GOVERNANCE AND VOTING STATUS

The following has been extracted from the Faculty Handbook, 2002 edition:

THE UNIVERSITY FACULTY (Faculty Handbook, pp. 13, 14, 15)

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; and to recommend to the Board of Trustees, with the approval of the appropriate college or school faculty, the establishment, modification, or discontinuance of degrees." In addition to the functions of the University Faculty described earlier in the paragraph, the bylaws specify the voting and nonvoting members of the University Faculty; the University Faculty, however, may grant to any group of nonvoting members the right to vote on any question deemed by the faculty to be of interest to that group.

For more than a century, the University Faculty conducted its business by meeting periodically as a legislative body. These meetings of the whole were attended by a highly variable but normally small fraction of the membership. In September 1969, the University Faculty adopted the report, The Academic Responsibilities of the Faculty. This report, written by seven of its members, expressed the faculty findings for the division of responsibility for the operation of the university among itself, the students, and the administration (reproduced below):

The Academic Responsibilities of the Faculty (Bethe Report)

The major obligations of a free university are to communicate and extend knowledge, to subject to continuous critical scrutiny and transmit man's intellectual and cultural inheritance, and to provide conditions in which students are stimulated to explore, to challenge, and to learn. The effective conduct of these enterprises is only possible in a climate of understanding, good will, and the toleration of diverse views. Such a climate requires general consent about the distribution of the main areas of responsibility among faculty, students, and administration and the determination on the part of all of these groups to maintain the conditions essential to a free university.

The elemental relationship within a university is that between teachers and students, and this distinction in role indicates the appropriate division of responsibilities between these two constituencies. To the students belongs a major voice in determining and applying the rules of community order and in
planning the broad spectrum of facilities and activities which determine the quality of social and cultural life on the campus. The major responsibility of the teachers, on the other hand, lies in the academic province: to set and maintain the highest possible educational and scholarly standards and levels of achievement, to embody these values in their teaching and counseling, and to uphold the conditions of free enquiry both for their students and for their colleagues.

All essential operations of the university, however, are of importance to all members of the community. While the particular aim of this report is to define the academic responsibilities of the faculty, it must be understood that students also have a legitimate concern in this province, and that it is the obligation of the faculty to remain sensitive and responsive to their needs. A major task of the university, at this point in Cornell history, is to develop procedures which will promote full and free communication between faculty, students, and administration, and will ensure to students adequate procedures for voicing their considered judgment, both on academic policies and on academic practices.

The Bylaws of Cornell University allocate academic duties to the separate faculties of the various units but reserve matters bearing on overall educational policy to the University Faculty as a whole. Article XIV, Section 3 (as of 1963):

Subject to the authority of the University Faculty on all matters affecting general educational policy, it shall be the duty of each separate college or school to determine the entrance requirements for its own students; to prescribe and define courses of study for them; to determine the requirements for such degrees as are offered to students under its jurisdiction; to recommend to the Board such candidates for degrees as may have fulfilled the requirements therefor; to enact and enforce rules for the guidance and supervision of its students in their academic work; and in general to exercise jurisdiction over all other educational matters in the particular college or school.

Following is a more detailed description of the various functions which must fall within the responsibility of the teachers and investigators who constitute the faculty:

1. Faculty Appointments

The primary decision on the appointment or promotion of faculty members, both to junior and tenure positions, is to be made by an appropriate group of the faculty, subject to approval by the University administrative officers concerned, and by the Board of Trustees where applicable.
Comments:

a) It is the responsibility of each department to determine considered student opinions about faculty members who are eligible for promotion to tenure. These opinions should be available to the body of the faculty responsible for the primary decision, and should be transmitted in writing to the dean, the ad hoc committee, and the provost.

b) We consider highly desirable the democratic procedure for faculty appointments or promotion to tenure now in use in many parts of the university. Initial recommendation is made by a small group of faculty members in the immediate area of the candidate's interest. The major decision is made by the faculty members of the department involved (or, in the case of small schools, of the whole school) who have the same or higher rank as that to which the candidate is to be appointed. Tenure appointments are then scrutinized by an ad hoc committee, and must be approved by the dean, provost and Board of Trustees.

c) It is a continuing responsibility of each department to maintain the highest possible standards of teaching and counseling among all ranks of the teaching staff.

2. Admissions

The determination of admissions policy and the supervision of procedures for admitting students to Cornell are the responsibility of the faculties of the various colleges and schools within the university.

Comments:

a) The Bylaws of Cornell University (Article XIV.3) defines an area of responsibility in admissions for the University Faculty as a whole, as well as for the faculties of the separate units, by specifying that "the duty of each separate college or school faculty to determine the entrance requirements for its own students" is "subject to the authority of the University Faculty on all matters affecting general educational policy."

b) The various faculties may choose to delegate the actual procedures in recruiting and admitting students to committees which include nonfaculty members.
c) The faculty encourages methods for discovering and recruiting able students who have been disadvantaged by their social circumstances or by the inadequacy of the schools they have attended. These methods include: (1) facilitating the admission of students who have demonstrated their abilities in two-year community and junior colleges; (2) making reasonable allowances in admitting first-year students to take into account deficiencies in their preparation; (3) conducting remedial and tutorial programs to compensate for deficiencies in preparation.

d) Advice and guidance on admissions policies, as well as on the procedures for administering both standard and special admissions programs, should be sought from all qualified sources, including students already on campus. Procedures need to be established to ensure ready access to student judgment on these matters.

3. Academic Standards

Subject to applicable curricular or sequential constraints, the content and academic level on which a given course is taught is set by the professor teaching it. In the case of sequential courses, prerequisites may be set by the department.

