Professor Howard Howland, Neurobiology and Behavior, and Speaker: "Good afternoon, everybody. I'd like to call the meeting to order. I would like to remind you that no photos or tape recorders are allowed during the meeting. We have four Good and Welfare speakers and each speaker will have three minutes, subject to a proposed modification to the agenda. I would like to call now on Vice President Hal Craft for remarks."

1. REMARKS BY AND QUESTIONS FOR VICE PRESIDENT HAL CRAFT

Vice President Hal Craft: "Biddy Martin is out of town today so she asked me to fill in for her, which is impossible, of course. I think my function today will be to answer any questions that you might have, specifically about the areas in which I focus. The other thing that I did want to make one comment and observation on is a result of things that have happened over the last few weeks in my arena. I think it will affect a just few of you directly but many more indirectly.

"Over the last 60 days there have appeared on the scene requests for three very major academic initiatives that involve major facilities. Chemical biology is one, physics is another, life sciences is a third. When these are all added together, they come to something that is between quadruple and five times the cost of any single capital project we have ever had before. Because they all happen to be in one area of the campus, more or less, they have kicked off what I venture to say may be a unique activity and that is a broad campus plan that will be developed to see how we might, in fact, coordinate all of these programs, both from a programmatic perspective and from a physical perspective. So some of you who live within the area of Rockefeller, Clark, Newman and so forth may well see some strange folks walking around looking at facilities matters. That's what they are up to. I might also add that we currently have no idea how we are going to pay for all of these, so also there will be a financial plan developed. So with that I will ask if there are any questions to which I can respond."

Professor Kay Obendorf, Textiles and Apparel: "I would like to know if you could tell us a little more of the status of the life sciences building, or are we going to hear that later in the agenda?"

Speaker Howland: "We will have someone from Good and Welfare talking to that point."

Professor Obendorf: "Maybe we could hear it from Hal’s point of view?"
Vice President Craft: "From my perspective it is at the moment more or less a black box. We need to determine the size, although the size is large. A program is being developed; Kraig Adler is leading that effort. I can’t tell you for sure what programs are going to be in there, but I will say that the size of the building is larger than any building we have put up so far, although that remains to be updated and developed. I realize that is very vague, but that is where I am at this point."

Speaker Howland: "Thank you very much. I would like to now call on Dean Cooke for remarks."

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the University Faculty: "Let me mention a few informational items first and then I have a few more extensive topics. You will hear later in the meeting a description of the Cornell Interactive Theatre Ensemble presentation. There will be a University Faculty Forum in this room exactly a week from now. I only want to add my support to say that it is important and we are asking you to have conversations with each academic faculty about diversity on campus. I urge you to come to this, because it provides useful preparation for that discussion.

"Also I should report that the University Conflicts Committee, over the last several months, has reviewed additions to the Statement of Conflict of Interest and a statement emerged from that group with unanimous support of the faculty members, and it will be on the Trustee agenda later this month. Two more—Educational Policy Committee, Chaired by Rich Galik, is working on the academic calendar, and I suspect that they will have a report for you at the next meeting, and likewise the Financial Policies Committee examined infrastructure pricing and the report was attached to the call to the meeting. I understand that Professor Dyckman is somewhere in the room, and if you have questions he can respond to those.

"Now two more substantial things that I want to take just a few moments to discuss. This is a piece of the resolution adopted by the University Faculty Committee on your behalf last summer dealing with distance learning. Two things I have highlighted in boldface are that there is an overarching agreement that we asked to be made public. I can report that that has not yet been passed or distributed. The Provost has said that that will happen, but we haven’t received that confirmation. Likewise, the resolution asks that we be informed of any future changes in the status of the distance learning entity in a timely manner, so that we would have an opportunity to be a full partner in that discussion should any changes come forth in the future. The Provost also agreed to send that to us in writing, an affirmation that that would be the policy followed. We also have not received that. Otherwise, if you read the Cornell Sun or the Ithaca Journal, you know that some things are happening on eCornell."
"One major new initiative - I’m appointing a task force on professorial titles. I have done this after consultation with the Deans, the Provost, the University Faculty Committee and especially the Nominations and Elections Committee. We put together a very strong committee, people who have long-term experience with the university. Many of them have had some administrative experience in this area, and they will set in motion a study to do at least two things. One is a proposal that we examine the possibility of professorial titles that do not carry tenure. That would depart from the traditional mold of requiring someone to have both teaching and research or two major functions of assignment and have more special purposes. The second one is the question of faculty who have reached the age at which they might retire. There currently is a policy in place for transition of faculty but that has a five-year limit of the transition, so that if you begin that program you must agree at that point that in five years you will relinquish your tenure position. I am proposing that we consider the title "Senior Professor" so that you could separate the question of tenure, so that you might be allowed to continue to have that in your professional identity. However, if you want to scale down your work load, then that would allow the university the opportunity to recover some of that money and hire other people. There will be more about that later, but I wanted you to be aware that it is happening. Bill Fry who is a faculty elected trustee and also ex-officio member of the Senate going to chair that group. That is the extent of my report.

Task Force on Professorial Titles

- Bill Fry, Faculty-elected Trustee, Chair of Task Force
- Charlie Walcott, Assoc. Dean
- Alan Bell, CALS
- John Siliciano, Law
- Abby Cohn, A&S
- Charles Williamson, Engineering
- Rob Gilbert, Vet
- Michael Kotlikoff, Vet
- Steve Mutkoski, Hotel
- Robert S. Smith, ILR
- Jere Haas, HE
- Don Cooke, Emeritus
- Stuart Davis, Senior Lecturer
- Lynne Abel, Adjunct Professor
I ask permission to make one motion if you would recognize me for that

Speaker Howland: "We have a little time. Perhaps you would like to take some questions?"

Dean Cooke: "Yes, Peter Stein."

Professor Peter Stein, Physics: "The changes in the Conflict of Interest Statement - is that going to come to this body for comment?"

Dean Cooke: "It was not intended so. Correct me, but I believe the original version did not come through here. Did it, or did it not? I think it did not, so it’s history was that there was a committee appointed, chaired by Jim Mingle, University Counsel, with a group of faculty and deans. They rendered a decision. It then was brought to the University Conflicts Committee. Last semester it was discussed on two different occasions, and the committee now has converged on something that I’m satisfied will represent your wishes and interests. I’ll make that available if you are interested. To answer your question, it is not intended to come here. Any other questions?"

