

Faculty Senate November 13, 2024

JONATHAN OCHSHORN: Good afternoon. I'm Senate Speaker Jonathan Ochshorn, Emeritus Professor of Architecture. We start, as usual, with a land acknowledgement. Cornell University is located on the traditional homelands of the Gayogohó:nq', the Cayuga Nation. The Gayogohó: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 Gayogohó:nq' dispossession and honor the ongoing connection of Gayogohó:nq' people, past and present, to these lands and waters. So, the meeting is called to order. We start with the approval of the minutes from the October 9th, 2024 meeting. These have been posted, distributed online in the form of a verbatim transcript. Are there any corrections? Probably not. Hearing none, the minutes are approved as posted. This is through unanimous consent, which bypasses a tedious vote. Our first order of business is announcements and updates. Eve De Rosa, Dean of Faculty, Chelsea Specht, Associate Dean of Faculty, We'll have five minutes.

EVE DE ROSA: Thank you, Jonathan. As people are logging in, don't forget to write in and sign in as you come in, online or in person. And next slide, please. Okay. So, I just wanted to take a moment to acknowledge that many of our colleagues and our students are dealing with the cumulative stressors from last week. And Lisa Nishii, Vice Provost for Undergraduate Education, sent out a notice to all instructors to give grace and flexibility to our students in the coming assignments. So, I just wanted to take a moment to acknowledge that before moving on to business. And I should also make an announcement that interim president Kotlikoff is going to come to the Senate to be in person to hear from the faculty about the expressive activity draft policy, and then he has to leave for another meeting. But I just wanted to let you know he'll be popping in for that conversation, and then having to leave. Next slide, please. We have three pending resolutions that we will be voting on. All of those will be voted on after this meeting. So, we'll send you an anonymous Qualtrics link, and you'll use that to vote your conscience and your faculty's conscience. So, please go back to your constituents and get their feedback before

voting. And I just want to say that we are in a very privileged place as faculty at a university, especially with Cornell, and I would love for all of us to be very thoughtful and deliberative about the work that we're doing today. And so, with that, we're going to try something new. I heard feedback that not enough of both sides were represented in conversations last month, so we're going to go back old school. And so, according to some who are in the Senate pre-pandemic, we tried to organize the comments on resolutions by yeas and nays. So, we're going to give it a shot today and see if we can make this work as a hybrid format. And so, we have on the right, please say that I'm using the correct-- No. Left, right? Your left, my right. I was a dancer. You know, I think I should know this. But on the left are the yeas and on the right are the nays. On your Zoom, you'll see under reactions, you can use a red tick. I mean, I'm sorry, a green tick or a red cross for the yay or the nay. And that's how we're going to organize the conversation for-- Oh, OK. For the Senate discussion today. And we're going to start with the comments online as we normally do. Probably, the person presenting a resolution is a yay. And so, they will present the resolution, and we'll go online for the nays first if there are any. And with that, I'm going to yield my time to the next topic, which is a proposed sense of the Senate resolution. Yuval.

JONATHAN OCHSHORN: Yuval will have five minutes, and then there'll be five minutes for discussion.

YUVAL GROSSMAN: Thank you very much. So, the issue of what I would like to bring today is something that I've been talking about in the Senate starting last year, and that's the feeling of politicization of classes. Fortunately, we see too much politicization of classes, and I've been hearing so much from students about how much problematic it is to them. And in the last year, all I was hearing about it was from basically the Jewish and Israeli students. But now, after the election, I was hearing it from even people who felt very bad about the fact that people send them emails about the election, even those who said, "Actually, I did vote for Harris, but I still feel that sending an email about the election in the email list is not something that we should get to hear." And actually totally independent. Two days ago, there was a column in the "Sun" by someone that I don't know who she is, and she actually explained it again from her point of view. And that's something that I keep hearing again and again. And one thing that I feel is that many professors don't appreciate how the students actually see things that they are trying. And it's

obvious that some professors write things like, "You know, I'm really here to help you." And when they write it, they actually use language that is very offensive to the students and they use language that is very political language. And it's clear that they don't understand even the fact that they are actually using a political language. So, the idea of this proposal that we are trying to bring today is not to forbid people of doing things, but more of bringing the awareness that we should all be aware that our students may see very differently that the way we are seeing it and always use something that is very neutral. And when you are not sure about something, but when things are extremely heated on campus, like the election, or maybe the election was not very heated on campus, but it was heated in the US. But like the Israeli Arab situation is so heated on campus. Be very considerate, okay? Don't use words that can be understood and that can be offensive for a student. So, I'd like to-- the thing that really touched me the most was, and I like to read it for you. It was on October 7 that one department used their email list to send a very political mail to their students. And one of the Jewish students, she sent an email to the department, and she agreed that I will quote it. And she said the following thing. I'm not going to read the whole email, but she said, "As a Jewish student, a minor in your department, this is disheartening." And then, she goes on. And for the end of the email she said, "Please remove me from your email list. I'm not interested in receiving those offensive messages." And think about it. Someone who go and is a minor in some department, and it is the department email list that should send you emails that say, "You know, today we have this event or tomorrow you have these things." And this student asked to be removed because it was so offensive. So, something is wrong. We should not be in the situation that email lists are used in a way that students will ask to be removed from those email lists. And they should not be removed because the email lists are not signing if they want. Once you sign to the minor, you're actually automatically on this email list. So, that's kind of the motivation to do those kind of things. And how much time do I have? So, let me read the resolution. So, the resolution is, 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. And I'd like to emphasize that I'd really like this to be something within the senate. We don't ask the administration to put any punishment on anybody. It's about us to be more considerate of our students and try to actually avoid pushing any political agenda on them.

JONATHAN OCHSHORN: Thank you. So, if there's anyone who wants to support this resolution or opposes it, step up to the appropriate microphones or have your crosses or ticks online. And I'll wait just a few seconds to see if there's anyone. OK. Identify yourself and your affiliation.

MATS ROOTH: Mats Rooth, Linguistics. I think this resolution didn't bring across very well what the problem is. There are no problems like this in my department that I know of. If they arose, I would prefer to deal with them internally. If this happened in my department, I would go to the colleague and talk to them and say, "Let's talk about it in the hallway." And I'm concerned that even if we're inviting the administration to send notices about this every semester, even if it's our Dean of Faculty, there's going to be a kind of effect of self-censorship. And therefore, I oppose this.

JONATHAN OCHSHORN: Is there anyone who wants to speak in favor of the resolution? Just come on up. Meanwhile, I don't see anyone online. So, go ahead. I'm looking for the. Maybe I'm not seeing--

UNKNOWN SPEAKER: Should I go ahead?

JONATHAN OCHSHORN: OK, so it's not showing up there. Yeah. Why don't you identify yourself in your affiliation? Sorry for missing you.

Hadas Ritz: Sure. Hadas Ritz, College of Engineering, RTE Senator. I'm in favor of this resolution. I think it's-- I appreciate how it is not prescriptive, but merely a reminder about the

appropriate and inappropriate uses of the university resources and I think it's very much along the lines of other reminders that the dean of faculty sends out at the beginning of every semester. I don't think that this is encouraging self-censorship in an inappropriate way. I think it's encouraging people to think carefully about the appropriate use of university resources. So, I'm very supportive and I appreciate the moderate wording.

JONATHAN OCHSHORN: Go ahead.

ALEX NADING: Alex Nading, Department of Anthropology. My reason for opposing this resolution is precisely that the wording is vague. It seems to me that the resolution permits interpretation of what counts as political or problematically political, so it sort of leaves it to the eye of the beholder, which sort of implies that there may have already been communications, which might actually be completely appropriate that some might interpret as overly political that we're censoring here. And I don't-- I agree with the previous speaker. I don't see this as a problem in my department, and I do think that it's appropriate when there are questions about what goes across listservs in Canvas that they be dealt with by close colleagues and not administratively. Thanks.

