query and it seems to me that in paragraph one, that the notes are designed exclusively for students enrolled in the subject. It follows, therefore, that students passing notes to other students in the class is accepted. I don’t think we have to worry about students passing notes along to other students in the course. I think that’s clear in language and law.”

Professor Galik: “So noted.” (Laughter.)

Speaker Howland: “Yes, in the back?”

Associate Professor J.S. Butler, Policy Analysis and Management: "The preamble refers to accuracy as one of the problems. My personal preference would be a statement to the following effect, that neither the faculty nor the university are responsible for errors generated by the notetaking. The purpose of such a statement would be to forestall at the very beginning of students claiming that they should be compensated for mistakes or bad grades that result from the use of these materials."

Professor Galik: "So noted." (Laughter.)

Speaker Howland: "Yes, in the back?"

Associate Dean Lynne Abel, Chair, Educational Policy Committee for the College of Arts and Sciences: "There are many professors who have complained to me about technologies applications in academia. That's why we want to work with you.' They decide what we should be doing, and I have immediately two responses. First of all, I have no say how my notes will be decorated with advertising. This is strictly an economic exploitation of campuses across the country. I have no input as to what is being advertised. Next, it takes away any opinion that I might have that it is good for students to take notes in this class, and hopefully rewrite them, as they learn and do a better job of organizing those notes as an educational pursuit. I have then no say about that either. So I decided I wanted to have Chem 287 removed from their list. I looked it up and it said, 'Now Hiring' in a big banner. I e-mailed them to remove my course and get no answer. Finally I try phone-calling and, after a great effort a reach a person, I say that I would like to remove my course from your list, please. They say, 'I'm not authorized to do that.' I say, 'Well, I'm authorizing you right now.' (Laughter.) There proceeded the most incredible arrogance. I forced them to admit that their primary concern is their advertising. They need a list of courses to sell their advertisers and they agreed that this was true. They were also very adamant that they want to help the students. I asked 'What about the faculty?' They answered that they want to help the faculty too and that they want to work with faculty on and on until I had to slam the phone down. The arrogance was breathtaking and I just expressed this to you in the hopes that something will be done, and this resolution is something, about this problem. Thank you."
Versity.com and I just wanted to support Professor Albrecht's allegations about how difficult it is to remove a course from their list. One professor, who is not here today, tried repeatedly to have her course removed from Versity.com to no avail. In fact, I have a note here from Janet Cardenell, one of the high officials of Versity.com. When one of the note takers from Cornell, who was just a student trying to earn money and was not trying to dupe anyone, had been led to believe that the faculty member in this course approved of this whole thing, she found out quite to her distress that this wasn't the case. In response, Janet Cardenell said, 'Our standard policy is for us to keep note takers' names confidential. I did not inform the professor of your name or even of your gender. We do this to respect the individual circumstances of note takers.' Then Ms. Cardenell goes on to say, 'Versity did inform Cornell professors of our presence on campus. We invited their participation, expressed our desire to work with them, and offered several services to assist them. However, because we are a non-permission-based service, professor approval is not required.' That's their statement. I hope that you as a group will do something fairly strong to help faculty members who do not want to participate as well as those who want to participate but want accuracy protected. I think it's very important for us to act."

Speaker Howland: "Yes."

Associate Professor William Carlsen, Education: "It sounds to me like we have a problem and the advertising and inaccuracies are things that we need to deal with. However, I would like to speak in opposition to this particular resolution because it seems to me that we're falling down a slippery slope, what in the book University in Ruins is called the 'commodification of knowledge.' I think that as a University we need to rethink what it is that we do, what it is we're providing to society. The tone of this resolution makes it sound like we're trying to protect these packets of information which we distribute to students in our classes. The particular action here is a punitive one to prevent students who are entering into a contact with us, in our classrooms, from expressing themselves, given that they might be expressing themselves in ways that cause problems. I think we need to think very carefully on how we will implement this particular action. If we want to have a discussion with the students in our class and say, 'By enrolling in my class and participating in this class, I'm asking you to agree to certain conditions,' that's one thing. But we never had an agreement here. We're proposing a policy that's legally questionable and we're imposing it on everyone. We're not giving professors the right to disregard the policy either. Yes, I don't think that inaccurate course notes should be placed on the Web and sold alongside porn advertisements, but this is a university and before we slam the door shut on criticism of what we're saying or how we can represent things in the classroom, I think we should think this through on a deeper level."

