Faculty Senate
March 13, 2024

ALL IN-PERSON ATTENDEES PLEASE SIGN-IN ON ONE OF THE SHEETS

ALL ZOOM ATTENDEES PLEASE SIGN-IN VIA THE CHAT

SENATORS: Name and Department
FACULTY GUESTS: Name and Department
NON-FACULTY GUESTS: Name and Affiliation
PRESS: Name and Affiliation
Gayog̱ohó꞉nǫ’ Land Acknowledgement

Cornell University is located on the traditional homelands of the Gayog̱ohó꞉nǫ’ (the Cayuga Nation). The Gayog̱ohó꞉nǫ’ are members of the Haudenosaunee Confederacy, an alliance of six sovereign Nations with a historic and contemporary presence on this land. The Confederacy precedes the establishment of Cornell University, New York state, and the United States of America. We acknowledge the painful history of Gayog̱ohó꞉nǫ’ dispossession and honor the ongoing connection of Gayog̱ohó꞉nǫ’ people, past and present, to these lands and waters.

This land acknowledgment has been reviewed and approved by the traditional Gayog̱ohó꞉nǫ’ leadership.
<table>
<thead>
<tr>
<th>HYBRID FORMAT</th>
<th>In-person and remote attendance</th>
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<tbody>
<tr>
<td>ZOOM CAPTIONING</td>
<td>Choose “Live Transcription” in the Zoom menu</td>
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<tr>
<td>TO SPEAK</td>
<td>2 minutes to pose a question or make a statement</td>
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<td>Identify yourself: First name, Last name and Department</td>
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<td>Zoom first (Muted until called)</td>
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<td>Floor next (to allow Senators to come up to the microphone)</td>
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<td>Back to Zoom</td>
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<td>Back to Floor</td>
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<td>CHAT</td>
<td>Want to attend to statements on the floor; set to everyone</td>
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<td>Do not want to disadvantage in-person attendees; 2 minutes</td>
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<td>Please limit chat to sharing resources with each other</td>
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<td>Will be published ‘as is’ publicly on DoF website after meeting</td>
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<tr>
<td>RECORDING</td>
<td>Started at 3:30PM</td>
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<td>Audio and chat will be posted on agenda webpage after meeting</td>
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Approval of Zoom Transcription Minutes

February 14, 2024

Unanimous consent requested
Raise hand (in-person or remote) for corrections only
University Ombuds Update

Bruce Lewenstein, University Ombuds, Communication
Welcome!

The Cornell University Ombuds is a confidential, independent, impartial, and informal resource available to students, staff, and faculty at the university to address conflicts, concerns, or other issues affecting their work, life, or study at Cornell. We offer a safe place to identify options for addressing individual situations. We operate according to the principles of the International Ombuds Association.

Cornell Ombuds Office appointments are offered via Zoom, telephone, or in person and may be scheduled by email or telephone.
Ombuds Office staff

• Bruce Lewenstein, University Ombuds
  • Faculty member (35+ years). Has served as department chair (S&TS), speaker of Faculty Senate, faculty-elected member of Board of Trustees, appointed 2022

• Linda Falkson, Associate Ombuds
  • Native Ithacan; BS (Cornell). General legal practice (both defense and prosecution), then 10 years in Judicial Administrator office (now Office of Student Conduct and Community Standards), in Ombuds Office since 2008

• Ati Alipour, Assistant Ombuds
  • Degrees in law and dispute resolution, experienced mediator in UN and university-based ombuds and dispute resolution offices, joined 2023
Key principles

- Confidentiality
- Independence
- Informality
- Impartiality

[Foreseen by original Kahn memo, 1969; updated in 1971, 2013, 2022]
Areas where we can help

- Job reclassification, reappointment, and review
- Workplace climate and culture
- Supervisory relationships
- Changing job roles and expectations
- Advising relationships (grad and undergrad), graduate committees
- Ethical issues or concerns
- Harassment or bullying
- Unfair treatment
- Interpersonal issues
- Guidance for difficult conversations
- Understanding university policies
What we do