JONATHAN OCHSHORN: OK, we have a question, and then we'll go to the online Hayden in support.

UNKNOWN SPEAKER: Right. So, my question would just be, when you say that, "Whereas departmental email lists as well as course email lists in Canvas are intended solely for departmental and course related matters," is there a set of policies somewhere that you're referencing or guidelines that have been issued about what is considered the appropriate use of these resources?

YUVAL GROSSMAN: So actually, I don't know exactly where to point out, but there's something that I was thinking it's a common knowledge that actually when we have a university resource, we should use it only as this. That is, if a department chair sends an email as a department chair, you see it as a department chair. But I don't know, actually. If it's important, I

can find out exactly that there should be somewhere in some resolution in some kind of whatever university policies. I don't know if you know by heart.

JONATHAN OCHSHORN: OK, we're having some technical problems of identifying the various pros and cons. But what we'll try is first going to Hayden, who has a hand, which I'm thinking might be supportive, but I'm not quite sure. Go ahead.

HAYDEN PELLICCIA: That just meant I wanted to ask something. I would like to know if we have any information about how widespread this problem is.

YUVAL GROSSMAN: So, let me say that for me, I've been hearing about it at the level of about once a week last year. I have definitely much more than 10 events, actually much more.

JONATHAN OCHSHORN: There is someone online that I can't see apparently. Rodriguez or something like that. If you're there and you're opposed to this resolution, it's your turn.

ITZIAR RODRIGUEZ DE RIVERA: Yes, let me turn on the camera. I think it's really ambiguous, the definition of political. Does this mean that, for example, we will not be able to mention the suspension of students because of their political protest? Would that be considered political? And that has to be out of the listserv, even though I don't think this express any opinion against or for that action. So, I think it can be very prescriptive, depending on how things are interpreted as political or not. So, I think this is something that should be addressed individually, department by department. And I don't think it should be part of a general resolution or general measures taken by the university. Thank you.

JONATHAN OCHSHORN: We have time for a couple more. Go ahead, identify yourself and your affiliation.

GILLY LESHED: Gilly Leshed, Information Science RTE. I'd like to respond to those who think that this should be dealt at a departmental level or private manner. I want to remind you that if a chair or a professor are sending or using an email list to send information or to send a message to

everyone that's under them, people who are not in people who are not in a position of power might not feel comfortable to rise up and say, "Oh, I feel that this is offensive or I feel uncomfortable with this and with this message that has been sent to me." And so, thinking about those people who are already feeling like their voices are being muted is important to bring it up to those who are sending the message and not to those who are receiving them.

JONATHAN OCHSHORN: Go ahead and identify yourself.

BEGUM ADALET: Begum Adalet, Senator, Government Department. I also oppose. Sorry. Can you hear me? Okay, great. Begum Adalet, government senator. I also oppose the resolution. I think it violates academic freedom for several reasons. As others have pointed out, a one size fits policy does not make sense. Departments have different cultures. I teach in the political science department. There's no possible world where my colleagues and I cannot communicate about political issues. The language of the resolution is also impossibly and intrinsically vague. As other colleagues have pointed out, political implications, political issues, political nature could refer to everything or anything. Many issues to do with shared governance and faculty governance also have political implications or raise political issues. So, the resolution refers to email list being intended solely for department or course related issues. Would this exclude congratulating for a new baby or soliciting participation in the March madness pool about an event to watch a presidential debate? How about an email letting people know that federal policy proposals will make it harder to access funds that we should make our voice known about the impact. We need to be able to talk about things like this that are relevant to our community. And finally, the complaint ultimately seems to be that people receive emails from colleagues that they disagree with and would rather not see. But we are in a university. We receive information we disagree with all the time. We can choose to delete alternative views, but it would be extraordinary to ask them not to be exposed to their existence. Thank you.

JONATHAN OCHSHORN: Makda, you have a hand raised. Is that a pro or a con?

MAKDA WEATHERSPOON: Yeah, just actually not neither one.

JONATHAN OCHSHORN: Go ahead, then.

MAKDA WEATHERSPOON: I just have a comment. Yes, just I'm agreeing with what has been said already. This is very vague. Yeah, for example, if I send an email to my students saying, "Class canceled today. Go vote," is that considered, you know, going against this? So, I just want to say how vague it is, and I'm not convinced this is something I'll vote for.

JONATHAN OCHSHORN: Half a minute, maybe.

UNKNOWN SPEAKER: Yeah, I agree with everything that's been said opposing this sense of the Senate resolution. And I'll just highlight some of the things that we've heard. This is a resolution based on speculation of a given policy that we have no idea exists, and I imagine does not or should not exist. So, it's highly speculative. It's vague. It will have a chilling effect on faculty. If you're worried about people not speaking up, then what we should do is have more departmental discussions. And so, with this kind of a vague statement of don't use your departmental or class email for political that for things that have political implications, well, those who are in the least position of power will probably engage in the most self censorship when they have something to say and they're afraid that they will be attacked for being too political. And so, I think we should resoundingly vote no on this.

JONATHAN OCHSHORN: We're out of time. I think there's an opportunity to make more comments online. Is that not true?

YUVAL GROSSMAN: Maybe I'll just answer for this.

JONATHAN OCHSHORN: Keep it short, please.

YUVAL GROSSMAN: Just one thing.

JONATHAN OCHSHORN: No, I think it's reasonable for the sponsor to clarify. It's sort of like in a debate to respond. So, take the last 30 seconds, and then we need to move on.

YUVAL GROSSMAN: So, I'd like to really emphasize that the point has to do with professor talking to students. It's not about professor talking to other professors. It's all about the thing. And I'd be happy to-- And if that's the whole thing, I'd be happy to add. And the point that I keep it vague is because it's not about us deciding what is allowed and what is not. It's about the resolution has to remind us that students may feel very differently than us, OK? And when people cross the line, then, you know, maybe the administration have to do something. But this is not this resolution. This resolution is just about reminding us to be nice to our students, even if they totally disagree with us.

JONATHAN OCHSHORN: OK. Again, I encourage--

UNKNOWN SPEAKER: Microphone is off.

JONATHAN OCHSHORN: I think that all of these comments can be made online.

UNKNOWN SPEAKER: 20 seconds about something that hasn't been mentioned.

JONATHAN OCHSHORN: I don't think so. There's a lot of-- I'm not sure that that's true. I think we need to move on. There's an infinite amount of comments. They're all good comments. I think you need to put them online.

UNKNOWN SPEAKER: Policy 418.

JONATHAN OCHSHORN: We need to move on. We have a packed agenda. The next item is a revised pending resolution on the visibility of the chair's letter to the dean in tenure cases. Tracy Stokel will take five minutes, and then there will be a Qualtrics vote later. So this is-- Is Tracy online?

TRACY STOKOL: Yes, I am.

JONATHAN OCHSHORN: Go ahead, Tracy.

TRACY STOKOL: Thank you very much for putting this on. I will hopefully take less than five minutes. I talk pretty quickly. So, this resolution came out of the tenure track project that was started by Charlie Van Lone quite a few years ago and has been back and forth a couple of times with the UFC. However, what is the goal of the resolution? The goal of the resolution is just for clarity, transparency, and accountability. And our committee felt that the faculty have a right to see what the chair's summary of the discussion that went on, have a right to see that summary of the discussion in the chair's letter. And if this requires the chair adding it as an appendix to the letter or having a separate letter where they state their own feelings about the candidate, not as the chair representing the department views, then that's up to each department to decide. So, essentially, the resolution is that departmental deliberations are a crucial component of the tenure review. 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 only after votes on the promotion have been submitted to the chair. So, it can't be done before they voted or if they have not voted. Be it further resolved that each College establish their own guidelines for implementation of this process because we don't want to be too prescriptive. And that's it.