The University Faculty devises and adopts university-wide systems of grading the students' scholastic achievement. Within this framework the methods of rating student performance in a given course are set by the professor teaching it.

Comments:

a) High standards of teaching cannot be maintained without high levels of student performance. Procedures for rating scholastic achievement should contribute to student motivation and self-evaluation in the interest of promoting academic excellence.

b) Grading systems must be sufficiently specific to permit differentiated ratings, yet sufficiently flexible to allow experimentation by student and teacher. They should also be adaptable to the evaluation of students in non-standard study situations, such as independent study, group efforts of the discussion or project type, or instruction in residential colleges.

c) In any given course the particular ways of rating student achievement in that course and the content and academic level of that course should be clearly explained at the start.
d) The faculty should be open to student opinion on alterations and improvements in the conduct of courses.

4. Curricula, Degree Requirements, and Programs of Study

The faculty of each college, school, or separate academic department, division, or center is responsible for and shall approve curricula, degree programs, and, where relevant, requirements for a departmental major.

Comments:

a) Where more than one college, school, department, division, or center are concerned, such responsibility and authority shall be jointly exercised. Where general educational policy is involved, such responsibility and authority shall be exercised by the University Faculty.

b) The faculty recognizes the importance of keeping and bringing the appropriate courses in contact with the conditions and problems of the contemporary world. Accordingly, it must be alert to desirable changes in material, to the possibility of new courses, and to innovations in teaching methods.

c) Students have an important role in curriculum planning and should participate in the work of curriculum committees.

d) Experimentation with courses and seminars conducted primarily by students is encouraged. The question of credit for such courses remains a faculty responsibility.

e) It is anticipated that degree programs, or requirements for a departmental major, will remain reasonably well defined, especially in professional and semi-professional areas. So far as the nature of a subject permits, however, students should, in consultation with their faculty advisors, have flexibility in developing their own programs of study.

f) The faculty recognizes its obligation to counsel students as individuals.

5. Research

Original work is an integral part of the activity of a faculty member. Subject only to the broad constraints of departments and overall university policies, the topic of research or the area of creative endeavor should be the free choice of the individual or of groups of cooperating faculty members.
Comments:

a) Support for research should be sought, or unsolicited grants accepted, only for subjects which are of interest to faculty members, or which fall under the recognized obligations of particular faculty members.

b) Increased efforts should be made, wherever faculty interest allows, to obtain support for research directly concerned with social and environmental problems.

c) Wherever feasible, research should be of a nature which generates appropriate topics for graduate students' theses and for undergraduate projects.

d) All research contracted for by the university or done by individuals as part of their university duties must be unclassified.

e) Consultation work, whether for government or industry, is restricted by Cornell regulations to an average of one day a week during term time. This regulation should also apply to consultant agreements of faculty with any industry that may move to the Industrial Park.

6. Allocation of Resources

The faculty should have an effective role, in cooperation with the administration, in the planning of major academic changes and the initiation of new programs. Environmental values and planning that affects those values are a legitimate concern of faculty as well as students and administration.

Comments:

a) The faculty should share in any decision affecting the academic character of the university directly or indirectly. Any major change or new program—or even the cumulative effect of normal growth or contraction—can be of major academic importance because of the complex interrelation of the various parts of the university and the virtual autonomy of many of its units.

b) The faculty should have a voice strong enough to guard against any undue diversion of resources to nonacademic purposes.
c) Students have a valid interest in both academic and nonacademic changes and new developments. They should be given a formal role in planning facilities or programs affecting the quality of student life; for example, housing, dining, community relationships and extracurricular activities.

M. H. Abrams
William L. Brown Jr.
Howard Evans
Vernon H. Jensen
Robert S. Pasley
George Winter
Hans A. Bethe, Chairman

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Adopted by the University Faculty, September 24, 1969, Records, pp. 3762-69, Appendix A.

In 1971, after three years of preparation, the University Faculty approved the *Organization and Procedures of the University Faculty (OPUF)*, delegating its historic legislative role to a representative body, the Faculty Council of Representatives (FCR). In October 1995, the FCR was superseded by the Faculty Senate. The University Faculty as a whole continues to have and exercise power to: (a) determine its own membership; (b) elect faculty trustees; (c) participate in the selection of the dean of the faculty; (d) select its officers, other than the president and the dean; (e) postpone or nullify any action of the Senate; (f) require or request reports from its officers and committees, from the Senate, and from others in the university community or elsewhere, as may be authorized or appropriate; (g) express its views concerning any matter within its responsibilities or reasonably related thereto, at a meeting of the Faculty or in such other manner as may be appropriate; and (h) amend its organization and procedures. *OPUF* (see the University Faculty website [http://theuniversityfaculty.cornell.edu/governance/gov_main.html](http://theuniversityfaculty.cornell.edu/governance/gov_main.html)) has been accepted as charter and bylaws of both the University Faculty and the Faculty Senate.

Legislation adopted by the University Faculty, the FCR, and the Faculty Senate is recorded in the minutes of the meetings. Unless amended or repealed subsequent to the formalization of the University Faculty bylaws in *OPUF*, any legislation previously passed by these bodies remains in force. Copies of proceedings are preserved in the Office of the University Faculty; that office also
maintains a record of faculty legislation (See section below on Codification of Faculty Legislation).

University Faculty Voting Membership: Voting members of the University Faculty include the president of the university, emeritus professors, university professors, professors-at-large in residence, and all professors, associate professors, and assistant professors of the several colleges, schools and separate academic units at Ithaca and Geneva, including those with courtesy appointments as authorized by the bylaws and ex officio members authorized by the Board of Trustees upon recommendation of the faculty. (They do not include faculty of the Medical College.)