• Provide a welcoming environment and actively listen to visitor concerns
• Provide information on University policies and practices
• Provide information on how to make the University aware of a particular problem
• Discuss and assist the visitor in evaluating available options
• Refer the visitor to the proper authority to resolve the situation
• Facilitate constructive dialogue
• While maintaining confidentiality, provide feedback to the administration (or others in authority) when a systemic issue or trend occurs
What we don’t do

• The Ombuds does not take a side in disputes. We are not an advocate...except for dignity, fairness, and equity.
• We don’t provide legal advice.
2022-2023 report: Visitors

- **Student: Grad** 20%
- **Student: UG** 20%
- **Student: Prof** 5%
- **Student-affiliated** 5%
- **Acad: Tenure** 11%
- **Acad: RTE** 6%
- **Staff** 32%
- **Other** 1%

- **Acad: Tenure** 11%
- **Acad: RTE** 6%
2022-2023 report: Issues

- Employment, 40%
- Academic actions, 20%
- Values & Ethics, 17%
- Interpersonal, 9%
- Bias/discrimination, 9%
- Administrative actions, 1%
- Business and services, 4%
Examples

• Conversations about appropriate disability accommodations
• Graduate student mentoring
• Navigating tenure process
• Academic integrity conduct – formal vs. informal procedures
Looking ahead in Ombuds Office

• Assessing success
• Outreach and engagement
• Training (in collaboration with Scheinman Institute, HR Organizational Development and Effectiveness, others on campus)
• Facilitated conversations
Thank you, and Questions?

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Senate Q&A
Senate Announcements and Updates

Eve De Rosa, Dean of Faculty, Chair of the University Faculty Committee; Psychology
Chelsea Specht, Associate Dean of Faculty, Chair of the Nominations and Elections Committee; Plant Biology
Senate Announcements and Updates

• Teaching-Track Title Taskforce (T4)
  • Faculty Forum: March 27, 2024, 3:30-4:30PM
  • Faculty Senate: April 10, 2024, 3:30-5PM

• Swim Competency Graduation Requirement
  • Invited ~50 Student Leaders on campus for feedback on pending resolution on swim competency graduation requirement

• Continued Faculty Discussion of the proposed Part-time BA degree for non-traditional students
Senate Announcements and Updates

• MicroSoft CoPilot goes live as a soft launch today!
  • Your information will be protected, as generative artificial intelligence (AI) tools will not store or use content to train the software
  • Uses GPT-4 for text and DALL-E 3 for images and cites the data sources
  • Faculty and Staff get a two-week headstart over students
  • Artificial Intelligence at Cornell Update coming to the Faculty Senate
  • https://it.cornell.edu/ai
Senate Announcements and Updates

• **Balancing Safety and Expression**: Ensuring Safe Policies and Procedures for Lawful Protest and Demonstrations

• University Assembly (UA) charter: Section 3.1: **Authority in policy development**
  • The Assembly may examine, on its own initiative, **matters which involve the interests or concern the welfare of a substantial segment of the campus community** and may make recommendations or resolutions thereon to the President or to other appropriate officers or decision-making bodies of the University.

• **Our Collective Responsibilities**
  • Cornell University Policy Statement on **Academic Freedom and Freedom of Speech and Expression**
  • Title VI of the Civil Rights Act of 1964
    • Prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. (US Department of Education)
Senate Q&A
Interim Expressive Activity Policy

Michael Kotlikoff, Provost, Biomedical Sciences
Donica Varner, Vice President and General Counsel
Proposed Resolution: Concerning the Faculty Senate’s governance responsibility to consider and vote on the Cornell Interim Expressive Activity Policy

Senator Risa Lieberwitz, Industrial and Labor Relations
Resolution concerning the Faculty Senate’s governance responsibility to consider and vote on the Cornell Interim Expressive Activity Policy

Faculty Senator Co-sponsors:
Risa Lieberwitz, ILR School
Richard Bensel, Department of Government
Courtney Roby, Department of Classics
Harold Hodes, Department of Philosophy
Angela Cornell, Cornell Law School
Laurent Dubreuil, Department of Romance Studies
Elizabeth Brundige, Cornell Law School
André Kessler, Department of Ecology & Evolutionary Biology
Sara C. Pryor, Department of Earth and Atmospheric Sciences
Central role of the Faculty Senate to consider policies concerning Academic Freedom and Freedom of Expression