JONATHAN OCHSHORN: Thank you. So, there's no discussion. This is going to a Qualtrics vote. The next order of business-- the next two order of businesses take a half hour each. So, the first one is a presentation of the Cornell Committee on Expressive Activity, CCEA, draft report. There'll be 10 minutes for Colleen Barry, Dean of Brooks School of Public Policy, and then 20 minutes allocated for discussion. There'll be no vote on this. This is a draft report. So, Colleen. There you are.

COLLEEN BARRY: Thank you. Good afternoon. Thanks to the Faculty Senate for giving our committee a chance to talk about our draft policy and draft report that we've put together. I'm going to talk quickly and summarize to be able to hold the majority of the time for conversation. Just very briefly, the agenda, which appears right here, is to briefly summarize the policy, to

briefly summarize the other recommendations in the draft report. Both of these are drafted at this stage, and then discussion. Next slide, please. Great. To just provide an overview of the process and where we're at right now, 19 faculty staff and students from the Ithaca, while Cornell Medicine and Cornell Tech campus are the members of our Expressive Activity Committee. We met bi-weekly and weekly over the course of the period between May and November, working on this report and the draft policy. Our work included 28 campus listening sessions, review of extensive written feedback, both the original feedback submitted in follow-up to the interim expressive activity policy being released, and then a separate set of feedback that we put out in the formation of our committee related to feedback to our committee specifically. We determined 16 peer institutions that we would review their peer expressive activity policies. Based on all of this deliberation-- and I should also say 28 campus listening sessions that were held on this campus and in the New York campuses. And based on all of this conversation and data collection, we, on October 30th, released the draft policy and the draft report to the full Cornell community. We're at the next stage right now, which is to meet with eight different Cornell shared governance bodies between November 11th and November 20th, plus a community-wide listening session that we set up for December 3rd in Willard Street Hall with the plan to take in comments and feedback, make revisions to both the policy and the report, issue the revised policy documents to university leadership, and then there's this stage of the EPRG that is charged with approving all university policies. There are three main principles that guided our work, and I'm going to mention them briefly. The first is that open inquiry and freedom of expression are among our Cornell values and critical for an institution like ours of higher learning. Second, that Cornell has a fundamental responsibility to ensure the safety of all community members and to protect the ability of all of us to engage in the activities that we are here at Cornell to be a part of. And third, and I'm going to spend maybe an extra moment on this point, after much discussion among our committee, it emerged as important to us that many of the provisions that are currently housed in the interim expressive activity policy are not special to expressive activity, but in fact, pertain to many different types of activities on campus. So, many of the changes that you'll see in our draft policy relative to the original interim policy reflect that philosophy. So, I'll give just one example of that. The university fire code exists. And so, to the extent that there are issues around open flame candles, like those are governed in our view under the fire code and don't need to be specifically enumerated in an expressive activity policy. So, that theme

influences a lot of the changes that you see that we'll be recommending. From this framework, we identified six core principles. The first three are reflected in those three points that I just mentioned. Principle four, that there are settings that we have identified where expressive activity we recommend should be either prohibited or limited. Five, that there is great benefit from input from the broader Cornell community in supporting our university leaders in balancing expression out with other values on our campus. And six, that neutrality in content and viewpoint of expression is essential in the act of implementing rules around time, place, and manner. Next slide. I'll talk about very briefly our draft policy. Next slide again, please. There are a lot of different details here. I can't summarize them in a 10 minute presentation, but you can see the 12 domains that we touch on in the report where we're making, or in the policy, I should say, where we're making recommendations. In the report, we provide a lot of the rationale for why we're suggesting specific types of changes. So, those are the domains, and we can talk about them in greater detail as needed. Here are the settings that we discussed where there in our recommendations should be special consideration about expressive activity. I'm going to touch now briefly on the report itself. Next slide. Next slide again. Here, one of the charges of our committee was to make recommendations for progressive measures for time, place, and manner violations. And so, there's a lot of detail in the section that I'd love for folks to read and give us feedback on. Very briefly, first point that time, place, and manner rules should be construed as narrowly as possible. Two, that measures should follow the disciplinary structures already in place for students, faculty, and staff. Three, our committee saw the value of a warning phase to help our community understand if they're crossing a line in violation of time, place, and manner rules. So, real value in that notice. And last, on this slide, that we recommend dividing violations into tiers for disciplinary purposes and clearly communicating the lines and consequences between them. So, peaceful assembly, civil disobedience, disturbance, disruption, excuse me, property damage, and the like, threats, violence, property destruction. Next slide, please. We go on to make a series of additional recommendations. First, recommendations to modify the OSCC procedures regarding narrow use of temporary suspension. This specifically pertains to the student code of conduct on our Ithaca campus. We also recommend in the report that the university and appropriate collective bargaining units consider adoption of analogous processes for procedures around staff and faculty and the relevant student code of conduct on the Weill Cornell Medicine campus. Our committee was concerned, this is the second point, about the

length of the normal due process. That is specifically a set of recommendations to narrow or to reduce the time of that longer process. And finally, in our review of peer policies, there were a variety of other progressive measures that we viewed as tools that were not built into Cornell's process, but that we could benefit from learning from. Things like Dean's warning, community service, loss of access to space, and the like. There's a long list in the report itself. Next slide, please. Finally, and this is the last slide, we had a number of implementation recommendations. First, our committee was impressed by some free expression websites of our peers. I call out here Princeton, Stanford, and UVA. That is that websites were identified on those campuses to both pull together tools and resources for students, faculty, and staff interested in engaging in expressive activity and also to pull together in a central place all of the different rules and policies governing expressive activity and time, place, and manner regulations on our campus to provide a central source for the community. And in addition, we recommended a standing committee on expressive activity with the notion that often these are challenging and nuanced decisions and that the university leadership could benefit from input from the broader community in these types of cases. Third, because our recommendations touch a lot of the campus, the campuses, I should say, we also recommended the use of an implementation committee to help guide that process over a longer period of time. Finally, there are some areas that are outside our charge, but still in our view pertain to creating a vibrant environment for expressive activity on campus. And so, we're making some suggestions that go beyond our charge and would take additional steps to implement, including we thought there was a benefit from improving the scheduling system on the campus and assessing training processes for staff and others designated with making those determinations that we identified a lot of confusion in our listening sessions around media and other online activity in the context of expression, that additional clarity would benefit staff in understanding their rights and responsibilities on how professional conduct expectations mapped onto their own expression. Fourth, that the university's unarmed community response structure and how it interacts with armed police on campus be looked at in the context of both expressive activity and beyond expressive activity. Fifth, that institutional neutrality, or what is sometimes thought of as institutional restraint, is something that has been taken up by special committees and some of our peer institutions, and we recommended that some thought be given to whether such a committee or process would be useful on the Cornell campus. And finally, in our listening sessions and in many of the comments

received by our committee, a lot of-- So, it's outside of our charge to make recommendations around hate speech, but a lot of different views about the role of offensive speech on our campus and a benefit that we thought in a more fulsome community conversation around those issues. I think that's it. Thank you.

JONATHAN OCHSHORN: Thank you. Go ahead. I've been asked to have a single line of people who want to talk. Come behind this microphone if you're in person. If you're online, just a simple raise your hand, and we'll alternate between the online and the in person. So, come down if you want to speak and get in line.

COLLEEN BARRY: I will say that there are a number of different committee members in the room and they may respond. Generally, we're looking for input, and we're in the process of making revisions. So, thank you.

JONATHAN OCHSHORN: Who's first in line here? Typically, we start on Zoom, but I see no hands raised on Zoom, so we'll start.

BETH MILLES: I just have a quick comment. I'm Beth Milles from performing in media arts. Thank you for this presentation. That was very helpful and very clear. I don't have a yay or nay. I just wanted to say that in PMA, since we are an expressive arts department as I often say, we are starting to respond to the level that this doesn't address public art, and freedom of expression, and public art. And if people want to write directly to me because they would like to add some language-- We're trying to formulate something simple to send to you about it, but if anyone else would like to address that area of it, I would appreciate it.

