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Faculty Senate  
Meeting Minutes  
October 9, 2024

>> Jonathan Ochshorn: Good afternoon I am Senate speaker Jonathan Ochshorn emeritus Professor of Architecture, we start with a land acknowledgment. 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 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 the first order of business as usual, is the approval of the minutes from September 11, 2024 which have been posted and distributed online as a verbatim transcript so there shouldn't be any corrections but if there are any please just bring them to the attention of the Dean of the faculty. And this takes the form of unanimous consent to approve the minutes. Hearing no objections, they are approved. We start with announcement and updates by the Dean of Faculty Eve De Rosa, chair of the University Faculty Committee from the Department of Psychology and I will note Chelsea Specht as the Associate Dean of Faculty, for five minutes and then five minutes of any comments or questions.

>>Eve De Rosa: Thank you Jonathan. Hi everyone, so next slide please. So I wanted to remind everyone that we will be going for October faculty forum we will be going to Cornell Tech so any senators that want to be on the bus it's a full day trip from eight to eight, we'll feed you and we'll get a tour of the campus and also have a conversation with the Tech faculty about the unique sort of aspects of the Cornell faculty on that campus. So all are welcome and we need an RSVP by Friday so that we can have the count for the caterer. We'll be going to AgriTech in the spring. It did not work out. I tried to get us there in time for the Apple harvest, but we will be there in the spring so there will be blossoms but that will be our other road trip this year. We have the academic integrity working group it's all convened now the first meeting will be on October 21, and we are already receiving feedback so I announced in the Monday message that we are doing this work, to sort of come up with one Cornell focus on academic integrity, common standards, obviously unique to whatever scholarship faculty bring into the classroom but one common standard of reporting so that we can actually interest data across the years and so hopefully people will continue to send feedback, the senators take in from your constituents and send it my way or ask people to write me directly. And I just want to say one of the first things I did as Dean of Faculty is I always send the agenda on Friday. Never missed, still haven't missed, and I did that because when I came in I heard from people that having an agenda set just before a meeting was problematic. You could not prepare, could not think thoroughly, maybe even talk to some of your constituents. This is the first time I'm deviating. And I deviated just so that we could start the conversation. So the resolution that I introduced yesterday in a revised agenda I wanted to introduce so I can have a conversation started because it's a timely conversation about academic freedom in the classroom especially as we are dealing with the election coming up and controversial topics. Potentially controversial topics. So I just want to let you know this is not a motion on the floor and what we will do is allow you to digest the

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resolution, speak to your constituents and then you can send amendments our way,, and then in November this will be a motion on the agenda for us to vote on the amendments if there are any so I just want to make that clear and it would be most appreciated if you could bring the amendments to the office of the Dean of Faculty by November 1. That's well before I can compile them, organize them and then I can have this discussion with the University Faculty Committee as we set the agenda for November, how much time to allocate based on whatever feedback we receive. I want to have a reminder also that everyone in this room please sign in. And indicate your department and what your role is at Cornell especially if you're press or non faculty, thank you. Not yet. I just want to say one thing because I realize that many of you were not here two years ago. So two years ago the provost had a working group that put forward a proposal for part-time bachelors degree for nontraditional students. The definition of nontraditional students are students who have been out of high school for at least four years and I wanted to remind those of you who were part of this process and then to inform those of you who are not part of this process that this is something where there's been immense faculty consultation so I put up here the calendar year 2021, 2022, 2023, how many times this has come to the Senate, has been responsive to our feedback and I want to go to the next slide and just say that we have received feedback from three of our committees plus the program in American and Indigenous Studies, and we revised the resolution from our Senate multiple times. We approved it, in the approval final whereas, it was for the provost to come for approval and that's what we are doing today. So the presentation will happen and I will send you a Qualtrics link later to say yay or nay. That's ultimately where we are. I tried in Friday to give those of you who are new to this topic, all of the histories you can click on those links forward them to your constituents and get feedback and hopefully you will feel prepared by the time you get that link. Next slide. Okay now we are ready. Any questions for me? Come on down to the microphone so that the people on zoom can hear you.

>>Ariana Kim: Hi Ariana Kim from the Department of Music I just have a question about that definition and if that includes students who come back on the G.I. bill who may have been out of school for four or more years but are actually on campus for traditional bachelors?

>>Eve De Rosa: So it includes veteran students and also those who are on active duty. That is quite the hike for that question. And I think Mary is actually going to be more specific about the potential communities that will be interested in this program. Anyone else? And with that we'll move on.

>> Jonathan Ochshorn: Is Mary here or on Zoom? Oh okay. So this will be resolution 181 prospective part-time bachelors degree for nontraditional students. Mary Loeffelholz, Dean of School of Continuing Education, 10 minutes and will have 15 minutes for discussion.

>> Mary Loeffelholz: Thank you. I'm going to try to rattle through this because we do have some faculty voices to hear after I refresh our memories about this. Why are we here? We're here because in October 2021 the committee reported to the Provost with the recommendation that Cornell establish a part-time degree online to serve adult students consistent with Cornell's historic mission of educating any person in any area of study. Next slide please. Some of the

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constituencies that were identified for the degree in October 2021 report are very much with us, they include graduates of the CPEP program, the Cornell Prison Education Program, who earn a degree through the program and who remain widely interested in prospect of earning a bachelors degree from Cornell they include active duty personnel and veterans we've been developing the degree in consultation with folks on campus who work with those constituencies. We are also excited about the degree as it emerged, ambitious community college graduates because transfer from community colleges to four-year institutions is both a New York State priority and a national priority in terms of social mobility, education mobility, another important group for us here. And we've also since 2021 have seen long-term continued growth through COVID and beyond in the interest of adult learners and the particular kinds of degrees that we're talking about here, specifically degrees that would be offered by a private not-for-profit university. This marketplace has shifted from initial providers on those large for-profit private institutions to institutions more like Cornell so the interest is here and is consistent with Cornell's identity recently affirmed as you'll remember the US news world report as a number one ivy for social mobility and the number one ivy for serving military related students. Next slide please. You've seen this before so I won't go over, let's go to the next slide. I want to highlight some of the design changes we made in the degree between February of last year and April of 2024 specifically responsive to what faculty and senators came back to us with. We gave the name a new name to the degree bachelor professional studies which is a degree that exists in New York State that differentiates this degree from the bachelor of arts and bachelor of science within the residential program. On the very wise recommendation of the Senate and the committee we propose to launch the degree with two small cohorts 25 in Fall '26 and 25 in 2027. It is typical of these kinds of degrees that they have multiple entry points over the year the small cohorts will allow us to focus these initial groups of students on people who hold associates degrees already or who are military veterans. These are people with a lot of determination and stick to it and life success behind them they will be great constituents for the degree and I'm advised by Rob Scott that there are 100+ well over 100 graduates of the CPEP program with associates degrees who are in the community right now who will be eligible to take this degree and [indiscernible] and email contact. So we are looking forward to working with them and also confining the degrees initial offerings to one major proposed major organizations markets and society that has a good deal of already existing online content that will help us launch the degree in a cost-effective way.