Ex officio membership, with voting privileges, in the University Faculty is accorded to presidents emeriti; the provost; the vice president and CFO; vice presidents and vice provosts; the dean of the University Faculty; the deans of the schools and colleges at Ithaca; the dean of the School of Continuing Education and Summer Sessions; the university librarian and associate and assistant university librarians; the university counsel; the registrar; the directors of cooperative extension for the Colleges of Agriculture and Life Sciences and Human Ecology, the directors of the agricultural experiment stations at Ithaca and Geneva, and the directors of university health services, athletics and physical education, and Cornell United Religious Work.

University Faculty Nonvoting Membership: The nonvoting members of the University Faculty include the university professors, professors, associate professors, and assistant professors in the Medical College and those bearing the adjunct, visiting, or acting title. The University Faculty may grant to any group of nonvoting members the right to vote on any question deemed by the faculty to be of interest to such group. Other persons may be elected to membership in the University Faculty by the Board of Trustees upon recommendation of the faculty.
CODIFICATION OF FACULTY LEGISLATION

March 5, 1987, University Faculty, Records, p. 25
June 11, 1947, University Faculty, Records, p. 2454

The University Faculty desires to have extracts from its minutes printed. The Dean of the Faculty is empowered to decide what portion of the transactions of the Faculty shall be regarded as general legislation, and, in accordance therewith, be printed. From time to time, the Faculty shall proceed to collect the legislation of the University Faculty currently in effect. It shall attempt a codification of the legislation, bringing any essential changes to the Faculty for its approval; and the amended legislation shall be printed and distributed to members of the University Faculty at the earliest practicable date.
In September 2005, Professor William Trochim, Policy Analysis and Management, said this resolution on faculty governance was the culmination of many issues, i.e. the controversy around the building of a parking lot known as Redbud Woods, and the resignation of President Jeff Lehman, to name a few. He and his colleagues, Jane Marie Law, Carol Rosen, and Martin Hatch, felt it was time to review faculty governance.

The resolution was presented as follows:

WHEREAS, Cornell’s administration this summer proceeded to destroy Redbud Woods and build a parking lot on the site against opposition from the Student Assembly, hundreds of faculty members, the City of Ithaca government, the Ithaca community, members of the Treman family, and environmental scientists; and

WHEREAS, many faculty believe that the administration dealt poorly with faculty opposition to the project from 2003 to July of 2005, while substantial contingents of opposed faculty sought to make their views known and present alternatives through petitions, meetings, and letters; and

WHEREAS, many faculty believe that issues of environmental sustainability and good community relations raised by the
parking lot project were inadequately addressed by planners and decision-makers; and

WHEREAS, many faculty believe that the decision to pave Redbud Woods is symptomatic of deep flaws in the planning and decision-making process at Cornell and of a failure to maintain a proper balance among administration, faculty, student, and community roles in the process;

THEREFORE, BE IT RESOLVED THAT the Faculty Senate instruct its Nominations and Elections Committee to organize the election (by the faculty at large) of a seven member Commission on Faculty in University Governance, whose charge for the 2005-06 academic year would be:

(1) to study the governance structures of U.S. colleges and universities to identify the major alternative models of faculty involvement in university decision making that might inform changes in governance at Cornell;
(2) to insure that proposed changes in governance will call for a faculty role in monitoring the development of large-scale plans regarding physical development of the campus environment;
(3) to present to the Faculty Senate by May 2006 for revision and subsequent submission to the Board of Trustees:

(a) an Administrative Code of Conduct that recommends appropriate behavior of central administrators in conflict situations;
(b) a general proposal for the revision of governance structures at Cornell, including a delineation of the powers and responsibilities of the Faculty and the Faculty Senate in decision-making.

The floor was opened to discussion.

Professor Peter Stein, Physics, expressed concerns that the resolution is linked to the Redbud Woods controversy and that it doesn’t make sense to have an elected committee to look at faculty governance. If he were a Senator, he would move that it be referred back to the University Faculty Committee.

Professor Richard Talman, Physics, moved to refer the resolution back to the University Faculty Committee. Seconded.
Discussion ensued both pro and con for referring the resolution to the University Faculty Committee. On a vote call, the motion to refer was adopted.

In October 2005, the following resolution from the University Faculty Committee was moved, discussed, and adopted:

WHEREAS, 2005 is the tenth anniversary of the founding of the Faculty Senate, and

WHEREAS, several events during the last year have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University,

THEREFORE, BE IT RESOLVED THAT the Faculty Senate, using a slate of candidates proposed by its Nominations and Elections Committee, appoint a seven-member committee to:

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;

2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;

3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the University Faculty on administrative decision-making at Cornell; and

4. Report back to the Faculty Senate no later than its May 2006 meeting.

The Nominations and Elections Committee, at the November 2005 meeting, reported back to the Senate on the committee nominated to review faculty governance. The Senate approved the appointment of the committee as follows:

N’Dri Assie-Lumumba, Africana Studies and Research Center
Ken Birman, Computer Science, Engineering
Barry Carpenter, Chemistry and Chemical Biology, Arts and Sciences
Eric Cheyfitz, English, Arts and Sciences
Cornelia Farnum, Biomedical Science, Veterinary Medicine
David R. Lee, Applied Economics & Management, Agriculture and Life Sciences
Risa Lieberwitz, Industrial and Labor Relations
In March 2006, Professor Risa Lieberwitz, ILR, and Chair of the Committee to Review Faculty Governance, gave an update on the committee’s activities, and indicated it anticipates making an interim report in May.

At the May 2006 meeting, Professor Lieberwitz gave an overview of the committee’s work.

