

# Faculty Senate

November 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

# Gayogóhó:nq' Land Acknowledgement

Cornell University is located on the traditional homelands of the Gayogóhó:nq' (the Cayuga Nation). The Gayogóhó:nq' 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 Gayogóhó:nq' dispossession and honor the ongoing connection of Gayogóhó:nq' people, past and present, to these lands and waters.

This land acknowledgment has been reviewed and approved by the traditional Gayogóhó:nq' leadership.

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

# **Approval of Zoom Transcription Minutes**

October 9, 2024

Unanimous consent requested

Raise hand (in-person or remote) for corrections only

# **Senate Announcements and Updates**

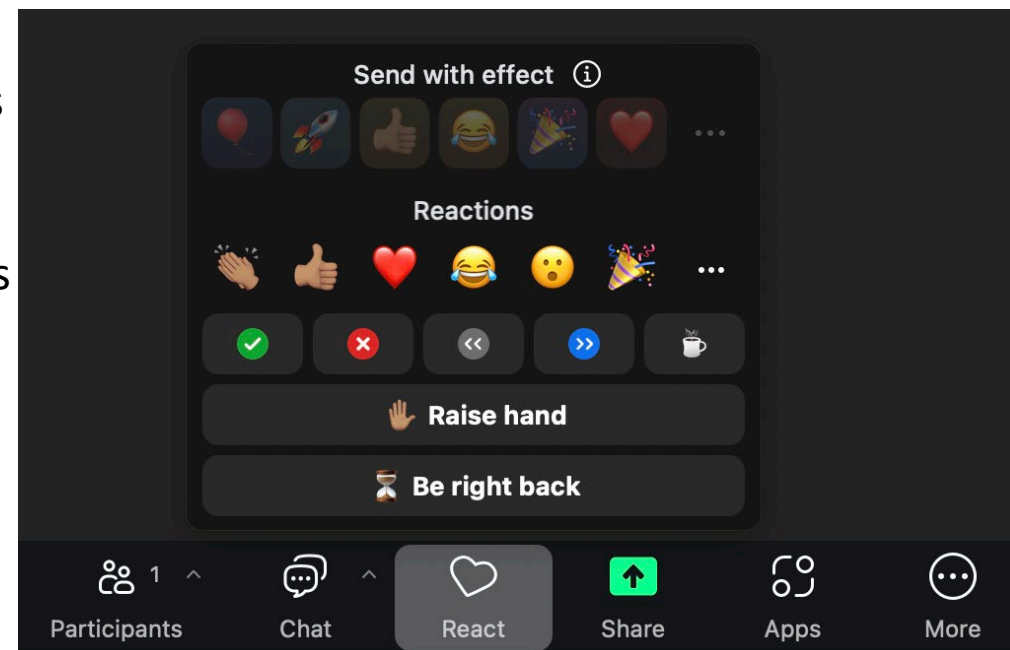
Eve De Rosa, Dean of Faculty, Chair of the University Faculty Committee; Psychology  
Chelsea Specht, Associate Dean of Faculty, Chair of the Nominations and Elections  
Committee; Plant Biology

**PAUSE**

# Senate Announcements and Updates

- **Voting on 3 Faculty Senate pending resolutions after the meeting via anonymous Qualtrics**
  - sense of the senate resolution for academic listservs to focus on academic matters
  - resolution on the visibility of the chair's letter to the dean in tenure cases
  - resolution to condemn Cornell Vice President Joel Malina for violating faculty academic freedom
- **Learn something new everyday...**
  - Pre-pandemic Faculty Senate discussion of resolutions were organized by **Yays** and **Nays** to give equal voice to both sides of an issue
  - Presenter of resolution is presumably in support (**Yay**)
  - First comment will come from someone who at this time has critical feedback or in opposition (**Nay**)
  - Then continue to alternate between Yays and Nays
  - As always, we will start online while those in-person come to the microphone at the front

LEFT = YAY  
RIGHT = NAY



# **Sense of the Senate Resolution for academic listservs to focus on academic matters**

Yuval Grossman, Senator, Physics



# Sense of the Senate Resolution for academic listservs to focus on academic matters

**Whereas** departmental email lists, as well as course email lists and Canvas, are intended solely for departmental and course-related matters, and their use for political issues—either by departmental representatives or on a personal basis—is inappropriate;

**Whereas** students have expressed concerns about the political nature of emails they receive on departmental email lists, as well as on course-related email lists and Canvas;

**Therefore, be it resolved** that the Faculty Senate reminds all professors and chairs not to use departmental email lists, nor their course email lists or Canvas, for sending emails that have political implications and are not related to the work of the department or the course;

**Be it further resolved** that the Senate requests the Dean of Faculty to send a reminder to all faculty members each semester regarding the appropriate use of such email lists.