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Next slide please. As recommended in the 2021 report, the degree really crosses Cornell colleges we cannot burden one college with the effort of supplying all the courses for this degree and it really should not be a degree that is identified with any one college but crosses college boundaries in the curriculum. As you see does that, we want to make an asset of the students geographical dispersion and actively engaged with bringing Cornell's disciplinary knowledge about place, about agriculture, about environmental justice and so forth to the places where they live and making the community that transcends places where our students come from we are also going to draw on Cornell's really incredible history of having active learning experience-based learning community-based learning we will have those things incorporated in the curriculum.

Next slide please. This is just a list of some of the courses that are core in the proposed major and give you a sense of what the distribution requirements and electives look like. The core courses are drawn from business data science, College of Engineering, organizations, HR, statistics, data informed decision-making business and in policy, so these are skills of valued we hope they'll be valued our informants tell us they will be valued by organizations both public and private and then distribution requirements are really just so many distribution requirements in order to make transfer easy. Not complicated. Courses in humanities and social sciences and courses in quantitative reasoning, natural sciences, and again leaning into courses that already have some online course development behind them that we can draw from in order to launch the degree in a cost-effective way for us.

Next slide please. We were asked about the learning outcomes in the prospective degree. We developed these learning outcomes for the degree as a whole on the basis of Cornell's existing outcomes across all of undergraduate students who modified them just a little bit to be responsive to adult learners in particular content of this degree, you might be interested to know that the school of continuing education has already hired a learning and assessment specialist who started work this fall so right now she's working on making those learning outcomes into the courses in general curriculum. Soon we hope with the implementation of the degree she will transition into working with faculty members on evaluating actual student work against learning outcomes and ultimately as projected in the plan. Of course we will be looking at the career outcomes the professional outcomes for people who have graduated with this degree going on to promotions of work going on to graduate school, being able to move into the areas they want so we have a fully as fully elaborated as we can assessment plan of course incorporated with paperwork for the proposed degree. Next slide. How

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is the academic governments of the degree look today and how is it going to look going forward we hope, we worked with the faculty advisory Council that started with recommendations from the Dean's of the different colleges and different schools, and gradually added to it over time. Faculty members have stepped forward to volunteer courses into the new degree ultimately when this was approved what we would like to have is a full-fledged academic counsel which people would be represented on two different principles, one, all college faculty elected by the faculty of all their college straightforward, and then another group of folks on the Council, people actually teaching in the degree elected by other faculty actually teaching the degree with that kind of close experience with the degree so that's what we would hope to transition to. Next slide.

Planning for financial ability if you had an opportunity to review the October 21 report you will know that there is a lot of benchmarking of competitor institution and peer institutions to take a look at the curriculum and figure out what our opportunities were, I will say that it has become even clearer in the years since the recommendation in that report for format that would be asynchronous online learning coupled with synchronous sections and the opportunity, although not the absolute requirement, to come to campus for short-term experiences that has been validated by the market and peer institutions in Georgetown just recently within the last past year and 1/2 moved their comparable degrees over to an asynchronous online format at student requests and surveys of prospective students in this market again echo that asynchronous is wonderful for working adults and at the same time they want the network peer connection opportunity supported by synchronous meetings and the chance to come from time to time to the campus to learn and you know of course we will be doing all of this work with the best in class partners here at Cornell and e-Cornell we will learn more about people who have done that shortly. Next slide. The tuition model, sticker price modeling is \$925 per credit hour but we are baking in a good deal of opportunity for internally supported financial aid so that the actual 35% translated what that means is the actual price paid on average by average students with adult learners as with traditional learners there really is no such thing as an average student. But we will be able to meet people's financial circumstances the average tuition just a bit over \$600 per credit hour, and gives us some room to do what we need to do to make sure that this degree can be self-supporting, next slide please. As you will anticipate there are external sources of support for students in this degree, the Pell Grant is one all of these forms of support are prorated to what people are actually taking we can walk through that math if it's interesting to you but if the Pell

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Grant for this year is a maximum of 7400, half of that would be what a half-time student could do. New York State has a program that is specific to part-time study, the apartment, the APT funding which is only for students studying part-time and again veterans, support for veterans and active-duty military and students is available in different ways depending on their specific circumstances, again prorated for part-time study.

>>Jonathan Ochshorn: Maybe finish up in a couple of minutes.

>>Mary Loeffelholz: Yes faculty engagement has not really changed since the last time he presented and we have been able to kind of go through that with you I would like to emphasize that the online learning assets developed through this degree with the faculty, we would love for you to use those assets anywhere and everywhere we would love for the academic units to do these courses in the summer or in the winter. We would love for you to use these assets to support learning in your in person programs which is something that we know that the data science department wants to do to make something better for everyone. So develop these assets and use them wisely, make the most of them. We've got our first faculty, Donna Hager, from the Johnson School faculty director keeps the curriculum together and will have some expectations of teaching and course design. I hope we can now hear from a couple of faculty members Matt Hall, Hill pardon me. Joining us by Zoom, faculty members who have worked with E-Cornell and can speak to your interest in the quality of online learning. Thank you.

>> Jonathan Ochshorn: Let me just remind everyone in general if you would like to ask a question or have a comment, and you're in Rockefeller, come right down in front of the microphones if you're online, raise your digital hand. Okay Q&A will be after two faculty presentations, so are they both in? Who goes first? Okay go ahead.