COLLEEN BARRY: Thank you. Wonderful.

RICHARD BENSAL: Thanks Colleen for the report. It was very nicely done. Very clear.

JONATHAN OCHSHORN: Your name and affiliation.

RICHARD BENSAL: Oh, that's right. Richard Bensal, Department of Government. The report focuses on protests, particularly protests by students. However, I do not believe that is the major threat to academic freedom and freedom of speech on the Cornell campus. Let me explain why. The committee on expressive activity was created and appointed by President Pollock. Prior to creating the committee, however, President Pollock had publicly condemned and threatened to punish a faculty member for speech off campus that had been made in a private capacity. This was a major violation of both academic freedom and freedom of speech. The threat to academic freedom by high officials in the central administration was compounded by Vice President Joel Molina in October when he stated that a faculty member's in-class activities, this is a quote, "in-class activities will be scrutinized, as will all in-class activities of our faculty." And just a couple of days ago, Michael Kotlikov, Michael, the interim president of Cornell University, stated that he was, quote, "extremely disappointed," unquote, with a decision by the curriculum committee to approve a course because he did not like the content. Kotlikov went on to suggest what standards he believed should be enforced by the curriculum committee when it reviewed courses. The object in all three instances seems to have been to intimidate faculty through veiled threats and expressions of official displeasure. Given this recent history, I would suggest several things. First, any set of regulations on expressive activity must include procedures under which high officials of the central administration are constrained if they attempt to overhaul faculty in and out of the classroom. Second, given that the present committee was created by these same high officials, the legitimacy of its standing as a staunch defender of academic freedom and freedom of speech is in some doubt. It would perhaps be best-- This is my conclusion within the thing. It would perhaps be best to restart this process with a more democratically elected committee. Thank you.

JONATHAN OCHSHORN: Yeah. There's nobody on Zoom, and we try to keep it to two minutes.

RISA LIEBERWITZ: I will try. All right. Risa Lieberwitz, ILR. So, first, I want to say that there are some, I think, very good aspects of this report. I think a lot of the language in the report itself, you know, it's divided into a report, and then the policy recommendations. I think some of this very strong language about academic freedom and freedom of expression is very welcome and

very important. I also think that the critiques of the temporary suspension policy are very important and really highlight the problems with the way in which process is so essential to protect substantive rights like freedom of speech and academic freedom. And so, I welcome that. More work is needed on that. And I would hope we would have a democratically constituted committee to work more on those changes and also to look more at alternative dispute resolution and restorative justice as real educational processes rather than such a singular focus, as we're now seeing on discipline and punishment. I'd also say from Richard Bensall's comments that it's a reminder of how we learn inside the classroom and outside the classroom, outside the classroom through teach ins, protests, et cetera. There's a lot of expression that should be protected. There's a lot to say. I'm just going to focus on the issue of time, place, and manner restrictions. As noted, they have to be reasonable and necessary and they must be narrowly drawn as possible. And so, there are some things I want to point out with regard to the scheduling requirements that are recommended by the policies that I think are a serious problem. First, why are they not reasonable? Well, they are simply, it seems, for convenience purposes, which seems inconsistent with the notion that expressive activity is distinctive, as noted in the report, and that's contradictory to that notion of distinctiveness of expressive activity. Also, they're not reasonable because they sound neutral, but they're not. In effect, in impact, they're discriminatory because those who do not want to schedule because they're concerned about surveillance and the discretion that's used will be chilled from actually scheduling. And then finally, they are not narrowly drawn. The scheduling would be overly broad. The only place identified for so-called spontaneous protests is Hope Plaza, kind of a free speech zone. And there are very easy ways, I think, for us to address the over breath by saying the presumption is that open space is not necessary. You don't have to schedule there except for very specific locations like the examples given, like near a hospital. Thank you.

COLLEEN BARRY: And just to say briefly, if there are specific recommendations to the report, we would welcome them.

CHARLIE GREEN: Hi, I'm Charlie Green, Literatures in English. I just want to make two points. Thank you, by the way, for the time that you all put into this. This seems like a boulder to push up a hill. One point I want to make is that I don't see why the expressive policy exists other

than to threaten and punish political groups on campus. There's already a student code of conduct and guidelines for how groups are to behave having to do with where they can protest, or present, or how loudly. I also don't think that the policy represents what protest is about and does not reflect what universities are. I want to read two quotes from it focusing on the word ideas. One is, "It's not the role of the university to shield members from ideas simply because these are seen as wrongheaded, disagreeable, immoral, or even deeply offensive." The university itself, every university department does make these kinds of rules all the time. Second quote, "Disagreements about ideas should be resolved not by university regulation, but through debate and discussion among Cornelians." Universities, especially Ivy League universities are often be criticized as ivory towers. This is what that reflects because protests, since that's what we're really responding to here, are not about ideas. They are actually about material reality, political decisions, because no university decision can actually be content neutral or apolitical. And I think that it makes clear that this is designed to threaten students who want to protest for political things that are uncomfortable for some constituencies on campus. Thanks.

JONATHAN OCHSHORN: Thank you.

BEGUM ADALET: Begum Adalet, government. Thank you to the committee for their hard work. It really shows the improvements that were made compared with the previous version. And I also really appreciate that the committee recognized that in their current use, the temporary suspensions are being used punitively and not as a protective mechanism. And I also noticed that the report under the policy, they do not address the personal non-gratis status, which also has been issued in addition to temporary suspensions. Recently, they've been issued by the Cornell Police Department. And so, if they were following what Risa suggested, if there were to be a democratically appointed committee to revise the temporary suspension provisions, I would hope to see that that issue is also addressed. And I also want to-- in addition to problems about kind of requiring scheduling, which doesn't seem to be that different from registration, I want to also bring up how you repeatedly refer to significant disruptive sound, including amplified sound, how this is only allowed after 5 PM, which seems very, very restrictive. And in addition to that, it's not clear kind of how you're defining disruptive sound. You refer to loud sounds. This can be interpreted to include raised human voices, crowd chanting, for instance. And this can also lead

to punitive measures far too easily. So, thank you.

COLLEEN BARRY: On the point related to the PNG, if there are specific ideas related to how it should be addressed, that would be welcome. Thank you.

YUVAL GROSSMAN: Yuval Grossman, Physics. Thank you very much for the report. I found very good points in it. There's actually one point that I was a little worried about, and this is the fact that the way I see the university, it's my workplace. And for the student, it's the place-- This is my employment, OK? And there's a responsibility for the university to make sure that I can come here and work in a free environment. And the words of the reports kind of I hardly saw it. There was so much about the part of free speech, but as important is the fact that I should be actually come to my work and not go through an encampment. And then, if they do have maybe the free speech to say what they say. But this is my job, OK? I'm not here voluntary. I mean, I decide to have my job. And there's actually a commitment by state and federal laws to make sure that I actually can come here without the fear. So, I'd really like to see this part much more in the report. Thank you.

JONATHAN OCHSHORN: Thank you. We have a comment online. Maria, go ahead. Identify yourself.

MARIA GONZALEZ PENDAS: Yes, thank you. Maria Gonzalez Pendas, Senate representative for architecture. So, thank you so much for all the work. I echo what my colleague said before. It seems like a monumental amount of labor to undo some of the things that were not democratically done in the first place. So, I have two questions. One is, is the new report acknowledges that the interim policy had some kind of like fundamental problems that had an impact? Has the committee discussed some form of reparative measures for what just happened the last year? Is that part of your discussions? And my second point has to do with number five, the use of institutional neutrality. I understand where that comes from in the context of universities in the US, and University of Chicago, and others. But I am troubled that the demand for institutional neutrality depending on how much it is defined. You know, who is the institution, where and who's going to be asked to be neutral? Do I as a faculty member represent

neutrality? I have and others might have had experiences where in putting together certain panels, we were asked to balance out the panels. Is that neutrality? Or we could not use certain logos because you're representing the university. So, I am troubled that today, not when University of Chicago, you know, promoted neutrality. Neutrality today means very different things. And it means silencing the university as a space for debating political questions.