Spring semester 2006:

1. Defining issues of faculty governance.
2. Research of secondary sources (e.g. articles and studies) on faculty governance models.
3. Interviews with individuals in important university governance roles.
4. Seeking input and suggestions from the Faculty Senate, department chairs, and the Cornell faculty.

Summer 2006:

1. Additional interviews.
2. Research on alternative models of shared governance at selected other peer universities.
3. Evaluation of research and information gathered.

Fall 2006:

1. Faculty Forums.
2. Evaluation of research and other collected information.
3. Draft of report and recommendations for Faculty Senate discussion and consideration.

Committee interviews included:

TRUSTEES and OFFICERS
Board of Trustees Chair Peter Meinig
Board of Trustees Executive Committee Chair Edwin Morgens
University Counsel and Secretary of the Corporation James Mingle

CU PRESIDENTS (current and former)
President Dale Corson
President Hunter Rawlings

PROVOSTS
Provost Biddy Martin

GOVERNANCE AND VOTING STATUS
DEANS OF FACULTY (current and former)
Professor J. Robert Cooke (also former Faculty Trustee)
Professor Peter Stein (also former Faculty Trustee)
Professor Walter Lynn
Professor Charles Walcott

ASSOCIATE DEANS OF FACULTY
Professor Cynthia Farina
Professor Kathleen Rasmussen (also Faculty Trustee)

COLLEGE DEANS
Professor Philip Lewis (former Dean, College of Arts and Sciences)

SCHEDULED INTERVIEWS
President-elect David Skorton
Professor Ronald Ehrenberg
Professor Dominick LaCapra (former Director, Society for the Humanities)

Professor Lieberwitz outlined how shared authority is described in the Cornell University Bylaws, and in the Organization and Procedures of the University Faculty:

CORNELL UNIVERSITY BYLAWS

Article II, §1
“Subject to the Charter of the University and the laws of the State, the Board of Trustees shall have supreme control over the University, including every college, school, and academic department, division and center thereof.”

Article V, §1
“The President shall be chief executive and educational officer of the University and is charged with responsibility for providing general supervision to all affairs of the University.”

Article VI, §1
“In addition to the President, the officers of the corporation shall be the Provost, the Provost for Medical Affairs, the Executive Vice President for Finance and Administration, and the University Counsel and Secretary of the Corporation.”

Article XII, §3
“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; and to recommend to the Board of Trustees, with the approval of the appropriate college or school faculty, the establishment, modification or discontinuance of degrees.”

Article XIII, §3
“Subject to the authority of the University Faculty on all matters affecting general educational policy, it shall be the duty of each separate college or school to determine the entrance requirements for its own students; to prescribe and define courses of study for them; to determine the requirements for such degrees as are offered to students under its jurisdiction; to recommend to the President such candidates for degrees as may have fulfilled the requirements therefore; to enact and enforce rules for the guidance and supervision of its students in their academic work; and in general to exercise jurisdiction over the academic interests of students and all other educational matters in the particular college or school.

ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY

“University leadership functions best when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making. By long tradition, the faculty believe that their views should profoundly influence the course Cornell will follow, but the size and diversity of today's faculty make it difficult to ascertain those views. The appropriate role of faculty governance is to facilitate communication between the faculty and the administration, ensuring a full consideration of faculty views, thereby building a faculty-administration partnership that will serve as a firm foundation for effective leadership.”

Professor Lieberwitz identified the committee’s emerging issues:

I. Need to improve the timeliness, content, and quality of consultation between the faculty and the Cornell Administration and between the faculty and the Cornell Board of Trustees.

II. Improving the effectiveness of the Faculty Senate in representing the interests of the faculty.

III. Effective faculty voice in and influence on Board of Trustee decisions.

IV. Need to increase the flow of information from the Administration and Board of Trustees to the faculty.
At the November 2006 meeting, Professor Risa Lieberwitz, ILR, and Chair, Committee to Review Faculty Governance, highlighted some of the points that the Committee had agreed upon.

She touched, in depth, upon some of the recommendations:

2. The Administration shall consult with faculty about a broad range of issues, including both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). The President, Provost and Board of Trustees Chair/Executive Committee Chair shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In general, these issues shall be raised early enough to provide time for meaningful consultation with the faculty, including consideration by Faculty Senate committees, ad hoc faculty committees, or joint faculty/administration committees. The goal of consultation shall be to reach consensus between the Administration/Trustees and Faculty. In the unusual case where the President, Provost, or Board of Trustees believes that action must be taken quickly, they shall work with the Dean of Faculty and the UFC to provide for adequate faculty consultation.

6. The role of the UFC and faculty awareness of the UFC shall be expanded:
   - At least five members of the UFC shall be current Senate members at the time of their election; as many as four need not be current members of the Senate at the time of their election.
   - The UFC shall make an oral report at each Faculty Senate meeting, with sufficient time for questions.
   - During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.
7. Faculty Senate committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate. Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

8. Procedures for ensuring timely implementation of Faculty Senate resolutions shall be adopted:

- The Dean of Faculty shall work with Faculty Senate committees to establish procedures for presenting resolutions to the Faculty Senate in a timely fashion.
- To increase the potential for timely implementation of Faculty Senate resolutions, Faculty Senate committees shall seek responses from the Administration or Deans, where appropriate, to proposals that the committees are considering for submission to the Faculty Senate.
- The Dean of Faculty, UFC, and the Administration shall establish timetables for definitive responses from the Administration, be they positive or negative, to Faculty Senate resolutions. In general, Faculty Senate resolutions accepted by the Administration calling for structural changes shall be implemented within two semesters. Other Faculty Senate resolutions or Faculty Senate committee recommendations shall be implemented more quickly. The Dean of Faculty and UFC shall report to the Senate, at least once a semester, on the status of implementation of Senate resolutions.