Speaker Howland: "Good. Then I will recognize Dean Cooke to make a motion regarding Good and Welfare."

Dean Cooke: "The agenda allows nine minutes that were not assigned for any specific purpose. We have discussed the need to have a conversation about some incidents that occurred on campus. I am proposing to move that we expand the Good and Welfare agenda by nine extra minutes for this meeting to allow for a discussion of the recent harassment incidents."

Speaker Howland: The chair would like to ask for unanimous consent on this issue? Hearing no objections, it passes.

3. APPROVAL OF MINUTES OF THE SEPTEMBER 13, 2000 FACULTY SENATE MEETING

Speaker Howland: I would like now to call for approval of the minutes of September 13, 2000. I ask for unanimous consent of approval of the minutes. Hearing no objections, the minutes are approved. I now call on Professor Charles Walcott for a Nominations and Elections Committee report."
4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "I have another very non-controversial matter which is the report of the Nominations and Elections Committee. In case you compare this to what you have already received in your call to the meeting, you’ll notice that there is an addition. Clare Fewtrell has very kindly agreed to be the chair of the Affirmative Action Committee for this year. That is the only change from what you already had. There is the second part of it and the third part-two candidates for faculty member at-large for the faculty senate, Professor Elizabeth Earle, Plant Breeding and Professor Gordon Teskey, English, and that’s my report."

REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

October 11, 2000

Affirmative Action

Educational Policy Committee
Michael Gold, ILR

Faculty Advisory Committee on Admissions and Financial Aid
David Zax, A&S

Financial Policies Committee
Thomas Dyckman, JGSM, Chair

University Lectures Committee
Sandra Siegel, A&S, Chair

University Faculty Library Board
R. Keith Dennis, A&S, Chair

Minority Education Committee
Anthony Ingraffea, Engr., Chair
University Assembly
Jane Mt Pleasant, CALS

West Campus Living Learning Council

Faculty Senate Appointments
Andrew Bass, A&S
Ross Brann, A&S
Jennifer Gerner, CHE
Isaac Kramnick, A&S, Chair
Nick Salvatore, ILR
Deborah Trumbull, CALS

Slate of Candidates

AT-LARGE MEMBER, FACULTY SENATE (tenured) - 1 vacancy, 3-year

Elizabeth D. Earle, Professor and Chair, Plant Breeding

Gordon L. Teskey, Professor, English; Faculty Fellow,
Society for the Humanities

Speaker Howland: "Thank you very much. The chair again asks for unanimous approval of this report. Hearing no objections, so approved. The chair would like now to call on Professor Peter Stein, member of the Faculty Advisory Committee on Tenure Appointments for a resolution from the committee.

5. REVIEW OF THE FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS AND RESOLUTION

Professor Peter Stein, Physics: "I thought that was to follow the report.

Speaker Howland: "Did I skip over something?"
Dean Cooke: "It’s just to put it on the floor to follow procedures."

Professor Peter Stein, Physics: Resolution moved. (Appendix A). Do you want me to make some points?"

Speaker Howland: "As long as it’s on the floor, that’s fine. I’ll call on Dean Cooke for background on the resolution."

Dean Cooke: "In the call to the September meeting there was attached a report I prepared on FACTA which is the Faculty Advisory Committee on Tenure Appointments. I didn’t redistribute it, but I will quickly summarize it to remind you of the contents and as a segue to the resolution that the committee is bringing.

"That committee was established in November of 1997 to advise the Provost on all proposed appointments and promotions with tenure as well as proposed denials of tenure by a dean after positive recommendation from the department. I say that with emphasis because that was not noticed by yours truly at the time this went on, so there were one or two or apparently some small number of cases where the department approved promotion and the dean said ‘no.’ You will see that there is a substantial portion of the resolution that expands that. The reason it was pulled from the agenda at the last meeting is that we realized that there was a dual track for appeals. The legislation approved by the Trustees on appealing rejection of tenure decisions says that it is the final jurisdictional unit in the university. So we had a potential conflict. A good piece of the legislation will correct that.

"The birthing of FACTA involved five meetings in 1996 and four in 1997, suggesting, as the minutes confirm, that there was considerable discussion, some degree of anxiety, about the formation of the committee and what it would do. Here is the summary of the activity that is also in the report that I sent you last month. There are two partial years, the first one and the last one; the next column is the number of reviews conducted by the committee, a total of 114 in that time span. The policy is that each promotion is reviewed by four elected members of the committee chosen at random. If any of those four have reservations that ought to be reviewed by the full committee, then the entire committee is required to read it, and the committee has a discussion before coming to a recommendation. Roughly a fourth, if you take out the start-up year where deliberately all of them were read to establish a baseline, of all promotions are read by this larger group of fourteen or so people. Another question you want to ask is how many of those were positive? These all were positive coming from the dean to this committee. You will see that 110 out of 114 were affirmed by the committee, and that has different interpretations. One would be to say why is that worth doing if you only were worried about four cases? On the other hand, you can say that this represents the fact that the process is basically working as it should, and these are just a small, modest number of exceptional cases. The last column indicates the Provost’s action. Did the Provost follow the advice? We have changed Provosts. In the current cycle the committee has reviewed 17; three of them went to the full committee and 16 of the 17 were positive, and the Provost and the Trustees have not yet acted. I’m not going to report their actions until it is a done deal. This is the part we were a party to. That gives you some
sense of the level of activity. I can tell you that it involves an enormous contribution of time and effort by the members of the committee. I might also add by the Dean of the Faculty Office as well.

"There were some issues debated. Taken from the minutes, these were the issues that you raised in the process of creating this. One, a broadly constituted faculty group would replace a group of senior administrators who also happen to be faculty members. It is now reviewed by a group that is not on the Provost’s staff or under the control of the Provost. Second, provide advice to the Provost without diluting or challenging the Provost’s responsibility for the process. Can a group with a rotating membership protect the long-term institutional and faculty interests of the university? Can you preserve the Dean of the Faculty’s impartiality, because the Dean has a role in appeal cases, if someone appeals a negative tenure decision or other grievances? The Dean of the Faculty is supposed to remain an impartial person, acts like an academic ombudsman, so the legislation specifies that the Dean is not a voting member, but strictly a facilitator for the meeting.