>>Matt Hall: Hi everyone, thanks for letting me zoom in today and sharing some thoughts on my experience with e-Cornell. I was part of a couple of course developments through EeCornell which was a class that I designed with Maria Fitzpatrick at the beginning of the pandemic for big data on policy problems. This was a class that we originally designed for Cornell students but then we had an opportunity to deliver to several cohorts of high school students around the country who were in less resourced high schools and it was actually one of the most rewarding

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academic experiences I participated in because we were able to tap into these groups of students who didn't really have, did not have the possibility to access courses like this. So we delivered this class that was a combination of synchronous and asynchronous learning it involved a heavy dose of interactive coding to tech students up on skills in the data science space. We started this in the fall of 2019 and through 2020 and working with e-Cornell was very easy, the infrastructure that they have the team they have to support, course development is really quite impressive and so they were able to help chunk out that class in a way that could be structured for an online platform. I'm not going to answer any questions about how that went, but it was from my perspective it was hugely successful both in terms of the execution of the material and then delivery of the course, and then the other point of contact I have in the space in my role is the director of the MPA program at the Brooks School where we have an executive Master of Public Administration degree that we offer to nontraditional students and these are career professionals with 15 plus years of experience and we don't usually tap into at Cornell and we had great success in expanding that market, providing an Ivy League education to the students that meets them where they are at and does so in a way that is still very rigorous, so we have them come to campus three times during their degree, they've been really valuable in providing spillover effects on our younger students because the alumni networks they have and engagement they are able to partake in so it's been really quite successful on both of those fronts, and I'm happy to talk more about my experience if anyone has questions there.

>> Jonathan Ochshorn: So do we go to Wendy Wilcox now? Who goes next? What's the name? What's the name? Robert Kwortnik, could you unmute yourself and talk to us?

>>Robert Kwortnik: Sure I just wasn't sure if I was going to be called to do so, so I'm actually in the office but I'm seeing a little bit of a lag in the Zoom so I apologize for that. I've been doing e-Cornell courses for more than 12 years and found it to be outstanding in extending my reach to students I would not otherwise have been able to reach here on campus. It's also I can say very briefly made me a far better teacher because you have to reverse engineer your courses you have to think more about what you want the student to learn and not what you want to teach them and what are the skills you want them to take away so you have to be much more efficient in sharing your knowledge with them and so I have had to go back in to look at my standard approach of

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how I would do classroom teaching and just think about it very differently to make it more engaging. I've had a great experience with the and I'm happy to have a conversation with anyone I would like to know more about the process e-Cornell does an excellent job.

>> Jonathan Ochshorn: Okay Wendy. If you identify yourself and your affiliation in two minutes.

>>Wendy Wilcox: Thanks. I actually just have a point of clarification, when this was initially conceived my understanding was this was targeting CPEP students, and my impression was that it was supposed to be for incarcerated students as well as I assume alumni who have been released but it did not sound like that was the target anymore could you clarify that?

>>Mary Loeffelholz: As you know I joined Cornell in 2023 and I cannot take us back to our origins, out of personal knowledge but the October 2021 report names multiple constituencies in addition to CPEP students, and the including the ones that we've named, the quotation that I have included at the beginning of this said this is for people who can benefit from an outstanding degree who would not otherwise be able to access a Cornell education and I know that Rob Scott and Rob, the director of CPEP, is here to speak to this but we have talked early and often about what it will take to deliver an online degree to incarcerated students which is complicated. I will say complicated because of restrictions on technology within prisons so that is complicated. So my understanding and reading the report is that the initial constituencies were fairly inclusive, not exclusive to CPEP. Rob can talk about the complexities of how we can do this for people who remain incarcerated right now.

>> Stijn Osselaer: Stijn Osselaer, I am in the Johnson College of business. I would like to wholeheartedly second what the previous speakers have said about the enormous benefits of working with e-Cornell. I think I learned a lot from developing a course with them and that online material and thinking about my teaching has made my off-line teaching a lot better. The one question I would like to ask is how much control faculty will have over the use of their materials in this new program? I know there's been a committee recently I don't know what came out of it but until recently it was the case that any unit within Cornell can take any of your content that you developed for e-Cornell use it without your consent and make any changes to it



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that they want as well. And so I think we have to ask the question to what extent can this new program just take any of your content, make changes to it and then have it be delivered by an outsider that they hire? Because that has been the practice so far.

>> Jonathan Ochshorn: Are you responding or? Go ahead. Identify yourself.

>>David Lee: It's okay. David Lee, Dyson School, JCB, and I'm also a faculty emeritus professor, also faculty elected trustee and I was on the original committee in October 2021 exactly 3 years ago that we put together that initial report that Dean Loeffelholz was referring to. In short I don't have any questions, just a quick comment. I really hope we approve of this program. This program is essentially my thinking is the modern version of any person any study, in other words if Ezra Cornell was here today he would be looking at many of these nontraditional students and thinking how do we best serve them? In my humble opinion this is the way to go. It meets the demand for nontraditional education as Mary indicated, it takes advantage of Cornell's many strengths many faculty strengths, takes advantage of the enormous expertise of e-Cornell and some of the previous speakers have indicated, both the ad hoc committee which I serve and other committees of the faculty Senate the UFC the EPC, and the CAPP and AFPSF, I always have a problem with the acronym, have reviewed this, offered suggestions and I think what we've ended up with in addition to the work that Dean Loeffelholz and her staff have done over the last year or so in the faculty Council, have improved what was the original proposal. So I know there's an impulse among many of us including myself as Senators to try to dive into all the implementation issues and solve them today but as with any new program it's going to take a while for things to work out right? You have to make adjustments as time goes on, so I hope we resist the impulse to try to answer all the implementation questions today although as Mary said, she and her staff have already addressed many of them. So I would urge you when you get your ballot to approve this and elect this program to proceed. Thank you.

>>Rob Scott: My name is Rob Scott, I'm the executive director of the Cornell Prison Education Program here at Cornell also on global development. I am rising to wholeheartedly endorse this proposal and maybe I could speak a little bit to Wendy's question as well here since the

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beginning of the process for developing this proposal, the prison education program has been included I think maybe that is why it stood out to Wendy it is a rare moment in my 12 years here Cornell that the prison program has been so central to a planning process, I have greatly appreciated that we were included in the search for a Dean, when Dean Loeffelholz rose, arrived here on campus we were included in the first conversation. The Dean has visited the prisons and met with our students, celebrated their graduations from other colleges which confer degrees to the prison that Cornell has been granting credit bearing courses but not degrees in. I should say the school of continuing education here at Cornell has been granting Cornell credit conferring coursework for more than 20 years. In the 12 years I've been here I have had many faculty members come up to me and say there are students in these prison classrooms that are capable of a full Cornell bachelor's degree on campus and so you can imagine too some of the students really there mostly grown men have also come to me and said why is it that I'm accumulating a lot of Cornell University credits, some of them in excess of 120 credits but no credential, no degree, so I think this shows that the prison population specifically as Wendy probably took from the beginning is the perfect example of how there are some populations that cannot come to Ithaca or Cornell Tech, or Doha in order to do their degree who we would like to include in the Cornell degree offerings. And I strongly encourage everyone that has a vote to vote for this resolution.