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25 At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

26 Examples of structural change are the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate ad hoc Committee on the Status of Non-tenure track Faculty recommendations for emeritus status and professional development opportunities for senior level non-tenure track faculty.

27 Examples of current Faculty Senate resolutions that have not been implemented more than one year after Senate approval are the emeritus status and professional development opportunities recommended by the Faculty Senate Ad Hoc Committee on the Status of Non-tenure Track Faculty.
9. In recognition of the importance of the position of the University President, the appointment and subsequent reviews of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search and review processes. Faculty shall compose at least one-half of the members of any search committee or performance review committee for the President. Faculty appointments to these search and review committees shall be made through a procedure of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.

She indicated there would be a faculty forum in a week for input from the faculty.

Following discussion on the report, faculty were encouraged to pass their comments on to Professor Lieberwitz and her Committee.

In December 2006, Professor Lieberwitz presented an update on the revision process, following the faculty forum and comments received from faculty.

The Faculty Governance Committee also had a meeting with three of the Cornell Trustees – Peter Meinig, Chair of the Trustees, the outgoing and incoming chair of the Executive Committee, Ned Morgens and Diana Daniels, respectively. They were in agreement with the aspects of the Committee’s report regarding increased consultation, increased input and dialog and exchange of information between the Trustees and faculty. Some of their concerns expressed were with flushing out the meaning of “consultation” and “consensus” in the report and recommendations.

Professor Lieberwitz indicated the Committee will be meeting jointly with President Skorton and Provost Martin in January and then will look forward to issuing a final report.

She then responded to questions.

At the March 2007 meeting, Professor Lieberwitz introduced the resolution from the Committee to Review Faculty Governance:

WHEREAS, the Committee to Review Faculty Governance was created by the Faculty Senate in November 2005 to study the state of faculty governance at Cornell and “to make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell”; and
WHEREAS, the Committee to Review Faculty Governance has fulfilled its charge and has submitted its final report and recommendations to the Faculty Senate,

BE IT RESOLVED, that the Senate receives the report with thanks and calls on the Dean of Faculty and the University Faculty Committee to initiate further consideration of the recommendations.

Briefly, the Committee’s recommendations include:

1. Expand the role of the Dean of Faculty and UFC to improve communication and consultation between the Administration, the Board of Trustees and the Faculty:

   - **Expanded membership eligibility**: Five members of the UFC shall be current Senate members at the time of their election; four need not be current members of the Senate at the time of their election.
   - **Broad consultation**: The President, Provost and Trustees shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In addition to meeting regularly with the President and Provost, the Dean of Faculty shall attend the President’s weekly meetings with senior administrators. Issues for faculty consultation should cover both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). These issues shall be raised early enough to provide time for meaningful consideration by appropriate Faculty Senate committees, ad hoc faculty committees, or joint faculty/administration committees. In unusual cases where time is of the essence, the President, Provost, or Board of Trustees shall work with the Dean of Faculty and UFC to find ways to act quickly while also providing adequate faculty consultation.
   - **Report regularly to the Faculty Senate**: Given the scope and importance of their liaison roles, the Dean of Faculty and UFC shall each make an oral report at every Faculty Senate meeting, with sufficient time for questions. These reports should fully inform the Faculty Senate of the content of the UFC’s meetings with the Administration and Trustees. Any restriction of information based on confidentiality shall be defined as narrowly as possible. At least once a semester, the Dean of Faculty and UFC shall report on the
progress in implementing specific Senate resolutions. All Dean of Faculty and UFC reports shall be posted on the University Faculty website, in addition to their inclusion in the Faculty Senate meeting minutes.

- **Ensure timely response to and implementation of Faculty Senate resolutions:** The Dean of Faculty and the UFC shall adopt processes to ensure timely response to and implementation of Faculty Senate resolutions, including encouraging Senate committees to seek responses from the Administration or Deans, where appropriate, to proposals prior to submission to the Faculty Senate; establishing timetables, with the Administration, for the Administration’s definitive responses, whether positive or negative, to resolutions adopted by the Faculty Senate, and adopting processes to ensure that Faculty Senate resolutions, when accepted by the administration, are implemented within one to two semesters.

- **Authority during breaks:** During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.

- **Special consultation:** Prior to accepting the resignation or considering the discharge of the President or Provost, the Board of Trustees or the President, respectively, shall consult with the UFC.

- **Initiate review of deans, vice presidents, and vice provosts, based on significant faculty concerns:** The UFC shall adopt a procedure for receiving substantive complaints about the functioning of deans, vice presidents, and vice provosts. In consultation with the Provost, the UFC will decide if the substance and number of complaints is significant enough to merit a formal review.

2. **President’s biannual meeting with faculty and university faculty fora:** The President shall hold a meeting with the faculty as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.
The University of Chicago provides an example of a governance process that places primary responsibility on the University President for implementing the decisions of the Council of the Senate, which is a university-wide governing body consisting of 51 faculty members. The University President, who acts as chair of the Council meetings, executes or implements the decisions reached by the Council and reports back to the Council.

Structural changes may require up to two semesters for implementation. Examples include the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate ad hoc Committee on the Status of Non-tenure Track Faculty recommendations for emeritus status and professional development opportunities for senior level non-tenure track faculty. Other types of Senate resolutions should, in general, be implemented more quickly. The emeritus status and professional development opportunities recommended by the Faculty Senate Ad Hoc Committee on the Status of Non-tenure Track Faculty have still not been implemented, more than one year after Senate approval.