COLLEEN BARRY: And just on that last point, Maria, our intention was to speak to looking at the question of university leadership neutrality, not neutrality for other members of the community. Would you mind-- I missed-- Well, please respond, but also I missed the question in the first part. So, would you mind repeating?

MARIA GONZALEZ PENDAS: Yeah. The question is, if the committee-- it might have been in the in the small, you know, wording and I missed it, but if the new report acknowledges that the interim policy, you know, had structural misconceptions, if you have discussed some reparative measures to students and faculty who have been subjected to that and continue to be so.

COLLEEN BARRY: And we don't in the report, just to answer that question. If there are recommendations to make changes around that aspect of the report, we would very much welcome suggestions and feedback.

MARIA GONZALEZ PENDAS: So, that would be that would be my suggestion, not to talk about reparative measures and to be very careful and nuanced on the term of the demand for neutrality because leadership has many tiers.

COLLEEN BARRY: Yeah, thank you. I appreciate it.

JONATHAN OCHSHORN: I think we have time for just the last two comments, and then we'll move on. So, identify yourself, please.

ANGELA CORNELL: I'm Angela Cornell from the law school, and I also wanted to thank the committee for their hard work and their suggestions for correcting some of the issues that have

surfaced in recent times. But my concern is actually the use and references to safety and disruption. I mean, when we think about expressive activity, I mean, disruption is sort of part of it. And I wondered if, you know, disruption of short duration should be tolerated. But when we look at the proposal, it seems as if disruption might not be. You might actually face discipline if you engage in disruption. And that includes even like a protest on the street. There are a lot of marches and protests on the street. It doesn't actually create a safety problem. And so, I just think some of the language that references safety and disruption could be interpreted to result in disciplinary actions and could really constrain expressive activity. And I just hope that it could be clarified later in the document when it comes to suspension, it's clear because it has to be a very serious safety violation. But earlier it isn't. So, those are a couple of concerns that I have. But thanks very much.

COLLEEN BARRY: And Angela, if there are specific language that-- like point us in the place that is most concerning to you, and we'll look at it as a committee.

ANGELA CORNELL: Thank you very much.

JONATHAN OCHSHORN: Okay, so we're over time, but I promised one more comment and go ahead. Well, she was here first, I think. Okay, we'll do the two comments, one online, one here. You go first, and then we'll go online, and then move on.

DARLENE EVANS: Thank you. I appreciate the work the committee did, and I think probably my comments have more to do with your charge because-- Oh, I'm sorry, Darlene Evans. I'm senior lecturer emerita from the College of Arts and Sciences. The charge itself, I think probably hamstrung the committee in ways because I think what our real concerns are is what some of the punishments have been for students who protest and the draconian temporary suspension and the way that's been used. There are better ways to do that. And I guess what we would probably like most is that there be a democratically formed committee that had a broader charge, and this is not a criticism of the work that you've done. But I think things like safety, the other things that have been mentioned here are really quite important. And I think to create a policy without having the ability to actually look at what the results of those policies are is quite unfortunate. I also am

going to read a paragraph here from an article from Eric Schaffetz's article that was published in "Mondowice" on Monday. And it has to do with a different kind of justice. I don't know whether the committee can infuse any further drafts with this spirit or not, but this is from Eric's article. On the information posted outside the Office of Student Life, which administers violations of the Student Code of Conduct, we read the following. "The code focuses on a restorative and educational approach and offer support to both the students involved and the community impacted." This is Eric. "I teach restorative justice in my capacity as a professor of American Indian and indigenous studies, but the system of justice being administered here is punitive, not restorative or educational. Restorative justice is based not on alienating and isolating members of the community who may have broken certain rules, but on including them in a dialogue that determines sanctions, if any, by subjecting the rules themselves to critical scrutiny. The punitive paradigm being used to suppress these protests places the students in the position of being virtual criminal subjects. And in this regard, we should remember that the largely nonviolent protests taking place across the country are taking place within educational institutions." I think that's been made clear here. "Giving context to what the protesters believe, these protests should be viewed as an extracurricular part of the curriculum, and a university or college education should not be contained within the walls of a classroom, thus treating the protesters as criminals contradicts and undermines what should be a central purpose of a university college education. That is to define social justice in criminalizing students protesting the absence of justice in any case does real damage to what's left of our democracy." Thanks.

JONATHAN OCHSHORN: Thank you. Iris. Identify yourself and try to keep it to two minutes.

IRIS PACKMAN: Hi. Iris Packman, ILR RTE Senior Extension Associate. Thank you so much for this work. I can tell there was a lot of thought and deliberation, and I think this is a great improvement from the interim policy. A couple of my concerns come from, as folks have mentioned, the definition of disruption or disruptive activity. It seems overly broad, especially when it includes visual disruptions. I am a labor lawyer by training and practice, and I think about organizing, for example, and there are a lot of laws that are protective around the kind of speech that an employee could have, for example, on a shirt, or a button that they're wearing, or a banner, or something like that. And under this policy, merely having something deemed

disruptive visually because it has a statement that someone might find to be disruptive would be considered a violation, and I think that could put us at odds with federal law, certainly, but we also want to be thoughtful about this is a workplace, not just for faculty and staff, but also for students, both undergraduate and graduate students. And we know that there has been union activity and organizing activity, and there's a concern that this would certainly cause some chilling effect on otherwise protected rights.

COLLEEN BARRY: Thank you. And if there are specific recommendations around being more specific and how we're defining disruption, that would be very welcome. This comment came up in a separate shared governance meeting yesterday as well. Thank you.

JONATHAN OCHSHORN: Thanks, everyone. We're going to move on to the next item of business, which is a faculty Senate resolution to condemn Cornell Vice President Joel Molina for violating faculty academic freedom. Risa Lieberwitz will speak for 10 minutes, and then we will have comments or questions up until 4:54, where we have to stop and go to the next agenda item. Certainly.

RISA LIEBERWITZ: And I'm in the right place. If it is, yay. All right. Are these up now? Okay, good. All right. So, this is the second time that I'm talking about this. I'm not sure if everybody was here the last time when I first presented this faculty Senate resolution, which as I'm sure you've seen, if you've looked at it, has been signed by many, many faculty co-sponsors. And that's posted online so you can see that all the co-sponsors, including the faculty senators who have co-sponsored this resolution. And I thank all the co-sponsors for joining in that. And so, just I want to reiterate some of the factual aspects of this, and then move to the whereases. I'm not going to read the resolution, which is quite long, but I do think it's important to remember just what happened here. All right. On October 2nd of this year, there was a report about a meeting that took place on September 30th. This is a report in the "Cornell Daily Sun" that included statements by Vice President Joel Molina at a private Zoom meeting with more than 220 parents. And that was a meeting hosted by Cornell Hillel. And at that meeting, we learned that two Cornell faculty members were targeted by Joel Molina in what he said to the parents at that meeting. And so, Vice President Molina described first a junior faculty member in CALS who