>>Jonathan Ochshorn: Are there any last comments or questions? Well, first come up I think we have room for two short ones, two minutes each.

>>Betty Bihn: I put some comments in the chat box.

>>Jonathan Ochshorn: Okay identify yourself.

>>Donna Hager: Donna Hager. I'm from the Dyson School of Johnson College of Business. I was an early adopter of online education back when it was really terrible. And so really all I'm here to say to you today is if you have not looked at the e-Cornell products and assets and you're still very concerned about the content of online or asynchronous education I urge you to go and look at those materials because the rigor that e-Cornell and faculty that work on those courses

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add to those is really second to none so I just want to urge you to check that out before you vote.

>>Risa Lieberwitz: It's gonna be quick. All right Risa Lieberwitz ILR, I just wanted to see if Dean Loeffelholz has an answer to the question I was raised before about the intellectual property question that is can course material simply be used without consent of the instructor.

>>Mary Loeffelholz: That is not our interest or aim we are interested in this degree connecting students of all different circumstances we been talking about with Cornell faculty members and with folks Cornell faculty members of all descriptions and other folks affiliated with Cornell it's partly why the faculty effort model brings two units upfront, the payment for the faculty effort and conversations we've been having with units about offering courses to this degree, are all about the units the school's commitment to the course over the long run. SCE is not going to run around hiring a faculty of our own because the whole point is to allow students in this degree to find through the necessarily compact narrow economical that has to be an economical curriculum of this degree. It is our hope they will see all of Cornell including its faculty and postdocs and other folks who have a continuing relationship with Cornell. That's who we want to connect them with is not the model and every kind of institution that will do this work it will be our model here. There are other questions about other program relations to e-Cornell but I will let that broader issue hang because it's less connected.

>>Jonathan Ochshorn: Thank you, we have a lot more to do. Are you waiting to speak? Because I would like to move on with the next agenda item. This is student code of conduct use of academic and nonacademic temporary suspensions presented by John Siliciano, Interim Provost, Law School. John will speak for 10 minutes after which we will have 15 minutes for Senate discussion.

>>John Siliciano: Good afternoon everybody I'm John Siliciano, I'm the interim Provost. I'm halfway through a six month term and will step down when Kavita Bala joins the Provost's office in January. Eve asked me to talk briefly about the use of interim suspensions under the campus code of conduct. [Indiscernible] So what I wanted to review is how they would proceed under the campus code of conduct. First, put them in a general context of what we might think of

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as interim or restrictive measures, these are present, next slide please. These are present in almost all complex systems, I spent my whole life with chalk in my hands I wanted to die that way, and here I am giving a PowerPoint during my briefly pulled back into the place, their present in all complex regulatory system civil, criminal, regulatory, and simple systems there's just no need for it because there's very little time between the event in question in the adjudication so you might think of a hanging judge for example there's a bad event and then there's an instant frontier justice adjudication, there's no need for any interim measures because there's no space between what happened and the disposition of that. When I was in my wild youth I was sent away to a boarding school. If we were caught drinking or engaging in illicit drugs, it was an immediate justice there was no hearing, no process, so the event occurred in approximate cause right with... over time though in most of the systems there's this pressure to increase the adjudicatory process. Next slide please. You can see the times stretch out between the event and the charge of the event and adjudication. True in all systems as we embed more and more process this is true under the campus code so if you read the campus code it is very much like a "quasi" criminal code, it has junior lawyers from the law school and charging has motions it has evidence, has trial like feature and hearing and appeals and so the time stretches out between the event and how we decide we want to adjudicate it and we tend to layer on process after process in many systems. This is why in the criminal system you eventually have the speedy trial act because the process of adjudicating becomes so extended but it also is still not a problem in most cases if you have this stretched out process or timeframe before adjudication because most events do not raise the question of whether you need interim or restrictive measures. Next slide please. So this illustrates what happens when you get into the situations where you have a concern about needing restrictive measures before the final adjudication. Like I was saying and most events if I roll through a stop sign which I tend to do, and I get pulled over which does happen, the police will give me a ticket which is appropriate and then there will be a hearing somewhere down the road where I can give some lame excuse about why that happened but they are not going to suspend my license unless I am known as a repeat offender because there's not a probability that that's going to end up happening again and again and again. So interim measures occur only when there's some concern about a credible risk in the interim period between the charge and the final adjudication. And that's where we have the rise of interim measures. We will talk about the alternate resolution in a minute. But these are interim measures, you find them in all systems so

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in the criminal system it would be a bail hearing, a decision whether you can be released on your own recognizance, you also see it in Temporary Restraining Orders, preliminary injunctions and in the civil context, you see it in license suspensions, those are all decisions made between the charged event and the final adjudication which are based on the credible fear of recurring harm. They are very problematic and inherently problematic in any of the systems including the campus code. Next slide please. Problematic because they inevitably have what you might think of as lean processes. You have a very thick process at the end of the campus code essentially a trial and an appeal stage, but the preliminary stage, you're simply making a very lean determination of the risk of another event occurring before the first event can be adjudicated and so they tend to be lean, there's not the full trial and due process rights they are more skeletal, criminal trial for example is proof beyond a reasonable doubt but a bail hearing is not the same level of proof. They tend to be lean that's one concern they are also predictive so they are inherently speculative. What a person at the preliminary stage is trying to do is predict the risk of interim harm before a final adjudication and in the final problem is restrictive measures are problematic and worrisome because they are restrictive. They are restrictive before there's been an adjudication of the responsibility culpability or the guilt for what you've been charged with. So this is an inherent problem, legal systems try to solve this in very unpredictable ways, if you're going to impose restrictive measures between the charged event and the ultimate adjudication there are requirements that it be based on credible evidence, that it be related to a significant potential harm because again it's predictive that they be nearly tailored as possible and that they provide a reasonable but not necessarily perfect level of protection. So let's turn to the campus code what you will see in the code just replicates what you see in this context generally. This is the first provision of the code which talks about the use of temporary suspensions. The code, by the way, is some 30 pages long, the amount devoted to interim suspensions is about a page so that gives you a sense of the thick process and the thin process that I mentioned. Pardon? Okay sorry thanks. So the code says you know as you can read here that someone is, the director of the OCs so the office of campus I'm going to get it all wrong. Office of student conduct and community standards thank you. The director can impose a temporary suspension where immediate action is necessary to protect the complainant or university. So that's again the triggering event is a concern about some interim restriction necessary prior to final adjudication. Next slide please. This just gives the sort of menu of