"There was also discussion about using this mechanism as a way of raising university wide tenure standards. Should the percentage of tenured faculty be an issue at FACTA’s level? Can the different missions of the various colleges, which represent very different outlooks to the world, can all those different missions be respected? Can reviewers avoid becoming a second ad hoc committee? They are assigned, as I say, by random number so they are not a content jury the way an ad hoc is, but like an ad hoc that advises the Dean, this group advises the Provost. And can the committee focus on the strength of the candidate rather than the content of the documentation? There are some problems with documentation and we have made some suggested changes that we hope will improve that.

"We worked on a handful of issues—the workload of FACTA—we are recommending that there be some staggering of terms. The dilemma is that it is a two year appointment, most faculty committees are three, so that means every July 1, we have half of the membership disappear and another half coming in. It takes the committee a while to work together to begin to have a sense of what is worthy of causing something to be rejected and how it functions. The proposal is to still keep a two-year term but allow the transition to occur after the fall cycle has been completed. Therefore, we are dealing with new members at one of the times with the most intense workload, so we are asking Nominations and Elections to work on a proposal to fix this.

"We also need to have a timeline that is respected and we need to protect it because the committee has gotten into some real trouble with materials coming from deans too late for a rational discussion to occur. We also had some problems with a few of the promotion packages coming that were not done with sufficient care. We had a sub-committee of FACTA produce some recommendations on the timeline and the things we expect to see in the documentation so that we can render a judgement. Those administrative details are being referred to the Provost who will work with the deans and work out some kind of common understanding of how we are going to function. It has certainly complicated our lives by having some of these come with only 24 to 48 hours for thoughtful consideration. Some would say that we are adding
another delay. However, the Provost cannot read those in 24 or 48 hours either. The second is the relationship with the Provost. We advise, not replace, the Provost. That role is misunderstood by some faculty who would like to have this be more powerful and more controlling. The deans, who have been the recipients of promotions rejected that they thought should have gone forward, have not been happy with us. Only on those cases have we had any real serious feedback from the deans.

"Let me quickly run through the resolution and just call your attention to the rationale for each of these. You have a copy of this. Let me say one thing here at the top—this is the part, lines 10 and 11, that we had inadvertently ignored and that is the part that will be patched up later in this document.

"The first one is the staggering of terms and that includes the footnote that the Nominations and Elections Committee will work out the details. No changes on page two. Page three, there is a new header here for symmetry reasons. This material was in there previously, but there is now a section on cases in which the Dean rejects a promotion but the Department Head said that ‘yes’ it should be promoted. So for symmetry a section A header is added, and there will be a section B that I will show you in a moment. The next one, lines 73 through 75, is just stylistic, no content change intended.

"Next at the bottom of the page, faculty travel quite a lot and the original legislation allowed faculty members who couldn’t be there at the time of the meeting to review the document and submit a vote with a rationale; typically the rationale was one page in length. Those were counted in the past. If this were adopted, they would not be allowed to vote unless they are actually physically present at the meeting when the item is discussed. There is also a footnote that is in blue, a clarification. Lines 98 and 99 finish that.

"Lines 106 through 111, the legislation called for the Provost to give us an explanation if the recommendation of the committee was not followed. In the past that didn’t happen, not even once. So it was not effective. Therefore, we are proposing that if the Provost rejects the committee’s recommendation then the faculty request that the Provost meets with FACTA to discuss the disposition of the case and that the meeting should occur prior to the Trustee action, if possible. In this case, the new Provost did meet with the committee in hearing the three cases that we had concerns about.

"Next is the negative recommendation on someone who has been denied tenure and the main issue was to resolve an ambiguity between two paths that would allow a dual appeals mechanism. The change has been to sequence these and have the dean’s decision be a tentative decision. It is then shared with the Provost. If the Provost finds that it is acceptable, not a concern, then it goes forward. If the Provost has reservations, then it will come to the committee for review.

"The conflict of interest, lines number 139 through 142 - the change here is to say that if a faculty member on FACTA has had any previous involvement formally with the case, that person should automatically recuse himself or herself. The old legislation would have allowed the member to stay there and just declare
that that is the case. Throughout all of the other reviews, you cannot be on an ad hoc committee if you have participated in another departmental vote, so we are asking people not to review their own decisions. So that is one additional protection that is added.

"The last part says that there will be reports to the Senate, but it will not disclose case specific information. It is exceedingly tricky to give a lot of detail without disclosing material that has no purpose served in being made public. The last piece is that if the Provost’s decision differs from the committee’s recommendation that it will be reported to the Senate in a timely fashion. I have regarded that as needlessly confrontational. The Provost actually attends the meetings now and hears the reservations first hand. The last item, lines 159 and 160, is simply to remove this item that we are now completing. I would be glad to take questions."

Speaker Howland: "Thank you very much, Dean Cooke. May I now have the motion up here? It is now open for discussion."

Professor J.S. Butler, Policy Analysis and Management: "If a faculty member is absent due to travel, is that construed as neutral or as a negative vote?"

Dean Cooke: "No vote. Not counted."

Professor Manfred Lindau, Applied and Engineering Physics: "Would you repeat what the rationale is when an absent member cannot vote given that the member has maybe put a lot of time and effort into reviewing the recommendation?"

Dean Cooke: "Let me take a stab. Professor Stein is the one who is most concerned about that. He may want to comment. The idea was that the discussion with the Provost present could change your understanding and if you vote on the basis of reading the document without having the interaction with the rest of the committee, you may have taken a position that would differ. I can tell you that the historical record is, that often (in the past two years that I’ve been associated with it) the people who were not present typically tended to vote in favor (affirmative) as opposed to negative."

Speaker Howland: "Professor Stein, do you wish to comment at the present time?"

Professor Stein: "No, except to say that deliberative bodies almost always have this provision. If you are a member of the House of Representatives or of this Senate or of the United States Senate, you can’t vote on an issue unless you are there to hear the discussion. The idea behind that is that in the discussion the truth is revealed. Also the theory is that it makes people come. If people feel that they can cast a vote without
coming then there is less of an incentive to actually attend the meeting. Those kinds of forces, I think, make nearly all decision making bodies require that you have to be at the meeting in order to cast a vote."