Professor Albrecht: "To respond to that, there is a supposed list of professor approved courses, so the professor can approve and it can go on like that."
Professor Galik: "I should also point out that Counsel has made it quite clear to us, and I agree with Counsel, that the wording was too draconian. Originally, we had that this would result in withdrawal and we have since changed it so that it could result in withdrawal. That withdrawal is a logical extension of what might happen if this persists. Of course, we give the faculty member the first try to ameliorate the situation by other means, we put that explicitly in the policy. The policy is in place to establish what the faculty member can or cannot expect the University to stand behind and I certainly agree with Lynne Abel and the Arts College EPC in that we need to foster an environment in which this activity would not naturally take place, where perhaps a student would suggest notes on the Web as a means of discussion and a flow of ideas for the course. Unfortunately, these companies have taken the first step and I think that it's important that we have this policy in place so that we learn as faculty members and students to foster this environment. I don't think we're free of fault here, either. We're somewhat culpable too because, as a group, we have not fostered an environment that would prevent this sort of thing."

Speaker Howland: "We're almost out of time here, yes?"

Professor David Rosen, Music: "Has the University Counsel stated whether the State of New York has taken a position on the intellectual property rights of professors?"

Professor Galik: "Do you remember anything about New York, specifically? I do not recall anything about New York State in the media or in the conversation with Counsel."

Speaker Howland: "Okay, one last question."

Professor Elizabeth Earle, Plant Breeding: "If the note takers can be anonymous, if they're not known to the faculty member, what kind of action could be taken?"

Professor Galik: "Well, obviously, enforcement is always an issue. One could imagine other students who are particularly pernicious would snitch on the note taker. Someone else suggested that a faculty member could say that one of the conditions for taking the course would be for all to agree not to do it, and of course the student could say he wasn't doing it and still do it, but I think that if you put together an environment in which there was a kind of sharing, then I would hope that we could get rid of a large faction of the abuse. Whether or not we could enforce every action, you're right, we can't."

Speaker Howland: "I'm sorry that we have to cut off but I'm sure that Professor Galik would welcome e-mails if you have any questions or comments."

Professor Galik: "It's piled up already, but sure." (Laughter.)
Speaker Howland: "We'll move on now to Good and Welfare and I have three people registered to speak."

8. GOOD AND WELFARE

Associate Professor Michael Kazarinoff, Nutritional Sciences: "I'm an elected member of the Faculty Senate, but I speak to you now as a member of the Codes and Judiciary Committee. At our meeting earlier this afternoon, the University Counsel presented a recommendation that we adopt changes to the Campus Code of Conduct that would remove the faculty and staff as classes from jurisdiction under the Code. I invite response to that from the faculty. I don't know quite how to react to that but my sense is that it would alter the climate on the campus tremendously if we were to only subject students to the Campus Code of Conduct. My e-mail is mnk1 and I will send a message to the list asking for input and if you have ideas."

Professor Jeremy Rabkin, Government: "What is Counsel's rationale for this?"

Professor Kazarinoff: "The rationale given by Counsel rested mainly on a statement in the University Bylaws that said that various senior administrators and deans shall be the sole people who have authority over personnel and those sorts of issues. They provided us with Article 15, Section 2 which says, 'Deans, directors, and other heads of separate academic units shall have administrative responsibility for their respective units, including the personnel and all programs of instructions and research therein.' It was Counsel's position that this provides a legal distinction, that the courts would feel much more comfortable not having the faculty under the Codes."

Professor Emeritus Robert Miller, Soil, Crop, and Atmospheric Sciences: "I will tell you that I was around when the Code was originally adopted and it is my understanding that the Code was adopted by the Board of Trustees, not by the faculty."

Speaker Howland: "One more and then we have to move on."

Professor Rabkin: "We spend a whole year arguing about the sexual harassment procedure. How will that be affected?"

Professor Kazarinoff: "I don't know precisely. Sexual harassment in the conduct of your duties is covered under several separate regulations other than the Campus Code of Conduct and it is not dealt with through the Judicial Administrator."

Speaker Howland: "Okay, let's move on. Professor Rosen?"

Professor Rosen: "When I signed up at the beginning of the meeting I was going to tell you that I was appalled that the list of participants in the Corson Symposium included one social scientist and no humanists. Now that we have a humanist, I will de-escalate
my rhetoric and say that I'm deeply concerned about the under-representation of the social sciences and humanities. I have spoken with the Vice Provost for Research about this and he told me the day before yesterday that three or four humanists were planned to be added. I don't know if the list you showed us was the definitive program, but I hope not. I think that if you feel as I do that humanists and social scientists do research and have a big impact on the research university, then I hope that you will express your concerns as I have. Furthermore, if and when additional humanists and social scientists are found, there should be a new list. Thank you.

Speaker Howland: "Thank you. Professor Albrecht?"

Professor Albrecht: "No, no."

Speaker Howland: "Good, do I hear a motion? All in favor. Meeting is adjourned."

Meeting adjourned: 5:55 p.m.

Respectfully submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty