DISTANCE LEARNING

According to the bylaws of the university, the “...functions of the University Faculty shall be to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature...”

Responsibility of: Committee on Academic Programs and Policies. The Committee concerns itself with academic programs and policies which are independent of or extend beyond the single or joint jurisdiction of a school or college faculty; policies governing the use of, and plans for, university-wide academic facilities and services, such as libraries, classrooms, and computers; and proposals for new degrees (including the combination, modification or abandonment of old degrees. It reports to the Faculty Senate.

October 13, 1999, Records, pp. 8302-8305S, Appendix A
February 9, 2000, Records, pp. 8891-8902S, Appendices D&E
March 8, 2000, Records, pp. 8908-8924S
April 12, 2000, Records, pp. 8929-8934S, Appendices C&D
May 10, 2000, Records, pp. 8958-8961S, Appendix E
September 13, 2000, Records, pp. 8975-8984S, Appendices A-E
December 13, 2000, Records, pp. 9045-9067S, Appendices C&D

At the October 1999 meeting, Dean J. Robert Cooke outlined the proposal on distance learning and what would be expected of a distance-learning program:

- We should establish the highest standards of excellence as our hallmark in order to protect and enhance our reputation.
- Faculty participation must be voluntary.
- We must generate new sources of income.
- We should utilize our existing strengths in a constructive manner—primary focus should be on CONTENT, not technology.

Organizing themes would include:

1. In the language of the corporate world, we should become the wholesale, not retail, supplier of content.

2. We should choose to make a commitment to our graduates to serve their lifelong educational needs as a core value in our fundamental commitment to remain an elite research university into the next century.

Dean Cooke commented that the program should:
• De-emphasize the role of expensive and short-lived technology in this emerging phase.
• Remain focused on student-faculty interactions on the Cornell campus and need not create massive new demands upon faculty time.
• Remain free of the responsibility of assuring that the delivery to the end-user meets Cornell standards. The awarding of course credit and conferral of degrees can be separated and delayed.
• We need not invest in the end-user teachers needed to provide human interaction for encouragement and feedback if we concentrate on content.

Other issues to consider include:

1. Ownership of intellectual property.
2. Financial support.
3. Attractive employment opportunities.

And:

1. The emeritus faculty group, CAPE, is already considering an effort to capture from each emeritus faculty interested in participating, a “great lecture”.
2. Options for prospective students: We should provide free access to the first chapters of these materials to those who submit an application for admission.
3. Options for enrolled students: Create Cornell-flavored advanced placement or summer course equivalent courses to facilitate graduation in seven, rather than eight semesters.
4. Obvious omissions include specialized professional degree programs, some of which are under active discussion already.
5. Great opportunity for bringing resources from outside Cornell to our students in residence.
6. Great potential for serving an international audience.

In February 2000, Vice Provost Mary Sansalone spoke about the organization of Cornell’s distance learning activities and a proposal for the formation of a for-profit entity called eCornell.
Discussion ensued about:

- How will the academic side of the University control and be responsible for the substance of what is presented by eCornell?
- Why is it a for-profit organization rather than a not-for-profit organization?
- Academic freedom and faculty control.
- Who owns the faculty and the faculty teaching?

At the March 2000 meeting, Polley McClure, Vice President, Informational Technologies, reported on the Forum on Distance Learning.

Issues discussed;

1. E-Cornell is one mechanism whereby Cornell faculty and colleges may be enabled to deliver distance-learning products. Colleges have products that they want to deliver now.

2. E-Cornell will most likely be used only for courses/programs that require substantial capital, have the potential to make a profit, and support students at a distance or where partnerships with outside agencies need to be negotiated.

3. E-Cornell is a first, but not the only vehicle for support of technology mediated learning at Cornell. CIT will develop the technology infrastructure, support and services to enable faculty and colleges to offer the full range of distance and on-site instructional offerings independent of E-Cornell.

4. Admissions standards, academic standards, priorities for all distance learning offerings will be in the hands of faculty and colleges, whether or not E-Cornell, CIT, or some other entity provides the production, marketing, distribution and maintenance support.

5. E-Cornell is being formed to protect Cornell's name and to ensure that Cornell gains the greatest possible return on its distance learning products,

6. E-Cornell will not interfere with individual faculty distance learning products like multimedia textbooks; it will be involved only when the program is being delivered as a Cornell University program.

7. The for-profit model has been chosen to attract the capital required, to deliver additional faculty compensation, and to enable the speed and flexibility required in the Internet world.
8. An over-arching agreement is being drafted to establish Cornell's position of control over programs of e-Cornell.

9. Separate status of e-Cornell provides insulation from the unique priorities and huge demands for capital that would otherwise be placed on the University.

10. E-Cornell will provide a way to distribute our learning resources to a larger student base.

11. Most of the issues raised about admissions standards and faculty control of content, credit, and degrees for non-traditional students are already issues for existing continuing education programs.

12. Courses offered by distance learning can be at least as high quality as those delivered by traditional means.

13. Revenues from e-Cornell will be split between the Provost and College, with the College providing revenue back to faculty.

14. E-Cornell will provide back to Cornell all the materials and resources it distributes off-campus for on-campus use at no cost.

Issues of concern:

1. The proposal to establish e-Cornell is seen as an academic matter, and, as such should be subject to approval by the Faculty Senate. Consultation with the Faculty Senate has been viewed as inadequate to date.

2. The work of two previous faculty committees on this subject is not evident in the current proposal.

Finally, she reported on content:

1. Universities are public interest institutions and must remain independent of powerful private interests. E-Cornell, as a for-profit entity, puts the independence of Cornell University at risk.

2. Academic freedom is put at risk through destruction of the wall of separation between the University and outside private interests.

3. E-Cornell may, in order to maximize profit, sell its products to anyone with the money to purchase them, without regard to their qualifications.

4. The assumed potential revenue probably will not materialize.
5. Just because other institutions are getting into distance learning isn't any reason for Cornell also to do so. We won't necessarily be left behind in any important sense.

6. It would be better for Cornell to establish a publishing business that could distribute educational materials rather than courses and certificate programs.

7. E-Cornell will draw faculty attention away from our on-campus core constituency.

8. E-Cornell will expect Cornell faculty to give them special consideration as agents for their educational products.

9. High quality distance learning materials require much faculty time and are very expensive to produce and maintain.

10. Distance learning is lower quality education than traditional learning in a classroom.

11. The economics of the proposal will inevitably distort Cornell's traditional priorities and values.

12. Why not try a PBS model for distance learning instead of the for-profit model? It would avoid almost all of the faculty concerns except those of process.

Also in March, Professor Fine introduced a resolution from the University Faculty Committee and the Academic Programs and Policies Committee on Distance Learning. Following discussion and a friendly amendment, the resolution carried by a vote of 65-1-2.

WHEREAS, distance learning, being a form of instruction, is an academic matter and therefore a faculty prerogative requiring consultation through the system of faculty governance, and

WHEREAS, the administration has proposed to create a for-profit corporation to engage in distance learning, and

WHEREAS, a for-profit academic enterprise raises serious concerns about the maintenance of the University’s fundamental public service mission and about the protection of academic freedom,
THEREFORE BE IT RESOLVED that the Faculty Senate expects to participate with the Administration and Trustees in the development of principles and plans for distance learning including any potential establishment of a for-profit corporation. Such plans, once formulated, should be presented to the Faculty Senate for faculty review.

Professor Fine then moved that the Senate go into quasi-Committee of the Whole for the purpose of discussion only of the matter of eCornell. The body approved.

Associate Professor Alan McAdams, JGSM, focused on the areas where discussion is needed:

- Property rights
- Possible conflicts of interest
- Shift of ethos

Professor Joseph Ballantyne, Electrical Engineering, commented on the status of intellectual property rights and the fact that it is of grave importance to faculty.

Professor Richard Baer, Natural Resources, said he was concerned about how faculty will assume the traditional role of not just transmitting information.

Professor Emeritus Donald Sola, Modern Languages, asked to what extent does the theme of loyal patronage to the institution and the money payoff that comes from that, concern everyone as faculty.

Professor Emeritus Howard Evans, Anatomy, said he hasn’t heard anyone address the issue of dilution of faculty contact with students.

Additional comments were made by Professors Stephen Vavasis, Computer Science; Fred Ahl, Classics; Michael Todd, Leon C. Welch Professor of Engineering; William Lesser, Agricultural, Resource, and Managerial Economics; Graeme Bailey, Computer Science; and Joseph Hotchkiss, Food Science.

In April 2000, Dean Cooke reported that he had communicated the March 8 resolution to the Board of Trustees. He also mentioned the distinguished membership of the Provost’s Advisory Committee on Distance Learning that includes:

- William Arms, Professor, Computer Science, and Chair of Committee
- Barry Carpenter, Professor, Chemistry and Chemical Biology
- Donald Greenberg, Professor, Architecture
- Peter Lepage, Professor and Chair, Physics
- David Lipsky, Professor and Director, Institute on Conflict Resolution
Professor S. Kay Obendorf, Textiles and Apparel, and Professor William Fry, Plant Pathology, Faculty-elected Trustees, reported on the events that occurred related to eCornell.

Also in April, Professor William Arms, Computer Science, and Chair of the Provost’s Advisory Committee on Distance Learning, presented a report on the approach the Committee will take:

- Frequent, short papers (often drafts), not a big report.
- General statement of principles and checklist of topics.
- Incremental decision-making.
- Emphasis on information flow – website, comments, etc.
- Close communication with Administration and Faculty Senate.

He urged faculty to send one-page comments to him.

Professor Arms, at the May 2000 meeting, gave a report on some observations the Committee has made:

General

Cornell does not have a long-term vision for distance education

There are widespread concerns about:

- distance education for undergraduates
- for-profit degree programs

Specific

Several attractive non-degree programs are under development for mid-career and executive education.

These programs should:

- be able to move quickly
- act as a university, not as independent projects
He said the Committee would continue to meet over the summer and keep the University Faculty Committee informed.

Vice Provost Mary Sansalone, Civil and Environmental Engineering, said she would be working over the next six months on continuing with the plan of a legally separate entity. E-Cornell is focused on executive and continuing education, and all the proposed programs are in this category.

Also in May, a resolution was put forward by the University Faculty Committee that would allow faculty to have input to the Distance Learning Committee. The motion passed unanimously:

WHEREAS, the Provost’s Advisory Committee on Distance Learning (hereinafter referred to as the DL Committee) will continue to meet during summer 2000, and

WHEREAS, the DL Committee may want to seek input from the Faculty Senate during this time,

THEREFORE, BE IT RESOLVED that the Faculty Senate authorizes the University Faculty Committee (UFC) to act on its behalf in providing advice to the DL Committee until the Faculty Senate reconvenes in September 2000, and

BE IT FURTHER RESOLVED that the Dean of the Faculty is instructed to have all issues on which the DL Committee seeks input from the Faculty Senate posted on the Senate’s website, so that Senate members may be informed about such issues and may make their opinions known to the UFC during the summer months.

In September 2000, Professor Charles Walcott, Neurobiology and Behavior, and Associate Dean and Secretary of the University Faculty reported on the summer discussions held with the Provost’s Advisory Committee on Distance Learning. These discussions were authorized by the Senate in May of 2000. Once the Provost’s Committee brought forth recommendations, they were considered by the University Faculty Committee and they prepared, on behalf of the Senate, the following resolution:

WHEREAS, the July 11, 2000 “Preliminary Report on Non-Degree Programs” (hereinafter referred to as the report) from the Provost’s Advisory Committee on Distance Learning (hereinafter referred to as the DL committee), and the Administration’s response to that report have been shared with the Faculty Senate members and posted on the Senate’s website, and
WHEREAS, the report contains several positive recommendations that have been agreed to by the Administration, especially

1) The restriction of DL entity’s initial activity to non-degree programs, 
2) The maintenance of faculty oversight on the content of DL programs, 
3) The clarification of the DL entity’s right of first refusal,

WHEREAS, the Board of Trustees on June 20, 2000 made the “…decision that the initial funding (capital) for eCornell would come from the University’s unrestricted endowment,

WHEREAS, the UFC wishes to expedite the actions of the DL committee in accord with the resolution passed by the Senate on May 10, 2000,

WHEREAS, the DL committee has not take a position on the for-profit/not-for-profit status of the proposed DL entity, and

WHEREAS, the Faculty Senate has previously expressed concerns about the prospect of the being a for-profit entity,

THEREFORE, BE IT RESOLVED THAT the University Faculty Committee endorses the report of the DL committee,

BE IT FURTHER RESOLVED, however, that the UFC will bring before the Faculty Senate as its September 13 meeting one or more resolutions concerning the following topics:

1) In reinforcement of recommendation 5 in the DL committee’s report, the Senate will be offered a resolution that urges the Administration to make the ‘Overarching Agreement’ between Cornell and the DL entity a public document.

2) The Senate should be informed of any future change of status of the DL entity in a timely manner and with adequate time for Senate response. Such changes of status would include but not be limited to the opening of the entity to investment by individuals or corporations, the offering of public stock in the entity, or the expansion of the entity’s programs beyond the non-degree domain.

3) The Senate will be offered a resolution that instructs the Dean of the Faculty to work with the appropriate university officers to incorporate the provisions of items 1) and 2) above into a formal university policy or policies.

AND BE IT FURTHER RESOLVED THAT
1) The Faculty Senate is given the opportunity to deliberate further at its September meeting on the issue of whether the DL entity should be for-profit or not-for-profit.

2) The UFC invite the Administration to provide at the September Faculty Senate meeting a detailed justification of their position on this matter.

Adopted by UFC on August 10, 2000

Footnote: The UFC Subcommittee on For Profit/Not-For-Profit Status of the Proposed Distance Learning Entity prepared a background report (dated 8/7/00) to facilitate discussion of this issue. Their report has been received, i.e., not adopted, by the UFC.