Professor Bernd Lambert, Anthropology: "I would like to report this accurately to my department. The 110 positive decisions out of 114 covers 1996 to 1997?"

Dean Cooke: "From the beginning, up to now."

Professor Bernd Lambert : "Was the committee constituted differently then? It was the same? O.K. They will be encouraged."

Speaker Howland: "Are the any questions, discussion on the issue?"

Professor Stein: "Having sat through and been in the front there for those nine meetings two years ago, I find myself flabbergasted that there isn’t more excitement about this. So be it. But I wanted to make just a couple of comments about my understanding of a couple of items that are being proposed as amendments, just to put this into the record.

"One, that is to remove the statement that this body will be informed, I don’t know the words exactly, but we are removing the statement that says ‘In addition if the Provost’s action on any case differs from the committee’s recommendation, that it will be reported to the senate in a timely fashion.’ We are moving to strike that, and I remember when this was adopted that people felt very strongly about that. It was felt that if the Provost acted independently of this committee or independently of this faculty or something like that, (we don’t dispute the right of the Provost to do that) but at least this body ought to be informed of that. It is my understanding after talking with him that it was not his intent not to inform the body of that fact. It was his intent to inform the body whenever the Provost’s final decision disagreed with that of FACTA. Is that correct, Bob?"

Dean Cooke: "This was the intent—that we would report that there was agreement or not agreement, but we would not say in the case of John Doe or Jane Smith the Provost disagreed. We thought it not appropriate to record that level of detail and call attention to individuals. We did think it was appropriate and would be included in the legislation that something of this nature would be reported to you."

Professor Stein: "In fact, there was with the previous Provost a situation where the committee recommended negatively and the Provost went ahead and promoted the person. In any case, there were no cases of the opposite happening, and the Dean reported that to you, and I assume that he will report that to
you in the future, he or his successor will report that to you in the future.

"The other thing I wanted to make a comment on is this peculiar word ‘recuse’. We are about to add an amendment that says if a faculty member has previously taken part in the decision, that member will recuse him or herself. Now ‘recuse’ is not a household word. I think, I probably never said that word out loud before, and the only place I have every heard it is in a legal setting. That makes one wonder exactly what the word ‘recuse’ means. I looked it up in the dictionary. You see there are different interpretations, and in fact the membership of FACTA has discussed this - namely what does ‘recuse’ mean, even though it wasn’t in our bylaws at the time. So, I actually called up the records librarian of the Law School to find out what ‘recuse’ means, and I looked it up in the Miriam Webster Dictionary, looked it up in the Oxford English Dictionary. It was all pretty interesting. What the word means according to the Miriam Webster Dictionary is the person who recuses himself does not take any part in the decision. Now the way that is interpreted in a court of law, I’m told by some friends of mine in the Law School, is that if the judge recuses himself from the case, he will not discuss that case at all with anybody or any of the judges that are making the decision. It is not only that he doesn’t vote, he doesn’t discuss it, he doesn’t interpret matters of fact for them, he simply takes no part in this decision. The theory behind this is clear. It is my interpretation that that is what the word ‘recuse’ means. That’s what it means to me and what I will think it means when I vote for it."

Dean Cooke: "I would point out that Professor Stein was present during all of the approval of this. The practice in the committee has been, and we have had extensive discussion about this, is that if a person had factual information that the college has this tradition. The person would not become an advocate in any sense but still would be allowed to be present, if they chose to, and to offer factual information - not to be argumentative or opposing a case. That’s what I think it means."

Professor Stein: "Yes, well, it doesn’t mean that in the regular sense, because the line between advocacy and reporting matters of fact is a line that is very difficult to draw. I think that if you were actually looking for what it meant in a legal context, if a judge had a conflict of interest in a certain case, that judge would not participate in any way. Even if that judge had factual information, the judges would go to somebody else in order to find out that factual information. That’s what the word means."

Dean Cooke: "Understood. But this is not a federal court, and this is what it has meant. If you want to change it from that, then someone would need to move to amend it."

Professor Kay Obendorf, Textiles and Apparel: "There is another place where academics experience recusing themselves and this is in grant application. You simply leave the room if your institution has the grant being considered. So we have some of our own use of the process."

Professor Danuta Shanzer, Classics: "I would point out that in this same paragraph there is a discussion of relationships that fall under the nepotism policy. I don’t really think you can argue that it is appropriate for
people to have a relationship that could be described as nepotistic to hear the deliberations or advocate on behalf of the other party. I would suggest that, unless you differentiate, you would be best to have the word ‘recusing’ be taken in the strong sense in which Peter takes it, where you just absent yourself altogether."

Professor Richard Schuler, Economics: "I would just like to add that in every body I have been involved with where recusal is required, from the public service commission to the board of directors, it is taken in the strictest sense. You simply do not participate in the discussion in any form. I believe that we ought to apply in that sense in this instance."

Professor Christopher Minkowski, Asian Studies: "I was a member of the committee that drafted this. My recollection is not perfect about this, but I do remember that we initially proposed full recusal of anyone who had been previously involved and I remember being persuaded that that was not such a good idea for the reason that especially in the case of small colleges. Particularly, for example, in the case of the Law School, where every member of the Law School already voted on the tenure review in the college, it made representation of that case at the level of FACTA impossible for members of the Law School. The concern was that the idea of some representation of faculty that was from related fields would be entirely eliminated by a strict recusal. If we could hear from the committee that this has not been a problem and there are no longer concerns on the part of the smaller colleges, I would be happy to accept this amendment."

Speaker Howland: "Does anybody on the committee wish to comment on that?"

Professor Alice Pell, Animal Science: "I think there is another issue where having people able to make informational comments is really useful, because the ways people publish or produce academically worthy work differ vastly among the disciplines. Sometimes I might be very judgmental about something in a package that other people would say, ‘No, that’s how we do it.’ And we really do need that information. It is useful in the process and I don’t think the advocacy in the short time I’ve been on the committee has been much of an issue."

Speaker Howland: "Further comments on the motion?"