# Senate Discussion

# **Revised pending resolution on the visibility of the chair's letter to the dean in tenure cases**

Tracy Stokol, Chair of Academic Freedom and Status of the Faculty Committee, Population Medicine and Diagnostic Sciences

# Revised pending resolution on the visibility of the chair's letter to the dean in tenure cases

**Whereas** departmental deliberations are a crucial component of the tenure review;

**Whereas** it is essential that these deliberations are transparent and accurately communicated to the dean;

**Be it resolved** that the summary of the promotion discussion in the chair's letter be made available for review by the voting faculty upon request;

**Be it further resolved** that faculty eligible to vote can request to see the letter after votes on the promotion have been submitted to the chair;

**Be it further resolved** that each College establish their own guidelines for implementation of this process.

# Senate Discussion

# **Cornell Committee on Expressive Activity (CCEA) draft report**

Colleen Barry, Dean of Brooks School of Public Policy, Chair of CCEA



Cornell University

# **EXPRESSIVE ACTIVITY AT CORNELL**

Presentation of a Draft Report of the Cornell Committee on Expressive Activity  
released on October 30, 2024

Agenda Today -

- Brief summary of the draft expressive activity policy
- Brief summary of other recommendations in the committee's report
- Feedback and discussion



Cornell University

## Committee process

- 19 faculty, staff, students (Ithaca, WCM, Cornell Tech) – a one Cornell approach
- Weekly/bi-weekly meetings from May to November 2024
- 28 campus listening sessions plus topical meetings
- Reviewed submitted written feedback
- Reviewed 16 university peer expressive activity policies
- **Released a draft report that included a draft policy to the Cornell community on October 30<sup>th</sup> for open comment (thru Dec 9)**
- Meeting with 8 Cornell shared governance bodies (Nov 11 to 20), plus a community-wide listening session on Dec 3
- Report revision and policy revision to university president (~Dec 13)
- Final policy must be approved by Cornell Executive Policy Review Group (EPRG)





Cornell University

## Committee Framework

1. Open inquiry and freedom of expression are among Cornell's core values and vital for any institution of higher learning
2. Cornell also has a fundamental responsibility to ensure the safety of all community members and to protect the ability of students to learn, faculty to teach and conduct research, health care providers to treat patients, and staff members to deliver critical services
3. **Many of the provisions currently housed in Cornell's interim expressive activity policy are not special to expressive activity but pertain to all activities on campus**

Our committee has proposed a new draft expressive activity policy based on this framework



Cornell University

## Six draft principles connected to our learning mission

**Principle 1:** Open inquiry and freedom of expression are core values of Cornell

**Principle 2:** Freedom of expression is not limitless and may come into tension with another of Cornell's core values: to foster a community of belonging

- *Expression preventing others' participation in the community, including harassment, intimidation, threats of violence, shutting down events, and defamation are unacceptable, inconsistent with our values, potentially illegal, and amount to grave disrespect for the dignity of others*

**Principle 3:** Approaches to expressive activity should mirror approaches to other types of activity

**Principle 4:** In a few settings, expressive activities should be prohibited completely or limited

**Principle 5:** Input can help support university leaders in balancing expression with other values

**Principle 6:** Neutrality on content and viewpoint of expression is essential in implementing time, place, and manner rules



Cornell University

# Draft Policy



Cornell University

## Time, Place, and Manner Recommendations

1. Acts of violence, destruction of property, trespassing, harassment directed at protected groups
2. Blocking building entrances, corridors, stairways, doorways; impeding access to/from university property, campus roads; violating occupancy limits, fire codes, or endangering the safety of others
3. Weapons
4. Use of university space and scheduling
5. Spontaneous protest
6. Significant disruptive sound including amplified sound
7. Large gatherings
8. Use of university space and resources by non-Cornellians
9. Postering, signs and chalking
10. Installations
11. Camping
12. Masking



Cornell University

## **Considerations for special settings on campus**

- Patient care and clinic settings
- Living spaces
- Libraries
- Laboratories and offices
- Dining halls



Cornell University

# Draft Report



## Recommendations for progressive measures for time, place, and manner violations

- Time, place, and manner rules should be **construed as narrowly as possible**
- Measures **should follow disciplinary structures already in place** for students, faculty, and staff
- **Warning phase** - warning (written) providing notification of a breach of campus rules
- **Range of violations** - we recommend dividing violations into tiers for disciplinary purposes and clearly communicating the lines and consequences between them





## Recommendations for progressive measures for time, place, and manner violations continued...

1. Recommendation to modifying OSCCS Procedures regarding **narrow use of temporary suspension** (Ithaca-based student code of conduct)
  - Clarifying the purpose of a temporary suspension
  - Narrowing when temporary suspensions are used
  - Sharing evidence
  - Considering hardships to suspended community members
  - Clarifying and publicizing the appeal process for a temporary suspension
  - Independent review for appeals adjudication
  - Voluntary cessation and suspended suspensions
2. **Reduce length of student disciplinary conduct process** under Student Code of Conduct
3. Consideration of a **broader range of progressive measures**
  - deans warning, community service, censure, loss of access to space, requirement to participate in an educational program, etc.