was hired. Are we OK? Do you want me to stop? OK. Pay no attention to the man behind the curtain. All right. So, Joel Molina targeted two Cornell faculty members who had engaged in protected speech. He described a junior faculty member in CALS who was hired before Cornell learned that that faculty member had retweeted, quote, "troubling posts," close quote, critical of Israel and Zionism. Molina stated that this faculty member's, quote, "in class activities will be scrutinized, as will all in class activities of our faculty," close quote. I will remind you that I'm-- President Joel Molina, because he represents Cornell as part of the administration. In his remarks, Molina also said that there was a second faculty member that he identified by name, and he stated that this faculty member's speech on October 15th of 2023 about Israel and Gaza was protected only because it was made off campus and not in the classroom. And then, he said in a very, I would add, denigrating way to this faculty member, quote, "that he's savvy when it comes to staying on this side of our policies," close quote. Could have just said, "This is a faculty member who follows our policies." So, now moving to the whereas clause. Okay, are we there yet? Can we switch, move on? Yeah. So, the next slide. There we go. No? One more before. Okay, I'll just keep talking. Pay attention to me now. So, there are key points in the whereas clause that I want to point out, and one is to remind us of something about academic freedom, which is the broad scope of academic freedom. We have a Cornell policy on academic freedom, and freedom of speech, and expression, which states 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 is protected. Academic freedom extends as well to speech outside the classroom, but in terms of Molina's statements, we should remember the strength of that academic freedom right. We have AAP policy, which is quoted in our Cornell policy on the statement on principles of academic freedom and tenure. And in the AAP policy, it says "Controversy is at the heart of the free academic inquiry." And we have other AAP policy about freedom in the classroom, which has a broad scope of freedom. You can bring in, according to these policies, debate about issues that are not directly related to a particular topic that you are studying as long as it's germane and it promotes discussion in the classroom. And this is designed to make sure that there's no chilling effect on faculty actually bringing in current events or controversial issues. I use examples in my class all the time about current events. Okay, so now, key points in the whereas clause. As it states in the whereas clause, Molina's statement, his letter to the editor in the "Sun" on October 2nd acknowledges that 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. Well, that's very nice, you know, that Molina later that day realized that he had gotten caught, and he wrote to the "Sun" to say, "Well, you know, I really do believe in academic freedom in the classroom." This doesn't cure the violation of academic freedom. He doesn't deny he made the statements, he doesn't take responsibility for the statements and actions that he took, he doesn't state he was wrong in making these statements, and he makes a contradictory claim of why he made the statements. Somehow that he was intending to refer to Cornell policy on academic freedom and AAP statements. And I would also point out that there has not been a cure from the university administration either. The university administration has not come out and said, "We are committed to academic freedom in the classroom, we do not scrutinize people in the classroom, and we state unequivocally that Joel Molina was wrong in what he said and we disavow it." We have heard nothing about that. In fact, what we have heard is that interim president Kotlikoff just recently made statements in writing that have been quoted in an article, a reported article that both denigrated a faculty member's course because interim president Kotlikoff did not approve of the nature of the course. And he also, Kotlikoff, stated that he thought that the curriculum committee should not have approved the course. He disapproved of that as well. So, we have basically policy and practice here where the university feels that it can intervene and interfere with academic freedom. So, now for the be it resolved clauses. In light of all of this, the faculty senate condemns vice president Molina for his violations of academic freedom at the Hillel meeting by inappropriately targeting and discussing two faculty members' speech and employment status by threatening surveillance of faculty speech in their classes, by threatening to take punitive action against faculty for their classroom speech, engaging in viewpoint discrimination and censorship, and 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 Molina shall issue a public apology for his statements in violation of faculty academic freedom at the September 30th meeting, and that the Cornell administration shall publicly reject vice president Molina's statements violating academic freedom, and that the Cornell administration shall publicly commit that Cornell will not engage in any sort of surveillance of faculty teaching. And then, two more resolves. Be it further resolved that the

Cornell administration, now this has to do with statements at the meeting about increased security, use of increased security cameras, and policing that Molina and actually vice president Lombardi made at this meeting. Given the concerns about surveillance, the issues of security and surveillance is particularly important, increased security over faculty, students, and staff. And so, 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. And be it finally resolved that the Cornell administration will engage in meaningful consultation and negotiations with the faculty senate and other governance bodies and unions to ensure that increased police and security presence and installation of security cameras on campus do not constitute an invasion of privacy or violate faculty, students, 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. These are serious issues. I think we should take them seriously. And I think that we should hold not only vice president Molina, but the entire Cornell administration to the most basic and fundamental principles that we have of academic freedom in the classroom, and of course, outside the classroom, but here, it's about in the classroom. And particularly at this moment when higher education is under attack from so many places, I hope we can join together and actually support and defend the basic principles of what makes us a university. Thank you.

JONATHAN OCHSHORN: Thank you. I'd like to ask anyone in person who is in favor of this motion to line up behind this microphone. If you're opposed, please line up behind this microphone. We start with typically people on Zoom, but I don't know whether you're opposed or not, so I will just ask you. Mark Lewis, are you in favor or opposed to this motion?

MARK LEWIS: I'm in favor, but I'd like to make some--

JONATHAN OCHSHORN: Okay, I'm going to ask you to wait. David Bateman, are you in favor or opposed?

DAVID BATEMAN: In favor.

JONATHAN OCHSHORN: In favor. And Hadas Ritz, are you in favor or opposed?

HADAS RITZ: I have a clarification question.

JONATHAN OCHSHORN: Well, then why don't you start?

HADAS RITZ: Okay. Hadas Ritz, College of Engineering RTE. Risa, can you please clarify what changes have been made between the first version of this resolution that you brought to us and now in response to the comments that you received between then and now?

JONATHAN OCHSHORN: None.

HADAS RITZ: No changes based on the previous discussion and comments?

JONATHAN OCHSHORN: This is still the first motion.

HADAS RITZ: Okay.

JONATHAN OCHSHORN: We're going to start with someone in opposition. Try to keep it to two minutes, and identify yourself and your affiliation.

BILL KATT: Bill Katt, Vet School. So, between the last month and this month, I asked Google for just two words, Cornell antisemitism, and one of the first five hits was an article that detailed the same three professors the vice president is accused of talking about. This same article was linked in the "Cornell Daily Sun". It was published months ago. I would not find it at all surprising if the vice president had been specifically asked about these professors and was simply answering your question about these three people. This would be entirely consistent with what the "Daily Sun" printed. I don't know that this was what's happened because we don't know what happened. We do not have a full transcript of that meeting. We just have a single article with a couple of small, largely context free bits of text. And I think we should very carefully consider what it says about us and what it says about all future legislation we may send to the

administration. If we condemn a man for speech that we haven't heard that was delivered to us by a third party who may or may not have heard it directly, and that we made no effort at all to bring him in to clarify what he said. Thank you.

JONATHAN OCHSHORN: So, I'm going to go to a in favor in person, and then we're going to go to another opposed, and then online. Go ahead, identify yourself.

ALEX NADING: Alex Nading, anthropology. Vice President Molina has not denied that he said what he said. It's quite clear his responses in the "Sun" were pretty clear. On October 2nd, I actually wrote an open letter about this set of statements, especially the promise to scrutinize faculty teaching, and I wasn't alone. Mr. Molina's later published a clarification on his comments in the "Sun", and that clarification was insufficient. In fact, it was a classic example of gaslighting. Mr. Molina doesn't deny what he said, but he disrespects us in claiming that his comments were actually reflective of AAP best practices on academic freedom. To those outside Cornell, Mr. Molina's statement about the scrutiny of faculty says that the institution doesn't trust us. This and other administrative statements over the past year thus ratified the worst alarmism that has been stoked almost completely about political bias in academia that's been stoked almost completely by politicians and special interests who have little to no evidence to support the assertion that universities are systematically indoctrinating students into certain viewpoints. That the leaders of a university would buy into this simplistic and insulting caricature of higher education, and then turn that caricature into a justification for scrutinizing our own faculty is profoundly anti academic. To those within Cornell, Mr. Molina's statement said that we are not colleagues to be valued but risks to be managed. As I have written, it says that our leaders do not trust us, that they presume that unless we are frightened into presenting fair and balanced courses, we will brainwash our students. While we've received tepid assurances that Mr. Molina's promise of increased classroom scrutiny was not a statement about policy, the university has not at any point done anything publicly to counter the unfounded assertion that the faculty's objective in teaching is to indoctrinate rather than educate. How hard would it be for Cornell to assure the public that we are educators, not indoctrinators? Again, there is no evidence that Cornell faculty are systematically pushing political agendas in their classes. There is ample evidence, however, that paranoia about this has spread to the highest levels of our administration.