Professor Terrence Fine, Electrical and Computer Engineering: "I served on the committee for one year. I objected fairly vehemently to it when it was being proposed, because I thought it would have too much power. I now object to it, because I think it does no useful work. If you look at those statistics, if you balance those against the very real use of faculty time... It takes time to read those dossiers. They come in this thick. It is interesting when you start, but after a while it is a lot of work. To what end? Now I guess I’m not concerned that this committee is usurping the powers of the colleges as I was initially. But to what end is this doing any useful work? It is absorbing faculty time and energy. A few people are enthusiastic about the process; a few people sit on the committee and want everybody to read everything. It is a black hole of
time. I dropped out, not into a black hole, I was actually able to remove myself."

Laughter.

Speaker Howland: "Further comments on the motion?"

Professor Alan McAdams, Johnson Graduate School of Management: "A point of order. Which interpretation of the word ‘recusal’ will apply if we just vote on this amendment as it stands? If we wanted Peter’s meaning, my understanding is we would have to have a motion to change the existing interpretation. I don’t know what a vote in favor of the current amendment really means."

Speaker Howland: "I’m sorry there is no amendment before the senate."

Professor Alan McAdams: "Isn’t this an amendment?"

Dean Cooke: "Remember the procedures. If you want to change something, you are supposed to read it before you come to the meeting and submit an amendment. My office has the responsibility of distributing that 24 hours before the meeting, so that you are not surprised. By the policy adopted by this body, you cannot at this point change it, but you can send it back to the committee if you think it is ambiguous and of significant importance that it needs clarification."

Professor Stein: "It was my understanding that this body can, in fact, make an amendment from the floor if the motion is one of clarification, clarification of grammar. If in fact, I want to offer an amendment, I couldn’t possibly have offered an amendment, because I think that’s what ‘recuse’ means. I looked it up in the dictionary, and ‘recuse’ means don’t take any part in it. So my understanding is that is the definition of the word ‘recuse’."

Unknown: "We could insert the word real."

Laughter.

Professor Stein: "No, I think it would be in order. If someone doubts that that is what the meaning of
‘recuse’ is then I think it would be possible for this body to decide by a show of hands whether they interpret the word ‘recuse’ to be a strict recusal. Is that right?

Dean Cooke: "Russ Martin’s wife had to be rushed to the hospital, and he is not here as parliamentarian. Let me read you the legislation. The question hinges on what is substantive. If it is not substantive, then it probably doesn’t matter to have a debate about it.

‘Members are strongly encouraged to send all proposed amendments to such motions to the UFC who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive, that is stylistic, grammatical or clarifying amendments may be freely introduced at a meeting without prior circulation.’

So it’s whether it is substantive or not …"

Professor Jeremy Rabkin, Government: "I’m always happy to help Professor Stein. If you want to be realistic about this, what happens in the federal courts is they have rules and sometimes they bend the rules. For example, if the Supreme Court is going to be divided four-four, and they see that it is awkward, somebody who might have otherwise have recused himself will sometimes write a little memo saying, "I should have recused myself, but it was decided after consultation that in this case, I won’t." This seems to me a perfect example of something where, in general, the sense of the body is that generally we really do want people to recuse themselves. However, there might be the kind of case as we just heard about where it is useful to hear about procedures in the Law School, and you couldn’t get a Law Professor to tell you about it without his having some conflict of interest. Therefore, you slightly bend the rules. I’m not saying we should always follow federal rules, but often that is a good idea because they think about rules. I think the sensible thing to do is what they do. I think we have articulated here in general an aspiration and we leave a little bit of room for fudging in particular cases, and I think we should be happy with that, and I hope you will be too."

Unknown: "I hope the minutes are clear."

Laughter.

Speaker Howland: "Seeing no hands, I take it you are ready for a vote. All those in favor of the motion say ‘aye.’"

"Aye."
Speaker Howland: "Opposed? Thank you very much. The motion is passed. I would like to call now on Professor Persis Drell, Physics, for a notice concerning a review of Ward Laboratory."

6. WARD LAB REVIEW

Professor Persis Drell, Physics: "I am the chair of the local advisory committee which you will actually hear about in the next presentation. We advise the Vice Provost on matters that he brings before us. I just want to alert people to a task that we have been asked to undertake concerning the Ward Laboratory. Let me remind you that when the program of Nuclear Science and Engineering was disbanded by the Engineering College, the Triga Mark Two Nuclear Reactor and the Gamma Cell that were housed in Ward Laboratory were left without an administrative home. In 1996, the Senate recommended that Cornell create a home for them, for the reactor and the associated facilities at Ward, and they created the Ward Center for Nuclear Science. The original senate resolution requested a review of the lab after two years. We are now two years late. This is the charge that Richardson has sent to the LAC, and I will read it.

'I request that the LAC examine Ward Laboratory and make a recommendation to me about its future. There are two reasons for this review. The first is that the original Faculty Senate resolution about Ward Laboratory in 1996 requested a review of the laboratory in the academic year 1998-99. We are two years late in responding to that request. The second reason is that the re-commissioning of the reactor by the NRC is scheduled for fall 2003. Cornell must make a decision about continuing the operation of the reactor before that time. Therefore, the advice of the LAC is needed on the question of whether the Laboratory should continue as a center supported by the university. It would be most helpful if the LAC gave the recommendation before the end of the current academic semester.

'The decision should be made on the basis of what is in the best long-term interest of Cornell. There are a number of considerations which include: 1) the current and potential future faculty involvement in the research programs of the center; 2) the role the center plays in graduate and undergraduate training; 3) the costs of the center to the university; 4) the value of the center as a service facility balanced against other potential uses of the building and space it occupies; and 5) the potential need for and costs of upgrading and maintaining the facility. In reaching its conclusions the committee is encouraged to consider any other questions which the LAC decides to be significant.'

"So we have embarked on this process. We welcome input from all members of the Cornell community. We will be soliciting input, interviewing people one-on-one, and we are hopeful that we will finish this task by the end of the term in which case I will be reporting back to this body as to what our conclusions are."
Speaker Howland: "Questions for Professor Drell or discussion of this information? Thank you very much. The speaker would like now to call on Professor Terrence Fine, Chair of the University Faculty Subcommittee on Review of Natural Sciences, for a review of the Natural Science Research Advisory Council (Local Advisory Council)."