One issue that the Provost’s Committee did not address was whether eCornell should be for-profit or not-for-profit. The UFC established a subcommittee composed of Locksley Edmondson, Risa Lieberwitz, and Seymour Smidt as chair, to investigate and prepare a report on this issue. Related issues included in the report are:

1. The current discussions have focused on specific proposals regarding eCornell and to some extent CIT. These discussions are not based on a sufficiently comprehensive view of the role of Distance Learning at Cornell. For example:

   a) As currently conceived, there would be two entities, eCornell and CIT, offering technical support on distance learning. Concerns have been expressed about unnecessary duplication. Presumably, there would be some differences between the two organizations in terms of the quality of their services, the expertise of their staffs, etc.

   b) It appears that some types of projects, such as those arising in Cornell extension, have not been assigned to either eCornell or CIT.

2. The recent decision of the Trustee Distance Learning Committee to fund eCornell internally is an important step in reducing some of the concerns that have been expressed about its proposed status as a for-profit entity. Outside funds in the form of debt do not raise the same problems.

3. However, in explaining the rationale for internal funding, eCornell has been described as “a hybrid organization – one with the nonprofit mission of education but with a for-profit structure.” We assume, however, that this does not mean that a decision has already been made that ecornell will be a for-profit entity.
4. It is expected that the discussions between Administration and the Faculty concerning whether eCornell should be for-profit or not-for-profit will follow the guidelines in the recent agreement between the President and the Faculty Senate.

Professor William Arms, Computer Science, and Chair of the Provost’s Advisory Committee on Distance Learning, presented the Committee’s Preliminary Report on Non-degree Programs. The Committee endorsed the following, subject to the conditions listed below:

1. The further development of non-degree programs to be delivered by distance education.

2. The creation of a separate legal entity to develop and distribute those non-degree programs.

Conditions:

- Academic oversight and strategy
- Faculty control of academic content
- Right of first refusal
- On-campus use of distance-learning materials
- Public contract
- Use of Cornell name
- Separate agreements for each program

He said the Committee did not have the knowledge to recommend whether a for-profit or not-for-profit organizational structure is most suitable.

Michael Goldstein, Special Counsel to the University, addressed Comparing For-And Non-Profit Structures and then responded to questions from the floor. Questions included:

Where does the capital come from in a non-profit structure?

Response: that’s a problem.

Is it possible to structure a for-profit corporation with a board of directors that is self-perpetuating and not dominated by external investors?

Response: the short answer is “no”.

DISTANCE LEARNING
At the December 2000 meeting, Professor Arms presented an update on the formation and first steps of eCornell and the next steps for the Advisory Committee on Distance Learning. He said that eCornell is officially Tower Innovative Learning Solutions, but trades under the name eCornell.

Professor Arms said his Committee’s discussion has been centering around:

- Control and copyright in educational matters
- Degree credit for non-standard courses

Discussion by the eCornell Board centered on the fact that:

- eCornell was created on the assumption that it would offer only non-degree programs.
- The business plan and the current development activities are devoted to certificate programs.
- Suggestion of eCornell courses receiving degree credit should come from the academic units at Cornell.

Professor Arms then responded to questions from the floor.

Professor Barry Carpenter, Chemistry and Chemical Biology, and member of the University Faculty Committee, then introduced a resolution on the overarching agreement between Cornell and eCornell. Following considerable discussion and a motion to postpone, which was defeated, the resolution was adopted by a vote of 47-16-3.

WHEREAS, the Faculty Senate in a resolution adopted on May 10, 2000 authorized the University Faculty Committee (UFC) to act on the Senate’s behalf in its interactions with the Provost’s Advisory Committee on Distance Learning (DL Committee) during the summer, and

WHEREAS, the UFC, acting under this authority, endorsed the July 11, 2000 preliminary report of the DL Committee, with the proviso that:

“The Senate should be informed of any future change of status of the DL entity in a timely manner and with adequate time for Senate response. Such changes of status would include but not be limited to: the opening of the entity to investment by individuals or corporations, the offering of public stock in the entity, or the expansion of the entity’s programs beyond the non-degree domain,”

and
WHEREAS, the UFC has reviewed and approved the attached provisionally amended Overarching Agreement between Cornell University and Tower Innovative Learning Solutions, Inc. (TILS),

THEREFORE, BE IT RESOLVED, that the Senate endorses the Overarching Agreement (dated 11/14/00), subject to the UFC provisos specified above, and

BE IT FURTHER RESOLVED that the Senate commits to consider and respond as quickly as possible to the anticipated request for amendment to the Overarching Agreement from TILS.