I think it's important for leaders to be willing and able to apologize when they make mistakes like this. At this moment, when academia is under attack, humility and restraint are also under attack. The fact that Mr. Molina did not and will not apologize, but instead explained his comments away sets a terrible example to these parents, to us, and most importantly, to our students. Thank you.

JONATHAN OCHSHORN: Whoever is first, identify yourself.

TARA HOLM: Tara Holm, mathematics. I'm quite shocked by the accusations that are based on hearsay in the "Sun". So, I don't have much to add beyond what Michael said on that point, but I concur with his conclusion. I don't see how we can make a vote. I don't see where the due process is in this. I think that we do have HR procedures. I think they should be followed, and I think by nature, they are not something that we can hash out in the context of the Senate. So, I do not support this motion.

JONATHAN OCHSHORN: Thank you. We're going to go online to Mark Lewis, and then we'll go back to an opposed point of view in person. Go ahead, Mark.

MARK LEWIS: Thank you. I appreciate my colleagues who are saying that we need more information, but I think that the opportunity for VP Molina to come and speak and to clarify was already given over the last month. I suggest a couple of minor edits to the resolution, and then one I think is a bit more major. So, the minor edits, I'll put them all in the chat, but the minor edits are just that it includes the terms of the Faculty Senate demands as opposed to just leaving it up to misunderstanding where it's coming from. And then, the major one is, it seems to me, as we've already heard, that an apology was in order. Either an apology or a clarification, neither of which was done in a sufficient manner. So, I'll give you an example, and then I'll get to my changes. An example happened last time we were at our Faculty Senate meeting. Interim Provost used the term theater, and used it in a somewhat flippant manner, and one of our colleagues stood up and said, "I took offense to that." And almost immediately, Provost Silicano said, "You're right, I'm sorry, I apologize, I shouldn't have used that term." And then, we were able to move forward. In this case, no such apology has been provided by VP Molina, the lead

communications person in our university. And so, it seems to me that if he doesn't want to apologize in the case that he feels that he's not done anything wrong, stronger measures should be taken. And so, what I'm suggesting is that the edits would include a demand for an apology or a censor from the Faculty Senate. I put this in the chat. You can all read it for your leisure. But that's the idea is to try and think a little bit just to make sure that it's clear that we're serious about this and that if he really feels he didn't do anything wrong, they should expect us to vote against his continuing to be leader of our communications group. Thank you.

YUVAL GROSSMAN: Yuval Grossman, physics. So, let me just repeat what the people stood here in line said before. It's really embarrassing that we actually count on something from the "Cornell Daily Sun" and just seeing how this is reflect on the Senate. If the Senate's run a resolution under some report from the "Cornell Daily Sun" that we don't know in what context it was, we don't know how precise it is. You know, look at newspapers just around the world. How many times you know that some of the things that they do are really not precise enough? So, that's one point that I'd really like to emphasize. Think how it's going to reflect us if we pass this resolution. The second thing that I'd like to say is that I think we also have to think about what happened here to start with. Cornell parents come to a private meeting because there's so much to say about what's going on at Cornell. There's so many bad things that are going on at Cornell against Jewish students. They come to a private meeting or promise a private meeting, and then the "Cornell Daily Sun" actually violate their rights. And then, instead of us saying, "You know, this is not OK. We should let you have your safe space to share your concern without worrying." Then, we actually try to take this kind and actually push it forward. So, I think those two things are actually enough good reason to violate-- you know, to not talk about this. If we do like to talk about those issues, we should actually invite the people to hear, discuss with them, and then have a new resolution.

JONATHAN OCHSHORN: Go ahead. Two minutes, please.

DARLENE EVANS: Yeah, it might be a little bit longer, but I think this is important. This doesn't have to do with hearsay. The Cornell Daily Sun-- I'm sorry, my name is Darlene Evans, senior lecturer emeritus at the College of Arts and Sciences. To me, this is personal. It's not

hearsay. It happened this week. And if I were going to offer an amendment to this resolution, I would add the president's name to it because of what happened to me this week. On Monday, an article appeared in which Cornell president Michael Kotlikov condemned my husband's course and asserted that he, the president, was actively working with colleagues to develop courses that would suppress it. The journalist told us that the president was speaking on the record through a letter written to a colleague. Later that day, my husband received an email hoping that heinous things, and described in graphic detail, would be done to me, and to my children, and my grandchildren while he watched. I do not believe that those two things were unrelated. My husband, who was in the American Indian and Indigenous Studies program, is teaching a course within that department on the global war against indigenous peoples, which is one of the reasons for that department's existence. That includes Palestinians. That he is teaching a course on indigenous resistance coincides with all or part of most of the courses in that program that are being offered. He is an international expert on this subject and has been writing and publishing articles on this subject for decades. As a Jew, he believes that he has a moral obligation to speak up against injustice. He has devoted his life and his career to it, like it or not. In an email to my husband, President Kotlikov, I believe this was yesterday, said he hoped that Eric's teaching would take a dispassionate look at the facts. Do any of us think it is appropriate that the president of any university should tell professors who are experts in their fields what level of passion they should bring to their work, let alone be dispassionate? What would that look like for courses on slavery, on the Holocaust, on rape used as a weapon of control? These courses are being taught at Cornell. These courses are especially offered in the fields of the humanities, social sciences, and certainly all the ethnic studies programs. It's difficult for me to understand why this needs to be said. Academic freedom is absolutely necessary for education to take place without interference from politicians, donors, and other special interests. Our administrators should protect us from that. Without it, neither we nor our students truly have freedom of speech or even freedom of thought. What Vice President Joel Molina and President Michael Kotlikov have done is make a mockery of academic freedom at Cornell, fulfilling a top agenda item, I might say, of authoritarian governments to control thinking. They have made the promise of any person, any study, a total lie, as Vice President Molina promises to surveil and scrutinize faculty teaching, and President Kotlikov actually does it. Their speech and actions should make every faculty member at this university think very, very carefully about what kind of university they want to

teach in and who should be leading it. Thank you.

JONATHAN OCHSHORN: Okay. We have three more people who would like to comment. We're out of time. I could invoke unanimous consent to ask if you would be willing to extend the meeting by, let's say, 10 minutes. Hearing no objections, we'll take the remaining three comments, and then move on to good of the order. You're first. Identify yourself, please.

RUTH COLLINS: I'm Ruth Collins. I'm a faculty senator in molecular medicine. So, I share many of the concerns of my colleagues who take the opposite view. However, I think in particular terms of this resolution, we recommend voting against it basically for two reasons. The first reason is simply that it is out of context. We don't know correctly the context. My understanding of the American vernacular when it comes to free speech is that this March in Skokie where these Nazis marched in front of a whole bunch of the Jewish residents of that town was permitted. It was a landmark case for the ACLU, and that established the idea that free speech is where you can say yes to Nazis coming and talking. So, I think it seems from what we know, and we don't know more of this, that was the context for that idea that was mentioned. So, that was the first reason. So, it's sort of out of context. And the second reason is really because it is overly censorious. This was mentioned in the previous discussion of the last Faculty Senate meeting. We were promised that the resolution would be amended to take that out. It has not been amended. And the problem with this is that it ties in to this vilification of academic administrators. We had Martha Pollack, who was kind of given this Kabuki trial in the Quad. And we've had Ryan Lombardi, who has been personally vilified in many different ways. And I think adding this in adds to the idea that faculty are unserious and it adds to this public perception of faculty as being not serious and overly censorious. And I think that reflects on the public support. As scientists, we need public support in order to carry on the academic enterprise, and resolutions like this undermine it. And this is for two reasons why we recommend voting against it as scientists.