7. REVIEW OF NATURAL SCIENCES RESEARCH ADVISORY COUNCILS (LOCAL ADVISORY COMMITTEE)

Professor Terrence Fine: "The ad hoc committee consisted of myself, Professor Peter Bruns, who I don’t think is here today, Professor Vicki Meyers-Wallen and Professor Peter Loucks. I recall for you that what are called the NSRACs are composed of a standing Local Advisory Council, of which Professor Persis Drell is the current chair and Barry Carpenter was the previous chair. As amended a year later, Standing External Advisory Committees (LACs) were converted into ad hoc advisory committees. Senate legislation, originally adopted in April 1998, was amended in September 1999 to change the LACs from a standing committee to an ad hoc committee. It was then said that after a period of two years the Faculty Senate would evaluate the effectiveness of this advisory structure to decide whether to continue, modify or discontinue the Natural Sciences Research Advisory Councils. I am going to bring something up at the end that was not there, which is a motion. I will try, if you are willing to indulge us, to encapsulate our recommendations in the form of a motion.

"We interviewed the major players here: Vice Provost Richardson, who basically directs questions to this committee; the Vice Provost for Life Sciences, Kraig Adler; John Silcox, Vice Provost for Physical and Engineering Sciences; Jack Lowe, Executive Vice Provost for Research and the two faculty chairs, Barry Carpenter and Persis Drell. We solicited the Provost’s opinion by e-mail, and received that and I will share a piece of that opinion with you later in this report.

"Overall the LAC, while chaired by faculty members, has been operating under the direction of the Vice Provost for Research. All of those interviewed were very satisfied with how the LAC is functioning as a source of non-partisan, thoughtful, timely advice to the Vice Provost for Research that is developed in a cooperative, mutually considerate, open atmosphere. There were other good adjectives. We heard nothing negative about the performance; everything was highly positive. There was a lot of respect among the people that it provides advice to. As one of the vice provosts said, 'if we undertook to discontinue this committee, they would recreate it.'

"We surveyed, and I will go through this, what the activities of the committee have been. It is now looking to new areas. In the past it has done a lot of things like ranking candidates for external proposals, not about disposition of Cornell money. For example, an outside grants agency might take two proposals from Cornell and there are five applicants, and they (the committee) provide a ranking of those five applicants. They have done a number of other things as well. Now they are getting into much deeper waters, the Ward Laboratory as just mentioned and also examining the Cornell Environmental Studies Program that involves, by some estimates, 250 faculty members. To make some assessment of that is a huge undertaking. These, I
think, are going to be much more controversial, public activities than any of the ones the committee has been involved in up to this point.

"It is the case that the NSRACs have not been functioning as you legislated. They have not actually been fulfilling the tasks you set for them, and the key to that was ‘... to advise the Provost on the allocation of resources for support of research at Cornell...’ There were going to be middle level requests for resources that would be dealt with by the LACs and then larger scale requests for resources that would be dealt with by the External Advisory Committee. Or even if it wasn’t a question of the amount of money, if it involved some kind of strategic change in direction, that would also go to the External Advisory Committee. To this point I believe there have been no External Advisory Committees, but some may be formed in response to these two large issues we are facing now. It is my belief that, at least up to this point, there have really been no consultations on the question of money. The committee has informed itself about a number of research things, but they haven’t actually been asked to make decisions about whether the limited amount of funds that Provost has should be spent on these activities, on these two particular proposals. We took that question to the Provost because this committee was meant to give advice to the Provost. It actually has been operating under the direction of the Vice Provost for Research. Operating very well, but not, if you read the legislation, not to the Provost. The Provost did respond to that issue and says, I quote from the e-mail response,

‘I do not make middle-level or major funding decisions about scientific research without working closely with the vice provosts for research. Committees that work continuously with them provide advice to the provost and the president. For these reasons I hope the Senate will review positively the work of this committee and promote its continuation.’

"So, in brief, the committee is functioning beautifully. It is not doing quite what you asked it to do, but, of course, it hasn’t been asked to do what you requested, which is give advice on these issues. Those concerned are very happy however with the way the committee functions. By that I mean the Vice Provost and the Provost. They are quite happy with the way things have been structured. This might change in the future. The big issues of environmental studies and Ward Lab may get them close to having to deal with the disposition of funds. We have, on the basis of our study, three recommendations.

First of all, we propose that in view of the Provost’s positive response, and the continuing evolution of the NSRACs, we did not want to propose legislation to reconcile its current behavior with the legislation that enabled it. We did recognize that there was a need to maintain good communication between the LAC and the faculty to let them know what is happening, and the report you gave earlier is a good example of that. Since the committee is moving a little bit in its function and is not functioning exactly as it was envisioned, it should keep in good touch with the Senate and the Senate can then decide if there is a need for anything in the future. We do observe that in addition to communication that we keep a watch on what happens as they confront these more controversial issues. Perhaps it would be desirable that there would be another review the following year. We are not suggesting that; it’s just a possibility. We are not trying to mandate such a review, but it may come out of the reports we get on these more controversial areas.
"That is the report that we prepared and put on the web site. We did not include with that a motion. This is a very visible piece of legislation. The committee hasn’t acted in conformity with it and we didn’t quite either in the sense that we made these recommendations but did not bring a motion to you. I do have a motion that really just puts in ‘whereas’ and ‘therefore be it resolved’ in these recommendations, and it also urges that the committee be continued. I cannot present that, however, without asking for unanimous consent that it be presented."

Speaker Howland: "The chair then asks for such unanimous consent. Hearing no objections, there is consent."

Professor Fine:

‘Whereas, the LAC has been performing a highly regarded service in advising the Administration on research priorities through the Office of the Vice Provost for Research, and

Whereas, this service is valued by the Provost even though it does not conform to the expectations of the enabling Senate legislation, and

Whereas, the functions and roles of the NSRACs appear to be still evolving,

Therefore, be it resolved, that the Senate continues the operations of the NSRACs and expects to be informed at least twice a year concerning these operations.’

"The hope of that is, should there be a need to revise the legislation, you will have the information that you need to bring it up again and ask for a revision."

Speaker Howland: "The motion is open for discussion."

SILENCE
Speaker Howland: "The chair is surprised. I think that we can move to vote on the motion. All in favor... oops. Professor Stein."