3. Effectiveness of Faculty Senate Committees:

- Faculty Senate committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate. Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.
- The Administration shall consult regularly with Faculty Senate standing committees on relevant issues of policy. For example, the Faculty Senate Financial Policies Committee (FPC) should have a more consultative role in university budgetary planning. One means to further this goal could be for the chair of the FPC to participate in the Provost’s budget committee or to reinstate the practice by Provosts Nesheim and Randel to include faculty members on the Provost’s budget committee. Another example is the Executive Committee of the University Diversity Council, which was created in December 2006. A standing appointment of the chair of the Faculty Senate Affirmative Action Committee would create an ongoing liaison with the Diversity Council.
At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

The current Provost’s budget committee is made up only of administrators. Adding faculty participation has its roots in the history of an analogous budget committee under Provosts Nesheim and Randel, which included two faculty members; one appointed by the Faculty Senate and another appointed by the Provost.
4. **Faculty participation in presidential searches:** In recognition of the importance of the position of the University President, the appointment of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. Faculty shall compose at least one-half of any search committee for the President. These faculty appointments shall be made through a process of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate. The Nominations and Elections Committee shall adopt procedures that ensure its independent role in nominating the slate of faculty search committee members that it presents for the Faculty Senate’s approval.

5. **Faculty participation in searches for the Provost:** While recognizing that the President has the prerogative to appoint the Provost, faculty shall participate actively in the search process for Provost, including consultation by the President with the University Faculty Committee and the Nominations and Elections Committee.

6. **Faculty participation in searches for college deans:** The Provost’s process for selecting faculty membership on Deans’ search committees should be amended to clarify the role of the Nominations and Elections Committee. The Provost’s current policy for Deans’ searches includes the following provisions: After receiving nominations from the faculty of the particular college, “[t]he Provost submits a list of possible search committee members to the Nominations and Elections Committee, the members of which suggest revisions to the list or additional names. The Provost makes final decisions about the membership after determining individuals’ willingness or ability to serve.” This procedure should be amended in the following ways: The Provost shall consult actively with the Nominations and Elections Committee throughout the process of appointing Deans’ search committees. The Nominations and Elections Committee shall have access to the list of faculty who were nominated from the college to serve on the search committee. This information shall include any supporting statements on behalf of the faculty nominees. After receiving the Nominations and Elections Committee’s suggested revisions to her/his initial list, the Provost shall submit the final

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32 Examples of faculty representation on presidential search committees at other universities include: University of Wisconsin-Madison (faculty make up a majority of the search committee for Chancellor); University of Chicago (The search committee is made up of the 49 Board of Trustees members, 7 faculty members elected by the faculty, and student representatives. A faculty advisory committee, consisting of one faculty member and one trustee from the search committee, consults extensively with the deans); California Institute of Technology (In its last three searches for president, a trustee selection committee made an offer to a candidate from a short list generated by an all-faculty search committee.)
faculty list to the Nominations and Elections Committee for their review prior to inviting faculty to serve on the search committee. If any faculty decline to serve, the Provost shall consult with the Nominations and Elections Committee about the names of additional faculty to add to the list.34

7. Faculty participation in searches for senior-level administrators: Appointments of senior level administrators shall be carried out in an open manner as possible, including broad faculty input and consultation in search processes. In searches for the Dean of the Graduate School and Dean of Students, the Administration shall follow the Organization and Procedures of the University Faculty (OPUF), which describes the process for Senate nominations of faculty to serve on search committees appointed by the Administration. Section XIII.B. of OPUF states: “The central administration will be expected to select about one-half of the faculty membership on each such committee from names presented by the Senate. The Senate will present as many names as are requested, but in no case more than twice the number to be selected.”35 These faculty nominations shall be made by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.

8. Reviews of the offices of the President and Provost: The offices of the President and Provost shall be reviewed periodically, and at least once every five years. The Dean of Faculty and the UFC should be actively involved in scheduling the reviews and developing the review procedures. The Nominations and Elections Committee should be involved in nominating faculty to serve on review committees. Such reviews would provide a systematic faculty evaluation of the offices’ structure and performance and the opportunity for recommended improvements.36

Discussion ensued both pro and con. On a vote call, the resolution was adopted.

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34The recommended changes in recommendation #6 do not strictly follow the Organization and Procedures of the University Faculty, described in recommendation #7. The FGC interviewed current and past chairs of the Nominations and Elections Committee, current and past Deans of Faculty, and the Provost about the process of appointing faculty to dean search committees. The
changes recommended here are based on the view that the current process is generally adequate, but could be improved by enhancing the Nominations and Elections Committee’s participation and access to information.

35http://theuniversityfaculty.cornell.edu/governance/gov_main.html
36An example of procedures for periodic reviews of central administration offices is found in the University of Iowa policies. See University of Iowa Operations Manual, Chapter 28.4, available at, http://www.uiowa.edu/~our/opmanual/ii/28.htm#284
RESOLUTION URGING THE ADMINISTRATION AND BOARD OF TRUSTEES TO ENGAGE IN A FRANK AND OPEN DIALOGUE WITH THE FACULTY REGARDING RESIGNATION OF PRESIDENT JEFFREY LEHMAN

September 14, 2005, Records, pp. 10290-10297S, Appendix 2
October 12, 2005, Records, pp. 10322-10328S

Professor Howard Howland, Neurobiology and Behavior, Senator-at-Large, introduced a resolution drafted by him and co-sponsored by a number of Senators:

WHEREAS, the Faculty of the University has a deep and abiding interest in the welfare of Cornell, and takes very seriously its obligations to advise the Administration of the University on the conduct of the University’s business, and

WHEREAS, the Faculty Senate cannot perform this function in a climate of secrecy, and