*Whereas,* academic freedom and freedom of expression are fundamental to faculty and student teaching and learning, research, and public speech, which are protected in in the Cornell University Policy Statement on Academic Freedom and Freedom of Speech and Expression, the Cornell Faculty Handbook, and the Cornell Student Code of Conduct;

*Whereas,* Article XIII sec. 2 of the Bylaws of Cornell University states that one of “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”;

*Whereas,* Article X of the Organization and Procedures of the University Faculty (OPUF) delegates these University Faculty functions to the Faculty Senate as the representative body of the University Faculty;

*Whereas,* “educational policy” includes Cornell policies related to academic freedom and freedom of expression, such as the Cornell Interim Expressive Activity Policy.
The Flawed Process from the Start:
Cornell Administration issued the Interim Policy without consultation with the Faculty Senate

Whereas, on January 24, 2024, the Cornell Administration announced its new Cornell Interim Expressive Activity Policy, which applies to all Cornell faculty, students, and staff;

Whereas, the Cornell Administration has adopted and has implemented the Interim Expressive Activity Policy (as University Policy 4.23) without discussion, debate, input or a vote by the Faculty Senate;
After Widespread Protest by Faculty, Students, and Staff:
CU Administration issued a revised Interim Policy (March 11, 2024)

“Expectation” of registration for outdoor demonstrations of 50 or more people;
“Expectation” of registration for indoor demonstrations.”
No candles at outdoor demonstrations unless approved by health and safety personnel;

Revised provisions:
“Registration of outdoor events is strongly encouraged, but not required.”
“Registration is strongly encouraged, but not required, for indoor demonstration activities.”

“Candles less than six (6) inches in length may be used at outdoor vigils without prior approval.”
Remaining Prohibitions in the Interim Policy

• “Outdoor demonstrations may not: disrupt the regular conduct of university teaching, research, business, or other activities, including (without limitation) the activities of groups who have previously reserved particular space.”

COMPARE: The Cornell Campus Code of Conduct states: “Outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property. No university permit is required for such outdoor activities. The presence of a counter-protest does not itself constitute a disruption to a University function or authorized event”
Remaining Prohibitions in Interim Policy (cont’d)

• No “sticks or poles” at indoor or outdoor demonstrations;
• All posters, signs, flyers and banners must be dated, and must include the name of the sponsoring Cornell organization or unit or individual;
• No posters, signs and banners on trees or any outside structures;
• Public address systems or amplified sound may not be used without prior approval, except 12-1pm on Ho Plaza and in front of Day Hall;

• Enforcement through “the appropriate office for disciplinary action” but does not specify the penalties for breaking the rules;
The Flawed Process Continues
Pres. Pollack’s March 11th Statement

“Consultative process” is set by the Cornell Administration and is an end run around Faculty Senate, Student Assembly, and Employee Assembly:

1. “We will convene a group of faculty, students, and staff members to refine and propose a finalized version of an expressive activity policy.”

2. “Their charge will be to engage the campus community, to review the policies of peer universities for insights, and to issue a report by the beginning of the fall semester.”

3. “With the benefit of this committee’s work, we will advance a version through the policy review process and then present a final policy to the University Assembly in the fall.”
What would real consultation with the Faculty Senate look like?

*Be it resolved,* that the Cornell administration shall suspend any implementation of any new restrictions in the Interim Expressive Activity Policy, including those listed in the third “whereas” clause of this Resolution, until the Faculty Senate has had an opportunity to discuss and vote on the Interim Expressive Activity Policy, including discussion and votes on any and all Faculty Senate resolutions for amendments to the Interim Expressive Policy;

*Be it further resolved,* that the Faculty Senate shall engage in full discussion and debate about the Cornell Interim Expressive Activity Policy, including concerns about contradictions between provisions in the Policy and other Cornell Policy protections of academic freedom and freedom of speech and expression;

*Be it finally resolved,* that after the Faculty Senate fully considers the Cornell Interim Expressive Activity Policy, the Senate shall vote on the Policy, including any and all Faculty Senate resolutions for amendments to the Policy.
Senate Discussion
Good of the Order

Adjournment