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possibilities and interim suspension that can go from very little to very significant suspension including what you might think of as a full suspension. Next slide please. These are some of the factors that are considered when a director and these generally you will find elsewhere as well think about if these are embedded in the code you want to think about the impact on the individuals in the case of a complaint, say physical violence or harassment or the community whether there is a use of force whether the person is a repeat offender somebody who's been charged in a repeat situation whether the facts indicate some escalation of conduct whether there's been an acknowledgment of responsibility. So this is a discretionary determination. It is highly fact bound it is not generic you have to look at very individual circumstances as you will hear in bail hearings and preliminary junctions. It's tied to the facts of the case. It is discretionary, informed discretion, because it is predictive and not formulaic. Next slide please. So here's where you see, again this is totally predictable the code itself recognizes the availability under limited circumstances of restrictive measures but then includes the inevitable tailoring requirement so this says two things first in the first paragraph that the motive temporary suspension as opposed to warnings and other things is only used when less restrictive means are viewed as insufficient to protect the complainant or the community, and then the suspension itself is required to be narrowly tailored it's the least restrictive form of a suspension, next slide please. That's a determination made by the director. Now the process upfront here is thin but it is still a process. I've seen some of the concerns that there is no process for imposing temporary suspension on students and that's incorrect. There is a process it's just a thin process compared to the other 29 pages of the campus code so there's an initial appeal to the vice president for student and campus life that's Ryan Lombardi who considers a temporary suspension and reviews it in full on the facts, and if that suspension is one that is quoted here it enables the respondent to remain structural activities there's no further right to appeal. But if the suspension does impact the ability to continue academically then there's a final appeal to the Provost office. So that appeal comes to me, this is literally all the language in the code there is no packing or guidance beyond that. So how do I think about these cases? What I've done is think about the, final slide please, is try to do what is done in these cases in individualized consideration, nature of harms, the risks, the options and the measures. These require a detailed understanding of a student's particular situation which is what I've done in the cases in front of me. That's a general thing let me say two seconds about the current situation in terms of the suspensions that have occurred in

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the last year, related to student activism on campus. I've seen three cases so far two related to actions last year, and neither of those are now in place a full academic suspension in other words the students have been able to maintain academic progress; there's one case that has reached from this case I won't discuss the details also in that case the student that's been adjudicated the student is able to maintain academic progress. Thank you.

>>Jonathan Ochshorn: We have 15 minutes for discussion. We will start with Tracy and go to Zoom with David. Two minutes. Identify yourself as usual.

>>Risa Lieberwitz: Risa Lieberwitz with ILR, first I want to note that John Siliciano's presentation uses an analogy consisting of a criminal law process which I thought was interesting because we are always hearing about how the student code of conduct is supposed to be educational. But I think it is a correct analogy because it is a temporary suspension provisions are very, very punitive and what I wanted to emphasize were a couple of things, the question of process I think should be proceeded with due process, what process is due before such a serious decision as a temporary suspension is imposed which could include a total suspension of any academic engagement including de-enrollment. So in that situation what is the prior process that should be carried out in order to justify such an extreme kind of potential outcome? And this is where we should look at not only as John said the least restrictive measures being used, the least restrictive so that the person who is being suspended is suspended in the least severe way, but also I want to emphasize what are the considerations in the code? In terms of considering the individual student, and the student's conduct history. I'm just reading them quickly the history of violent behavior or is a repeat offender, not somebody who's been repeatedly charged but a repeat offender, an escalation and unlawful conduct. The risk of a student committing additional acts of interpersonal misconduct and violence, reasonable basis of concern for retaliatory acts, reasonable basis for concern over possible harm to the health and safety of others, use of a weapon or force, so we see that the tenor of this is to say this kind of immediate action with no prior due process is justified when you have an extreme kind of a situation that emphasizes violence or force including using a weapon. Just calling something violent doesn't make it so, it has to be based on evidence.

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>> Jonathan Ochshorn: Thank you. I would like to go to David Bateman online and then back to the floor.

>>David Bateman: Thank you very much so I am David Bateman I am in the Government Department I have to say I was at least somewhat surprised by the presentation that sort of points towards the thickening of the process and saying well we need some way of getting around all that thickening process but of course that thickening process is precisely establishing the protections to students and to staff and to faculty and to others because the level of consequences are so high, so we are told that there's some concern about credible risk or interim harm where immediate actions are necessary but as Risa highlighted those are not the standards, the standards are there's a real threat to immediate risk it is not simply there might be some credible concern. Or there might be some interim harm. I think in this particular case that's not fully appreciated is that presidents and others have been suggesting that Taal has been charged with things that he has not been charged with. Suggesting that he's been charged with engaging in violence, that is not actually something he's been charged with. It suggests that he is a repeat offender with the evidence pointing to two other previous temporary suspensions neither of which have yet been resolved and fully investigated or closed. So no actual determination of responsibility through the existing process has been made in any of these cases. And this is what makes it an arbitrary use of authority, finally I agree very much with Risa that there we need procedures in place to establish this is a reasonable sanction before going forward we also if there's going to be something like this I think that's something highly questionable given how it has been used by this administration if we are going to have these then we need post hoc accountability, some guarantee that this administration or others is not simply targeting specific students punishing them, possibly getting them deported, resolving it behind-the-scenes after they've been through hell simply to have them stop their activism. That's where I am.

>>Jonathan Ochshorn: Identify yourself.

>>Tracy McNulty: Yes Tracy McNulty, Comparative Literature and Romance Studies. There's a microphone situation. Paul Fleming and I co-authored an editorial for the Cornell Sun called the