WHEREAS, the Faculty Senate has been deeply unsettled by the unanticipated and unexplained resignation of Professor Jeffrey Lehman from the Presidency of Cornell, and

WHEREAS, the Senate applauds Professor Lehman’s attempts to bridge the gulf between the administration and the faculty by engaging the faculty in substantive discourse through individual email exchanges, numerous meetings with college and departmental faculty and his call to engagement, and

WHEREAS, the abruptness of the resignation of Professor Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities and stand in sharp contrast to Professor Lehman’s attempt to engage the faculty in substantive discourse, and

WHEREAS, the Senate is distressed that faculty members were required to turn to the Cornell Sun, the Ithaca Journal or the Chronicle for Higher Education to learn any of the circumstances surrounding the resignation rather than to an official University source, and

WHEREAS, the Senate is deeply concerned that the non-specific generalities of the official explanation for the resignation are broad
enough to mask a major shift in the traditional locus of decision making at Cornell from the President to the Board of Trustees,

THEREFORE, BE IT RESOLVED, that the Senate strongly urged the Board of Trustees to find a way to engage in a frank and open dialogue with the faculty regarding (a) the nature of the “differences with the Board of Trustees regarding the strategy for realizing Cornell’s long-term vision”, and (b) how such differences could have arisen between the Board and the candidate of their choice in so short a period of time, and

BE IT FURTHER RESOLVED that the Senate requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting.

Respectfully submitted,
Steven Beer, Senator, Plant Pathology
David Delchamps, Senator, Electrical & Computer Engineering
Richard Durst, Senator, Food Science & Technology
Locksley Edmondson, Senator, Africana Studies & Research Ctr.
Nelly Farnum, Senator-at-Large
Shelley Feldman, Senator, Development Sociology
Howard Howland, Senator-at-Large
Jane Marie Law, Senator, Asian Studies
Vicki Meyers-Wallen, Senator, Biomedical Sciences
Anna Marie Smith, Senator, Government
Peter Stein, Faculty Member, Physics
Richard Talman, Senator, Physics

The floor was opened for discussion.

Associate Professor Rebecca Schneider, Natural Resources, said President Lehman, in his two years as President, developed a lot of people’s loyalty and trust and he was doing what the faculty hoped he would. Apparently, the Board of Trustees disagreed with that. Why the disparity? Having some factual information about this difference in agreement is critical - not personal differences, but the differences in the way the faculty perceived this functioning of the President.

Professor Richard Schuler, Economics and Civil and Environmental Engineering, said he didn’t see what this resolution could possibly accomplish given that there was a confidential agreement.
Professor Steve Shiffrin, Law School, said the resolution is an expression of concern about what the Trustees have done.

Professor Richard Burkhauser, Policy Analysis and Management, doesn’t believe this resolution, if enacted, will help in securing a new president. He doesn’t understand why the Faculty is second-guessing Jeff Lehman or the Board of Trustees.

Professor Jane Marie Law, Asian Studies, spoke in favor of the resolution, saying it really drives a wedge into a style of government that is becoming accepted and normative, which is a style of secrecy. Former Dean, Phil Lewis, College of Arts and Sciences, recently posted on the Faculty Senate web page, an essay saying “the Cornell Trustees acknowledged, in sum, that a practice of secrecy lies at the heart of their authority to select and appoint, as well as to fire the President.” Professor Law finds that very disturbing to think that the notion of authority to select and appoint and fire a President is being conducted in secrecy. This resolution is a step in saying that the faculty doesn’t accept that unchallenged.

Professor Brad Anton, Chemical and Biomolecular Engineering, supports the resolution in spirit but feels it is misguided. It is like an expression of anger saying the faculty wants to know the Board’s secrets of why this decision was made.

Professor Kathleen Rasmussen, Nutritional Sciences, and Faculty Trustee, said that the faculty does have voting representation on the Board. When she found out what had happened, she spent several hours talking of Jeff Lehman and spoke with several members of the Executive Committee. Lisa Earle, the other Faculty-elected Trustee and she both attended a meeting in New York City at which the position of the Board was provided fully and in confidence. She feels she heard a frank description of the situation from all the parties. What she deduces from that is that while Jeff Lehman and the Board find the same issues to have been salient, they don’t agree on how to resolve those issues and that led to the present situation. Having that information at her disposal has permitted her to feel that she understands the situation and accepts it. She wants to reassure the Faculty that the Faculty-elected Trustees did take this responsibility seriously.

On a vote call, the resolution carried by a vote of 59 yea, 11 nay, and four abstentions.

In October, Professor Rasmussen reported that a letter and the resolution were sent to former President Jeffrey Lehman and Peter Meinig, Chair of the Board of
Trustees. The letter reviewed the options that could address concerns expressed by the resolution. They were:

Revise the confidentiality agreement so as to permit both Lehman and the Board to be more forthcoming.
Develop and issue a statement outside of the confidentiality agreement that responded to concerns of the University Faculty.
Have the Board respond alone as called for in the resolution.

The response from President Lehman was in part:

“I very much appreciate the letter that you and Lisa and Kathy sent to Pete and me. If Pete chooses to follow up with me on any of your suggestions or Pete’s lawyer chooses to follow up with my lawyer, please be assured that I will consider with the utmost seriousness any proposal that they might make.”

The important features of the letter from Chairman Meinig follow:

- First, the Board has chosen to respond alone, although serious consideration was given to the Faculty’s middle option of issuing a joint statement.
- Second, there are two compelling reasons for this choice – the confidentiality agreement that exists and what was in their opinion in the best interest of the University.
- Third, a statement of priorities and reassurance.
- Fourth, a specific proposal for periodic meetings between the University Faculty Committee and the Board’s Executive Committee.
- And lastly, a lack of response to the second issue raised in the resolution, mainly how differences could have arisen in so short a period of time.