Cornell University

## **Implementation recommendations**

1. Free expression website (e.g., Princeton, Stanford, UVA)
2. Expressive activity standing committee
3. Implementation guidance working group

## **Follow on recommendations**

1. Improved scheduling system on Cornell campuses
2. Social media and other online activity
3. Human resources clarity for staff
4. Assessment of the public safety approach on campus
5. Institutional neutrality/restrain
6. Hate speech



Cornell University

**Thank you**

# Senate Discussion

# **Resolution**

## **Academic Freedom in the Classroom**

Risa Lieberwitz, Senator, ILR School

# Faculty Senate Resolution: Key Points in “Whereas clauses”

October 2, 2024, Cornell Daily Sun [reported](#) statements by VP Joel Malina at private Zoom meeting with more than 220 parents hosted by Cornell Hillel on Sept. 30.

**Targeted 2 Cornell faculty members’ protected speech.**

- Described a **junior faculty member** in CALS, hired before Cornell learned that the faculty member had **retweeted “troubling posts”** critical of Israel and Zionism.
  - Stated that **this faculty member’s “in-class activities will be scrutinized, as will all in-class activities of our faculty.”**
- Identified the **second faculty member** by name and stated:
  - The faculty member’s **speech on October 15, 2023 about Israel and Gaza was protected only because it was made off-campus** and not in the classroom;
  - The faculty member **“is very savvy when it comes to staying on this side of our policies.”**

# Faculty Senate Resolution: Key points in “Whereas Clauses”

## Broad scope of academic freedom

Cornell University Policy Statement on Academic Freedom and Freedom of Speech and Expression:

“Academic Freedom...in the classroom on matters relevant to the subject and the purpose of the course and of choice of methods in classroom teaching”

AAUP 1940 *Statement on Principles of Academic Freedom and Tenure:*

“Controversy is at the heart of the free academic inquiry”

AAUP’s 2007 *Freedom in the Classroom* report:

“So long as an instructor's allusions provoke genuine debate and learning that is germane to the subject matter of a course, they are protected by ‘freedom in the classroom.’”

# **Faculty Senate Resolution: Key points in “Whereas Clauses”**

## **VP Malina’s Letter to the Editor Sun on Oct. 2, acknowledges:**

“University administrators have no purview over classroom instruction, nor should they. Any review of faculty classroom activity appropriately lies with the faculty, who are committed to promoting inclusive academic spaces that are free of unlawful discrimination or harassment.”

## **This does not cure his violations of academic freedom;**

VP Malina does not deny he made the statements at the meeting, does not take responsibility for his actions, and does not state that he was wrong to make these statements;

Malina makes the contradictory claim that his statements at the meeting intended to reference the Cornell Policy Statement on Academic Freedom and AAUP statements.

*Be it resolved*, that the **Faculty Senate condemns Vice President Malina for his violations of academic freedom** at the meeting with parents hosted by Cornell Hillel on September 30, 2024, by

- **inappropriately targeting and discussing two faculty members' speech and employment status;**
- **threatening surveillance of faculty speech in their classes;**
- **threatening to take punitive action against faculty for their classroom speech;**
- **engaging in viewpoint discrimination and censorship in targeting speech that is critical of Israel or Zionism or that supports Palestinian rights;**
- **and creating a chilling effect on faculty speech.**



*Be it further resolved,* that **Vice President Malina shall issue a public apology for his statements in violation of faculty academic freedom** that he made at the September 30, 2024 Hillel parents meeting, and that the **Cornell administration shall publicly reject Vice President Malina's statements violating academic freedom;**

*Be it further resolved,* that the **Cornell administration shall publicly commit that Cornell will not engage in any form of surveillance of faculty teaching;**

*Be it further resolved,* that the **Cornell administration will provide public information about its plans for increased police and security presence and increased numbers and placement of security cameras on campus;**

*Be it finally resolved,* that the **Cornell administration will engage in meaningful consultation and negotiations with the Faculty Senate and other Cornell governance bodies and unions to ensure that the increased police and security presence and installation of security cameras on campus do not constitute an invasion of privacy or violate faculty, student, staff, or visitors' academic freedom or freedom of speech, and will not be used for or have the effect of surveillance of faculty, staff, students, or visitors to campus.**

# Senate Discussion

# CORNELL UNIVERSITY FACULTY SENATE



Good of the Order

Adjournment

#IAMYOURSENATOR