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Prosecution of Momodou Taal in the words of his faculty support which I believe that you received a link to, if you have not already read it I encourage you to do so because we were accounting detail our experience as serving as faculty support persons for Momodou Taal and his disciplinary hearings. There we raised a number of important questions about the lack of due process in those meetings and their failure to adhere to precisely those procedures outlined in the student code of conduct. I should say I have now served as a faculty support person in meetings for several different students who were charged for protest activities. Two of whom received temporary suspensions. These meetings share a number of features, first the students have in each case been charged with nonviolent actions related to protest activity using a megaphone to speak at a rally or demonstration, unregistered camping in the case of students involved in the encampment last spring, or entering a building and engaging in chants deemed unreasonably loud. There's no proportionality between these charges and the punishment imposed. A temporary suspension which we've heard the code of conduct may be only used in cases where immediate action is necessary to protect the University community against violence or threats of violence. None of the alleged conduct meets this high bar, nevertheless the strictest possible penalties have been imposed banning from campus, de-enrollment, and for an international student like Taal being subject to deportation once the de-enrollment effectively voids the student's F1 visa. Contrary to what the administration has claimed in some recent communications, the written notification Taal received of his temporary suspension told him to 'prepare to leave the country within 48 hours.' President Kotlikoff has recently attempted to justify this exorbitant punishment in his case specifically by characterizing him, including at the last faculty Senate meeting, as a serious repeat offender who has now violated the code 3 times. In fact, Taal has not been found responsible for any code violations. And none of the complaints allege any violent acts that harm public health or safety. While he has received three formal complaints alleging code violations none of those complaints has resulted in a finding. Not one of them has been investigated as prescribed by the code of conduct procedures. Therefore, it must be characterized as ongoing. Each disciplinary meeting begins with the student being presented with a formal complaint which alleges violations of the code. However, no evidence of any kind is presented, the student is often invited to admit responsibility in exchange for a lesser punishment but if he chooses not to do so the complaint enters an investigation stage during which code procedures require that evidence be collected and presented, to date however no

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investigations have yet been initiated even for alleged conduct that took place more than six months ago. The lack of the timely investigation required by the code and absent of the due process are characteristic features of this proceedings. Until evidence is presented by the complainant, the student has no opportunity to mount the defense, present counter evidence or call witnesses. At the same time there's no deadline by which the conduct office must complete their investigation or present the evidence. The student is therefore left in limbo; they've not been found responsible and yet the charges have not been dropped. Worse, the administration is treating them as guilty.

>> Jonathan Ochshorn: Thank you. We are going to go online to Noah Tamarkin, you can unmute yourself.

>>Noah Tamarkin: Hi, thank you. So I am the Senate representative for anthropology and so I'm going to be reading a statement right now not for myself but from my colleague Paul Nadasdy, who is joint appointed in anthropology and American Indian studies, so here's Paul's words. "Last week, my graduate advisee was informed that he had been placed on temporary suspension, dramatically limiting his access to campus. He has no history of violence, and none of the allegations against him suggest that he engaged in violent activity. I am very concerned that the administration is weaponizing temporary suspension as a way to punish students without due process. According to code of student conduct, temporary suspension is to be used as sparingly as possible and only to protect the University community from a student who resents an immediate threat. To be used sparingly because it severely restricts a student's rights without due process. I've had the email conversation about my student with interim Provost Siliciano and he's made it clear that he subscribes to the interpretation of the temporary suspension provisions that's so expansive that it would allow the administration to place a student on a temporary suspension for engaging in pretty much any activity it doesn't like. Thus, short-circuiting the process. Whether you agree with the student protesters or not I think we should all be very worried about this administration's contempt for due process, I urge the Senate to immediately amend the student code of conduct to make it absolutely clear I think it's already quite clear but not clear enough that temporary suspension is to be used only as an interim protective measure when there is reasonable evidence that a student presents an immediate danger to the health and

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safety of the Cornell community and there should be an explicit statement that temporary suspensions should never be used as a preemptive form of punishment and lieu of due process.”  
Thank you.

>>Jonathan Ochshorn: Go ahead John.

>>John Siliciano: I will take this opportunity to respond. I realize that this is in some sense theater, most of what I've heard. Shame on me, right.

>>Noah Tamarkin: Why are you being so flippant and dismissive of these legitimate concerns?

>>David Bateman: We are taking our time to engage on a matter of faculty governance... [other indiscernible comments from the audience.]

>>John Siliciano: If I could speak, would that be possible? I understand a lot of what you have said much of what Risa has said makes sense, much of what has been said is factually inaccurate. I had an email conversation with Paul this morning in which he was setting traps and now it's being reported that. Paul Fleming has put words in my mouth about three strikes, this...I'm telling you how I approach the case, if you don't like the code, let me say this, if you don't like the code, if you think the process is too thin, you should fix the code. I agree it is very thin upfront, this is what the code provides, it provides for the determination by the director looking at the facts, it provides an appeal to the vice president and then a final appeal to me if there is academic impairment. As I've told you there are no cases that have gone past me that have had academic impairment. The code is the code. What I hear in this room is the desire to import the entire judicatory process and move it upfront on day one. That's just not possible but if you think you can amend the code to do that, fine, it's just in the nature of, excuse me, in the nature of interim measures, they are quick, they have a thin process, that is the difficulty with them. And what I keep hearing is we need full due process. There needs to be a hearing, that is what the code provides, but I have not heard any way that we can just take all of that and put it up here on an ad hoc basis without amending the code. Amend the code. That's all.

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[Indiscernible comments]

>> Jonathan Ochshorn: Could we not talk out of turn? Let me just query the body here. We have about a minute before the next agenda item. If I have unanimous consent we could take say six minutes from the next agenda item and put it to allow for more discussion here. Hearing no objections let's take a few more comments and try to keep them to two minutes please.

>>Paul Fleming: Since I have already been introduced as Paul Fleming. I'm Paul Fleming from German, I don't know where that three strikes came from, is that from the collective...I'm not the sole author. So there's many interesting things when you write an op ed for the Cornell Sun. I just learned more interesting things is the hate mail that you receive from our little student newspaper usually from things farther afield from Cornell that's all fine. What's interesting is the things that the people latch onto, especially interesting in this case with Momodou Taal, in a worrisome and racially coded way. Repeatedly we were asked how dare we defend this violent perpetrator. This surprised me because Taal has never in any instance been accused of violent behavior. To be clear not only has he not been proven to have commit any violent behaviors he's never been accused or alleged. Certain administrators keep bringing up repeat or violent offenders always together as if synonymous or extensions of one another. That is misleading and I think somewhat dangerous. The allegations to recall concern a megaphone, a night at the encampment and being among other participants at a protest, not leading it. That's it. For these allegations Taal has had no opportunity to see evidence, I understand there's a process but there's been no dates set for these, also going back to last semester. Much less, present counter evidence to dispute claims etc. Now the value of a temporary suspension in the eyes of the administration is that neither due process nor evidence is required, understandably for a certain amount of time, but then this expands on in this respect. Temporary suspension has an important advantage over full investigation. The allegations suffice to achieve the end at this point in time. Therefore, there is little motivation to proceed to a full investigation in a timely manner. It's also part of the code to have this timely investigation. The main point being is that we feel that these punitive actions are grossly out of proportion as has been said many times. And in each of the three referrals that Taal has received he's ultimately charged with participating in a protest at no point again going to the initial point has he been charged with violence, harming the community or being a threat

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to the community in any violent way. Now because speech, that is not only deemed loud or potentially frightening, to expose the student to these harshest penalties, the speech of the students and other people participating with us is stifled. This is worrisome turn in so far as it raises the prospect of viewpoint discrimination which is strictly prohibited by the First Amendment and cannot be justified by the time place manner restrictions promoted as reasonable by the current administration, thank you.