It is important to hear what Chairman Meinig had to say, which was developed in consultation with other members of the Board as well as the President and the Provost. And to that end, sentences from his letter, which say disagreements with Jeff Lehman were not about academic priorities – those priorities continue to include Cornell’s commitment to transnationalism and investments into interdisciplinary exploration of the life sciences, in information technologies, and sustainability. Chairman Meinig went on to reiterate the Board had differences with Jeff Lehman about how to achieve our priorities, not about the priorities themselves.

Members of the Senate expressed displeasure with the Trustees’ response to their resolution.
Provost Martin said that it certainly could be the case that when people decide to keep confidentiality, they are doing it for bad reasons. It can also be the case that when people in administrative positions or positions of authority, decide to keep confidential information about personnel decisions, that they are genuinely doing it in what they consider to be the best interests of the institution. At least consider the possibility that people of good will, such as Trustees, who are being paid nothing but who, by the way, pay a lot of their own money to support this University, may have been acting with good will when they concluded that confidentiality about a personnel decision was in the best interest of Cornell. A really complicated and sad set of events has occurred. There are a lot of rumors that have gone around about what occurred and why, rumors that are vicious and untrue.

**COLLEGES AND SCHOOLS** (Faculty Handbook, pp. 3-4)

As a private university, Cornell operates four state-assisted “statutory” or “contract” colleges pursuant to the authority set forth in Article 115 of the New York Education Law: the College of Agriculture and Life Sciences, the College of Human Ecology, the School of Industrial and Labor Relations, and the College of Veterinary Medicine. The remaining units on the Ithaca campus are endowed: the College of Architecture, Art, and Planning; the College of Arts and Sciences; the College of Engineering; the Graduate School; the School of Hotel Administration; Cornell Law School; and the Samuel Curtis Johnson Graduate School of Management. New York City is the location of two additional endowed units, the Joan and Sanford I. Weill Medical College and Graduate School of Medical Sciences of Cornell University. The statutory charter of the university delegates the administration of all schools and colleges – “contract” as well as “endowed” – to the Board of Trustees.

The Agricultural Experiment Station in Geneva, New York, the Cornell University Agricultural Experiment Station in Ithaca, and Cornell Cooperative
Extension, administered from Ithaca but with a network of agents and offices throughout the state, are associated primarily with the Colleges of Agriculture and Life Sciences and Human Ecology. The School of Industrial and Labor Relations Extension Division has offices and training facilities in the major metropolitan areas of the state where instruction is offered in human resource management, labor relations, and related subjects to practitioners in the field. Finally, the university maintains regional field offices in some of the major metropolitan areas of the country to assist in activities related to recruiting and admission of students, alumni affairs, fund-raising, and development efforts.

The faculty of each college or school exercises jurisdiction over educational matters in that unit, subject to the authority of the University Faculty on matters affecting general educational policy. Each faculty determines entrance requirements, prescribes courses of study, defines requirements for degrees and certifies which students have satisfied them, and enacts rules for the academic guidance of students. Each school or college other than the Graduate School administers its own first degree. Those degree programs are also registered with and approved by the New York State Department of Education.

*College or School Voting and Nonvoting Membership:* University bylaws define the voting membership of a college or a school faculty as: the president of the university, the dean or director of the unit, and all professors, associate professors, and assistant professors in the departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers and senior lecturers, and those bearing the adjunct title are nonvoting members, except as stated in the paragraph below, or unless given the right to vote by the particular faculty in circumstances defined by that faculty. Each college or school faculty may, in its discretion, grant voting or nonvoting membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Granting of such college or school faculty status will in no way affect other conditions of employment. No voting member of a college or school faculty may be a candidate for a degree administered by Cornell University.

Lecturers and senior lecturers shall participate fully in those decisions that are directly related to their roles within the college or school, and the dean or director shall have the responsibility of identifying those issues. In units where the number of lecturers and senior lecturers is comparable to the number of professorial faculty, the provost may determine the appropriate level of participation by lecturers and senior lecturers in curricular decisions.
DEPARTMENTS (Faculty Handbook, p. 5)

The formal position with its budgetary commitment for a university faculty member is usually assigned to a department in one of the schools or colleges. That department and school or college are directly involved in the initial recruitment process and the recommendations of salary, reappointment, and promotion for the faculty member. Appointments can be split between colleges and between departments. Term appointments are also allowed in centers. It is expected that in most circumstances a professor appointed in a center also will hold an appointment in an academic department. The department chairperson (or the dean in the smaller units) is responsible, in mutual agreement with the faculty member, for performance reviews and for detailed coordination of specific teaching responsibilities, advising duties, service obligations, and scholarship expectations.

Department Voting and Nonvoting Membership: Voting membership in a department faculty is not defined in university legislation. Some departments have procedural rules that specify who may vote on various types of questions. In professorial promotion recommendations, a vote is required to be taken of all the department faculty members at or above the level at which the promotion is being considered.

University Bylaws state that lecturers and senior lecturers shall participate fully in those decisions that are directly related to their roles within the college or school and within the department. The dean or director shall have the responsibility of identifying those issues that are related to their roles within the college or school, and the department chair shall have that responsibility within the department. Within the department, senior lecturers shall participate fully in hiring decisions of other senior lecturers and lecturers, and lecturers shall participate fully in the hiring decisions of other lecturers. In units where the number of lecturers and senior lecturers is comparable to the number of professorial faculty, the provost may determine the appropriate level of participation by lecturers and senior lecturers in curricular decisions.

Individuals should consult their department as to procedural rules on voting.