Professor Peter Stein: "I’m shocked by all the irregularity about introducing a motion that wasn’t circulated in advance, but so be it. I’m sort of confused. Why is it when we have enabling legislation that gives the committee one set of functions to do and they have been doing another set of functions very admirably - I don’t understand the theory of why we shouldn’t change the enabling legislation to make it conform to what they do, instead of what we once thought they should do. Perhaps it is to save faculty time from drafting a resolution. Could you inform us as to why you are not proposing changing the legislation to make it conform with the job that they are doing?"

Professor Fine: "Yes, I can speak to that. In fact, the chairs may also want to speak to that and the rest of the committee. The legislation had a very good purpose. I think it identified a good role for the committee. It is still possible that that role will come into being. I don’t think we saw foreclosing that role. They may, in fact, come to fulfill that role, so there is no point in discontinuing it. At the moment, they are doing something very useful. There is no need to foreclose on them in that direction either - to say that they shouldn’t be doing that, because it is highly regarded. They are doing useful work, and hopefully they will also be given opportunities, and that doesn’t come from them, it has to come from the people they deal with, the Provost and Vice Provost, who are now reminded of this individually. Hopefully, they will then give them this business, if you will."

Speaker Howland: "Another comment?"

Professor Kay Obendorf: "It seems to me that Vice President Craft gave us three good things regarding spending money on buildings that should be looked at by such a committee. I think one of the problems we have at the university is that our appetite for construction and building outstrips our ability to pay for them. It looks to me like we have a need for such a review in these building programs."

Speaker Howland: "Additional comments? Hearing none, I think we are ready to vote."

Unknown: "Is the motion before us?"

Speaker Howland: "Yes. All those in favor of the motion say ‘aye’.""Aye."
Speaker Howland: "Opposed? Thank you very much. This brings us to Good and Welfare. Is Vice President Susan Murphy here? I would like to call on Vice President Susan Murphy for a briefing concerning recent harassment."

8. GOOD AND WELFARE

Vice President Susan Murphy: "Thank you. I was asked by Dean Cooke if I might bring you up-to-date on the recent series of harassment incidents that have occurred on campus this fall, one of which was a rather visible occurrence of an assault on a student one evening in September. She was walking down the East Avenue area. She was shouted at from a passing car and she responded with comments as well. The car apparently stopped, individuals stepped out and assaulted but did not harm her, fondled her and emotionally traumatized her. This event turned out not to be an isolated occurrence as it pertains to our Asian or Asian American community. In fact, this fall there have been at least three incidents. The other two are more related to verbal epithets at students, and it turns out there had actually been another incident that occurred back in spring that has now come to the attention of the police.

"For many of our students, as well as staff and faculty, this brings back memories of two falls ago when we had a whole series of events. So while one might think of any one of these incidents as isolated, it frankly is not being felt that way by many in the community. We developed a protocol two years ago to try to provide a more timely response from the university to the student community when such an occurrence happened. That protocol has not been fully released, because we had some minor tweaking to do, and I think it is safe to say that it resulted in our not responding as a ‘university.’ I mean by that, a formal administrative response in a timely fashion that the students would have liked to have seen.

"As of today, I think we are on a different track. My colleague, Norman Strong, together with Lynette Chappell-Williams, held a meeting of several faculty and staff (they affectionately label themselves elders, not to reflect age but rather a position in the community) to begin to talk about how we can better align our resources both as staff and as faculty to reach out to the students and to try to develop a set of initiatives that will touch on several areas. It is clear that we have work yet to do on educating our students as a whole community about safety issues. There was a large initiative in that area two falls ago and we will revisit that and see what additional safety needs to be done as it may pertain to lighting and safe passage areas, as well as reconstituting a standing committee of the public safety division.

"There has been a community discussion on this and the student assembly has already had a conversation and has, in fact, passed a resolution. There will be a conversation with the Asian American student community in particular to talk about how we might promote some conversations especially within that community as this incident that occurred targeted that community. I hope this does not portend what will be another series of activities. Dean Cooke wanted me to bring it to your attention. These are things we take quite seriously. It came up in a discussion that the President had in his regular monthly meeting with
students. I will tell you that in that conversation they would say that these are not isolated incidents, but there are other examples and they began to site several student-to-student and student-to-staff and others. So we have some work to do in this area. I will be happy to answer any questions or take any comments."

Speaker Howland: "Questions or discussion?"

Vice President Murphy: "Again, I call upon you to please bring to our attention anything that you hear and do anything you can to reach out to students who you anticipate to be in distress or concerned. I encourage you to reach out directly and please let me or Dean Ford or Bob Harris or anyone else know how we can help."

Speaker Howland: "The chair would like now to call on Francisco Berry to inform us of Workforce Diversity, Equity and Life Quality regarding the Campus Week of Dialogue."

Francisco Berry: "I am here just for a few minutes for Lynette Chappell-Williams who is the director of my office. I plan to share some events that are taking place during the Campus Week of Dialogue. Professor Harris has passed on some information to me about this. It is part of a larger, national effort. It is part of the President’s Initiative for One America and the U.S. Department of Education. This is the third annual Campus Week of Dialogue. The dates for the national week are October 10 through the 17th. Our dates were changed to October 9 to the 21st to accommodate for fall break and to try to schedule as many events as possible.

"Last year over 700 colleges and universities participated, and that included universities such as Yale and Princeton. We are very proud this year to organize something and offer some events that will give students, faculty and staff the opportunity to enter into dialog on issues of diversity. I’ll mention some of the events. Everything is in all the papers—the Chronicle, the Sun, the Ithaca Journal. The events have been advertised. There are posters that have been passed around. I’ll leave the information here if anybody wants it.

"For National Coming-Out Day, a speaker; a Black Art Symposium, of course, celebrating thirty years of Africana Studies at Cornell; the Myth of the American Dream—that’s an author talking about myths in our culture dealing with Native American history. It is sponsored by the Employee Assembly. There is also the Faculty Forum that is being put together by Professor Harris and the Dean of Faculty. There are authors reading from books that offer information and history. There is an Iroquois Social Dance and there are some community events that the Latino Heritage Month Celebration Committee are putting together in Ithaca."

Speaker Howland: "Thank you very much, Mr. Berry. The chair would like now to call on the Vice Provost, Professor Robert Harris for the Faculty Forum on Diversity in the Classroom."
Vice Provost Robert Harris: "Francisco mentioned that Dean Cooke and I are co-sponsoring a Faculty Forum on "Diversity in the Classroom" about faculty-student interactions. Many of you know we spent last year developing a statement on diversity and inclusiveness: ‘Open Doors, Open Hearts and Open Minds.’ Now we are looking to move beyond just an expression of those principles to looking at what we can do, particularly as faculty to made the campus a more supportive environment for all of our students.