>> Jonathan Ochshorn: Identify yourself and keep the two minutes.

>>Chris Schaffer: Christ Schaffer, Biomedical Engineering. John thank you for coming here today. I have a narrow question I think you'll be able to respond to. So I don't think I hear any objection to the idea of in terms of suspensions being used in cases where there is concerns of violence but I hear the other place where interim suspensions are being considered is in cases where there's a sense of escalation, repeat offense and these kinds of things, and yet we are aware of some cases where accusations have sat unresolved for a long time, so how do we think about an accusation as opposed to an adjudicated finding in playing a role in a decision as to whether or not this person is a repeat offender, what is the current policy, how has it been played out, what's the guidance to the office of student conduct, and I'm sorry. Thank you.

>>John Siliciano: Thanks Chris. That's a good question is that in the case and again I'm not going into specifics, but part of the problem is we have a code that is very ponderous, very heavy in process, long delays, we have an office that is staffed for sort of normal business but when there's a lot of as we are in the situation now with multiple cases, everything is slowed down so Chris's point it's the right one. It's if you have charges that are pending then there's another event. Do you count those the same as a repeat offender? We don't have a repeat offender in the case that you are referring to, we have somebody who's been charged repeatedly. They haven't been adjudicated. When they are adjudicated if they are adjudicated then that's under a clear and convincing standard so there's a problem that you have large process here, thin process here, you can't import this without doing the code so you are operating, I agree with many, much of what has been said, I agree with the anxiety about this, I just don't see a solution that can be imposed ad hoc when you have a code with very specific provisions.

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>>Chris Schaffer: [asked a question off microphone]

>>Jonathan Ochshorn: Can you reiterate the question?

>>John Siliciano: The question is whether I could direct the office to not consider un-adjudicated charges. I don't think that's actually within my authority. I have that one sentence authority in these cases is that I can hear appeals where there is a complete prohibition in academic progress. That's the limit of my authority here whether that's a prudent matter. I would want to think about that Chris because I can imagine a situation where you have repeated charges it will take a long time to get to them and if they cannot be considered one after another, fight after fight, whatever, you can imagine the scenario and those can't be considered by the director. That could create a situation where you have a significant visible risk of ongoing harm but the director is unable to consider that.

>>Chris Schaffer: [comment off microphone]

>>Jonathan Ochshorn: You need to talk to the zoom audience as well. Okay. One short comment, and we have to move on. Identify yourself.

>>Ken Birman: Ken Birman, computer science. John, thank you for coming. I want to express two quick concerns. One is the risk that a violation of an interim penalty might [indiscernible] be perceived as a new penalty it was not clear to me whether or not that may have happened here and more broadly, I understand the University sense in terms of discussing an active case, but I think that there needs to be enough information about charges put in front of the community for us to understand the new event that triggered an escalated response.

>>John Siliciano: I appreciate that there's a lack of information to help us really discuss this fully, I simply can't under federal law I cannot discuss any of the details of the ongoing disciplinary case without a release. So I've gone as far as I can to tell you what I have told you so far.

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>>Jonathan Ochshorn: Okay and with that I think we need to move on to the next agenda item. This is a pending resolution which I think will be formally introduced to the November meeting. Faculty Senate resolution to condemn Presidential Malina for violating academic freedom, Risa Lieberwitz, Senator, Industrial and Labor Relations, talk for five minutes and then we will have a little bit less time for discussion because of the extended time for the previous agenda item go ahead.

>>Risa Lieberwitz: Thanks, Risa Lieberwitz, Senator from ILR, okay it's up there. Alright so I am here to introduce the faculty Senate resolution I hope you had a chance to read it it's rather long and so I'm not going to just read it to you I'm going to have some key points and then I will put up here on the slides the actual be it resolved provisions, but I will just read that full title of it because I think it gives you the full title up there I will just read it. It gives you the full scope of these severe violations of academic freedom that we are dealing with, so this is the faculty Senate resolution to condemn Cornell presidential Malina for violating faculty academic freedom by targeting specific faculty members for their protected speech. Threatening to engage in surveillance of faculty in their classrooms and threatening to take punitive action against faculty for their speech in the classroom. And so this comes out of what I assume everybody already knows about there's a Cornell Sun Report and these are underlying because there are links to the report that you can look at. The reported statements by Vice President Joel Malina at a private zoom meeting with more than 220 parents and that was a meeting hosted by Cornell Hillel on September 30. I have to say I found it jaw-dropping when I read it, when I read the story and the quotes, and what I read and what we all read were that there were two Cornell faculty members who were targeted for their protected speech, one of them was a junior faculty member in CALS who just started and that the description by Joel Malina was that this person was hired before Cornell learned that that faculty member had retweeted "troubling posts" that were critical of Israel and Zionism and Malina stated that this faculty member's in class activities will be scrutinized as will all in class activities of our faculty. And that goes to the core of what we do in the classroom and what faculty should expect as part of the academic freedom that is not to be scrutinized, not to be surveyed or surveilled, however one should pronounce that in English, in the classroom but to have academic freedom in the classroom. So the second faculty member was identified by name in this meeting and that faculty member's speech from October 15 of last

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year about Israel and Gaza was the, Joel Malina said was protected only because it was made off campus. As opposed to being on campus or in the classroom. The faculty member was described by Malina as being very savvy when it comes to staying on this side of our policies which is kind of an interesting way to describe somebody as opposed to just saying it follows our policies.