JONATHAN OCHSHORN: Thank you. We'll go to David Bateman on Zoom.

DAVID BATEMAN: Thank you. I'm David Bateman in the government department. I strongly

support this resolution. This is not hearsay. This is not rumor. This is not taken out of context. This is confirmed by him in his response, and nothing has been denied by him. Personally, I don't think it should be embarrassing to rely on our students. They're smart as hell. And our students have consistently shown themselves, of all different opinions, to be the most thoughtful and generous people on campus. I actually place a great deal of stock in our students. I'm not embarrassed by that. I have no problem with what the parents said. They have a safe space. They wanted a safe space, and they are safe. But policy changes, policy should not be made or announced in private forums. Moreover, regarding how censorious this is, this is not an HR referral. It is not a deprivation of his speech. It is a repudiation of the policy he's announcing and his actions in speaking about specific faculty to private persons who have no legal right to this information. He's not denied any of this. If you asked about specific faculty, if that was the context, he should just tell them that he does not talk about specific faculty, staff, or persons, or students with people who do not have a legal right to that in the same way that we would say any of this if people asked about any of our students, which we are legally required to say. What he did say was a threat to academic freedom. And as Alex Nading laid out earlier, as well as in his fantastic letter in the "Cornell Sun", it's a profound threat to the quality of education the students receive at Cornell. So, the last time that this came up, the last time we discussed this, the interim provost all but endorsed this resolution, and he clearly disavowed Molina's statements. In a university assembly meeting that came after, he did the same. He all but endorsed this resolution and disavowed Molina's statements. So, on the one hand, it seems this resolution is primarily reaffirming existing policy understandings. But then there was the news that the president slandered a faculty member and called into question the Educational Policy Committee in the College of Cultural and Life Sciences because the responsible faculty on that committee had approved a course that the president, who has no role in academic programming and no area expertise on this issue, disliked because it failed to meet a political standard of his own. And Darlene has very movingly described some of the consequences of that. So, despite the interim provost's explicit disavowal of surveillance and scrutiny, his insistence that this was a matter of faculty control, chairs and faculty govern processes, the mechanism for evaluating course quality, other, more senior members of the administration seem to be violating our existing sense of policies, this existing sense that the interim provost has insisted are widely held and recognized. And so, that is the fundamental purpose behind this resolution. It is to affirm these

policy understandings. And to, yes, censor Molina for speaking in contexts, either announcing policy changes that he doesn't have a theory to announce, and speaking about specific faculty in contexts where he should not be. The last thing I want to highlight is the securitization resolution. I am especially concerned with this, given the recent actions of the Cornell University Police Department. They have, in clear violation of policy, in the spirit of our policy, posted the names and homes of students engaged in expressive activity. When they were told to take it down by ministers, they refused to do so. So, either they have the support of higher-ups in doing that, those who are more senior than the administration who told them to take it down, or they have gone rogue. In either case, the language about securitization in this resolution is especially important to preserving a healthy campus climate. I very strongly endorse this resolution and very strongly encourage us to vote for it.

JONATHAN OCHSHORN: Thank you. Final comment?

KEN BIRMAN: Yes. Ken Birman, Computer Science. So, I'm going to end up recommending that we vote in favor of this, but I want to start by being critical, in fact, reiterating criticisms from the previous meeting. I agree, actually, that we should condemn Joel Molina's comments, and I'm very strongly in favor of the sentiment that Risa expressed so eloquently. I think, though, that the resolution as written has some flaws. And to me, those flaws are, first of all, the one that has been noted by others, that we're trying to compel speech when we demand an apology. I much prefer what Mark Lewis suggested, which is to say that absent an apology, that the Senate should, I forget Mark's wording, should condemn the Molina comments. But I don't believe that freedom of speech is consistent with condemning-- well, with forcing speech, whereas I do think it's consistent with condemning speech. The latter, the last two of the elements of this resolution, to me, are actually off topic. And I really would prefer to vote in favor of a resolution that was focused on Molina and didn't wander off talking suddenly about cameras and whether or not they would be somehow used for surveillance. This is quite clearly in connection to the protests and doesn't seem to be tied to Molina's comments to this Hillel group. And so, I feel it actually weakens this resolution to include those last two elements, which got very little discussion here. And yet, they deserve discussion and debate by themselves, and in a separate resolution, might actually be much more forceful. However, perfect is the enemy of the good. And this is what's

being offered to us. I would hope that we could adopt Mark's suggestion. But whatever we end up with, I will in fact vote for this because I feel strongly about the first element. So, thank you.

JONATHAN OCHSHORN: Thank you. We're going to end the meeting with two good of the orders or goods of the order, I'm not sure which it is, starting with Tara Holm for approximately two and a half minutes, and then William Katt for the same amount of time.

TARA HOLM: Thank you. So, I have to admit that I am completely dismayed by the breakdown of discussion in this faculty Senate and on this campus. I'm dismayed at hearing that that speech is chilled. And yet I feel that my speech is chilled when I hear faculty on speaking out and condemning other employees of this university in what I see as ad hominem attacks. And I see it. You know, I think that it is part of what we are going through as a nation right now. I had a colleague come up to me completely appalled when he discovered that the Cornell orchards were no longer selling apples to PNC. This was shocking, and he was appalled by the administration. I think we all like to blame the administration for everything. And so, as a department chair, I felt that I should at least dig into this a little bit. I think that we would learn a lot if we would go talk to our colleagues in good faith. I dug around and discovered that what in fact happened. So, he had been told that that the orchards had been torn down, and sort of public relations with the community be damned. And of course, that's not the story. The apple trees in CALS were struck by a fungal infection and had to be removed. And in fact, the reason Cornell apples were sold at PNC anyway had nothing to do with any policy. It was just because someone knew someone, and there were no more apples now that the orchards are being replanted and renewed. So, I felt I learned something from that story. And I hope that we can move forward with at least a good will to engage in discussion and engage with what really is. I mean, we will be under attack from without. And if we cannot be comfortable with disagreeing, and comfortable with conversations that are hard and figuring out how to go forward as a university, we will be lost. And so, I hope that we can take the tenor down a bit and trust in one another and trust in our administration because as I've interacted with them a lot over the last year with various incidents in the math department and with tragedies in the math department, most recently this weekend, the good that's coming out of that is that we're coming together as a community. And I think that's what we need to do. So, thank you.

JONATHAN OCHSHORN: Thank you. William Katt.

BILL KATT: Bill Katt, CVM. I think most of you don't know me. I want to speak to you as someone who is starting his second year of service in this body about something that happened last month. And I'm one of those tense situations that I think was just described. After the provost talked to us, I thought in good faith, trying to address a topic that I think is a great concern to a lot of us. And there was what appeared to be an organized effort to respond to the provost with predetermined statements by a large number of people. And I was intimidated. I felt fear. And there are-- I see two people in this audience who can tell you that I'm usually quite happy to stand in front of an audience and talk my head off. And I was afraid to walk down to this microphone and have my voice heard. And we came this close to what in many contexts would be called a heckler's veto. We had to expand the time twice to have most of the people heard. Until the first time expansion, not a single person who did not appear to be part of that group was able to speak. And I had a prepared speech. I'm going to deviate a little bit because I think those signs that were hanging here until just a moment ago are a wonderful idea. And this actually addresses a lot of what I want to talk about. And so, I think I just want to end with encouraging everybody to try to make good use of those signs and enjoy them to ensure that we have both sides of issues heard because we're spending a lot of time talking about free speech and contradictory speech, and I think we want to model what we'd like to see. And that's going to include not just hearing, but intentionally making space for the voices that oppose us to make sure that everybody gets a chance to hear both sides of the issue and make a well informed decision. Thank you for your time.

JONATHAN OCHSHORN: Thank you, everyone, for your patience, and the meeting is adjourned.