"The program next week, a week from today, from 4:30 to 6:00, will involve a vignette by the Cornell Interactive Theatre Ensemble in which they will present some issues related to faculty-student interaction. As many of you might know, if you have seen the Cornell Interactive Theatre Ensemble, the actors basically remain in character to have a discussion, so we can ask them why did they pose a question in a certain way or why did one of them respond in a particular way. It is really intended to generate a discussion. There was a student forum that was held in the spring that looked particularly at some of the concerns of minority students on campus. One of the recommendations or suggestions that they made was that there should be some discussion with faculty about relations in the classroom. In fact at the President’s meeting last week with students, one of the issues that came out was the concern about their interaction, their relationship to the faculty. I might say that many minority students in particular feel that they are stereotyped, and that there are certain expectations of them or lack of expectations for them based on certain stereotypes. These are issues that we would like to discuss.

"Dean Cooke also at the beginning of the semester shared with you the Power Point presentation that the Campus Climate Committee has developed urging each department to have a discussion on what faculty can do to help improve the climate on campus for students. This Faculty Forum on the 18th on "Diversity in the Classroom" could be a good way of entering into those departmental discussions, so we really urge each department to have a representative present at the faculty forum on Wednesday, October 18. Let me also mention as a follow up to Susan Murphy’s presentation, that on Thursday, October 19, from 3:00 to 5:00 in G10 Biotechnology Building that we will have a panel "Not on our campus. Not in our community." It is a forum on campus safety and bias prevention. This will be an opportunity, particularly for students, to express their concerns and to ask questions about campus safety and what they can do to make sure that there is a safer campus environment. I’ll take any questions if there are any."

Professor Ken Goetz, Department of Theatre Arts: "I simply want to thank you and all those involved for providing us with this opportunity to take action on addressing the concerns that we have been talking about these last couple of years. I also just want to put a small plug in for the Cornell Interactive Theatre Ensemble. I have had the good fortune of experiencing their work on many occasions, and I have to say that their work is engaging, stimulating, thought provoking and entertaining. I think you would find the experience next Wednesday both rewarding and illuminating. And I hope you find the opportunity to come."

Speaker Howland: "Additional questions and comments for Professor Harris? Thank you very much. Is Professor Kresovich here? The chair would like now to call on Professor Steve Kresovich, chair of the faculty
committee regarding plans for a biological genomics building."

Professor Steve Kresovich, Plant Breeding: "Hi. My name is Steve Kresovich; I’m in the Department of Plant Breeding. I also serve as Director of the Institute for Genomic Diversity. To start off, I just want to provide a few minutes of background so that you can get an idea of where we are in our planning activities.

"As a component of the Jobs 2000 Initiative in the State of New York approximately $100,000,000 will be made available for capital construction for infrastructure that supports research and economic development for New York. In March of this year, I was asked by the Vice Provost of Life Sciences, Kraig Adler, as part of my responsibility as chair of the Genomics Technology Subcommittee which is part of the Genomics Initiative to solicit input for planning purposes. At this point there have been no funds allocated through the State. There will be a request for proposals later in the year. Also at this point, there are no Cornell University funds that have been established for these activities. So we are early in the planning process. I would like to bring you up to date. I have provided a handout that I will place up here on the table.

"A couple key points related to the initiative. It’s a true university activity; it cuts across university colleges and associated departments. The intent is to focus on life sciences and technologies that are central for life sciences technology, to move from fundamental applied research to products that would benefit society. It is also to provide a foundation and flexibility for future initiatives in the life sciences.

"The progress to date: As of March of this year, I sent out an announcement to about 500 or 600 faculty members requesting input for planning. Following that a committee was established in July. We got together with an architect and made a first cut of a facilities design. That facility design is available through the web site (http://www.research.cornell.edu/Biotech/Building/Building.html). On the 18th of September I sent out a request to over 1400 faculty members to solicit input concerning the design itself, omissions, needs, any activities that would help us to plan the building in a more effective way.

"Plans for the future: At this point we have responses from about 50 faculty members for consideration. These comments will be incorporated from the faculty to the next stage of planning which I suspect will occur in mid-October or early November. At that point our responsibility is to develop a building design, look at an initial budget and a schedule for conducting these activities, also identifying a site for construction. The intent of our activity is to move in such an expeditious fashion as to provide the framework so that when we request money from the state or respond to the request for proposals, we have a package in place. That looks like we’re moving in that direction. So at this point I’ll stop and answer any questions."

Professor Bill Fry, Plant Pathology: "Steve, do you have any idea how many units are going to be constructed with the $100,000,000? Is it one or two?"
Professor Steve Kresovich: "No, that’s a really good question. The feedback that we get is that there may be four or five major projects that are funded through the state. So potentially the request that we put in will be in the range of $20,000,000 to $30,000,000. I’d like to reinforce that we are in the early stages of planning, and it’s not just the life sciences building. There are issues related with genomics and life sciences that involve ethical, legal and social implications to the work that we are doing. So beyond those of us that work in the life sciences, we are looking for input from people in other disciplines that can contribute to build or plan a facility that impacts positively on the research and products from the research."

Professor Robert Turgeon, Plant Biology: "At this stage of the planning, Steve, are there plans for additional lab space for faculty that will staff these programs?"

Professor Steve Kresovich: "The intent of the program initially was thought to include faculty labs in the buildings themselves. There are some faculty laboratories that are identified. They may be associated with some of the components, which, for example, may include computational biology. We are working in coordination through the Cornell Genomics Initiative and the relevant deans and department chairs to look at what the needs may be in light of what faculty hires may occur in the future."

Professor Peter Stein: "So this would involve potential Cornell resources as well?"

Professor Steve Kresovich: "That’s a potential issue that will have to be addressed depending on what may come out in the program plan for the needs based on the input from the life sciences faculty and our ability to secure funds from the state."

Speaker Howland: "Additional comments or questions for Professor Kresovich? We are done. Thank you very much. Well, a remarkable thing has happened. The chair will entertain . . ."

Unknown: "Move adjournment."

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

"Aye."