Next slide. So I wanted to, this is up here to remind us about the broad scope of academic freedom that exists in Cornell policy, the policy statement on academic freedom and freedom of speech and expression, and I've quoted here just a short piece from that about the broad nature of the academic freedom in the classroom. There's also the AAUP's 1940 statement that's a short quote about controversy being at the heart of academic inquiry. And that 1940 statement is cited and relied on in our Cornell policy and then there's also a quote from the AAUP freedom in the classroom report about the importance of the ability to be protected in the classroom without controversial speech that is germane to the subject of a course. Next slide please. Now vice president, vice provost, Vice President, we have so many, Vice President Malina's, has a letter to the editor that follows this article he has two letters now, on October 2 acknowledges the academic freedom he says the 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 exclusive academic spaces that are free of unlawful discrimination or harassment. I am glad he said that. That's correct. But it doesn't cure the violations that still stand of academic freedom. Malina does not deny that he made these statements at the meeting, he doesn't take responsibility for having made these statements, he doesn't state he was wrong to have said these things, instead he makes a contradictory claim that his statements at the meeting intended to reference the Cornell policy on academic freedom and AAUP statements which of course is an odd thing to say when you just violated academic freedom. Now to the resolve clauses. Thank you. So these repeat some of the whereas the be it resolved first 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, and I wrote this down for ease of seeing, reading it, violations being inappropriately targeting and discussing to faculty members' speech and their 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's critical of Israel Zionism or that supports Palestinian rights and creating a chilling effect on



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faculty speech. Next slide. Be it further resolved that Vice President Malina should issue a public apology for his statements in violation of faculty academic freedom that he made at the September 30 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 should publicly commit that Cornell will not engage in any form of surveillance of faculty teaching. Next slide please. These last resolution clauses deal with the issue of increased police and security presence through more cameras on campus. This came from Vice President Lombardi, and so these resolutions call on the administration to provide public information about these plans. And that the administration should engage in consultation and negotiation with the Senate, other governance bodies and unions, about these increased security measures and policing measures to ensure protection of privacy and the avoidance of any kind of surveillance. So I truncated that to finish.

>>Jonathan Ochshorn: Thank you. And we do have a few minutes for speakers, comments, questions. And then we will go to Good of the Order. You have a comment, go ahead.

>>Richard Bensel: Richard Bensel, Department of government I strongly support this resolution but I want to speak to some broader issues that are involved in this. The interim Provost said that we should try to fix the student code. I was chair of the campus codes committee and the University Assembly which has jurisdiction over, or did, the student code but that got vacated by the administration. But one of the things that I wanted to do is extend the protections for academic freedom to all faculty by including University administrators under its scope. So that violations of academic freedom by the central administration could be adjudicated, prosecuted, rectified. I think this is a really important issue. Let's step back for a moment and think about this code. The interim Provost I assume backs the interim expressive policy committee. That committee was appointed by Pres. Pollock after she had publicly condemned a faculty member for private speech off campus not to be trusted. The interim expressive committee that then she appointed is top-heavy with administration officials. Many of whom have careers that are dependent upon, sensitive to the wishes and desires of that administration. Whatever they come up with in the interim expressive policy does not come back to us for approval or revision, it is announced we can not comment on it we cannot do anything about it. I would say that it's time

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for the faculty Senate to reclaim jurisdiction control over academic freedom, freedom of speech, and to rectify a situation in which the violations by the central administration are in fact legitimated, they run amok.

>>Jonathan Ochshorn: I am asking on behalf of the Dean of Faculty if we can extend this meeting by 10 minutes by unanimous consent and that works if I hear an objection if I don't we extend the meeting hearing no objection... So we maybe have room for these three comments and have to go to the good of the order to keep them short. And then I'm sorry you go and then will go online.

>>Ken Birman: Risa thank you for your motion, I support the very first part of it the first of the resolves we heard, I want to comment though on the rest of it, it strikes me that Risa made a strong case that Vice President Malina spoke inappropriately and I think condemning that is fully appropriate. However I don't think that it's appropriate to ask the person to debase himself after he explained himself twice in the Daily Sun. He is who he is and I don't believe that we are in a position to demand that he you know [indiscernible] the remarks that the University rejected the terms the resolution suggests I also don't think concerns about the cameras on campus or decision that the University needs additional security staff really have much to do with condemning Mr. Malina and then in the way that the resolution is written I will comment that also elevates AAUP language as if it was somehow superior or in contradiction to the University policies even though we have perfectly clear policies on what we can and cannot bring into a classroom and the situations under which the University might reprimand somebody for something that occurred in the classroom. I'm a computer science teacher I should not express my views on women's abortion rights for example in my classes. So we have clarity around that and I don't think that this resolution is approved by wandering off message and including either redundant language or language that actually has nothing to do with Mr. Malina's comments I think we need focus. I would happily vote in favor of the first of the proposals I think his language was inappropriate it shocked me and I'm angry about that. I think that that's enough and it's the appropriate thing to do and I urge us to do that but I recommend all the other resolves be stricken including the second one.

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>>Jonathan Ochshorn: We have a tradition here of going out of order in order to get a new speakers so I will go to Nathan Matias. Even though he was not first to raise his hand. Then we'll go back to the in person so unmute yourself Nathan.

>>Nathan Matias: Hello thank you. Nathan Matias, senate representative for the Communications Department. I'm speaking personally but also I think my colleagues would share this as well. I would say that to suggest that our colleagues or faculty would be scrutinized in the classroom is against academic freedom and we do need reassurance that the University will not do this. Secondly, the letter makes a comment about chilling effects, which for people who aren't familiar, it's the notion that lack of clarity or fears about surveillance and consequences could cause people to less than fully exercise their intellectual freedom by moving away from certain topics that they have every right to speak about. And I think particularly at this moment when the University has taken down from public view its policies on the responsible use of the surveillance creates exactly the circumstances where people are unsure about whether it will be recorded and how that will be used. So I think it's very important to seek the kind of transparency that's been called forward. Thank you.

>>Yuval Grossman: Yuval Grossman, Physics, first I would like to express my disappointment that we are discussing this today. There's a reason why we only had a few days to review the agenda to allow discussion for the meeting. Hitting such a politically charged resolution with the agenda just the day before does not facilitate constructive dialogue. Claiming that we have time to discuss it does not change that this process is flawed. I'm really really disappointed that we are actually doing this. Second, regarding this resolution itself, there are significant issues and I argue all of us to vote no. First it is undermining our credibility as a Senate to rely on a daily Sun news report that has not been confirmed or we don't really know what happened there. Instead what we should have done was invite Malina to engage in a direct conversation and other contents this is known as due process. We should have called him and asked him what happened? This is also called shared governance, if we want them to consult us, we should consult them with something, when someone says something. And lastly I want to point out the hypocrisy in this resolution. We are using the information from a private event that should have been a safe space for people to share their ideas in order to argue that we need a safe spaces for

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our faculty and students. I really hope they will vote no for this.

>>Eric Cheyfitz: Eric Cheyfitz. I'm from the American Indian Indigenous Studies program and from the graduate field in literature in English. I support the proposal. In fact my name is one of the names on the proposal. I'm going to read a very short letter that I sent to the sun which was sent around the proposal in case people did not get to hear it. In this talk with over 200 Jewish parents of Cornell as reported in the Cornell Daily Sun on October 2, vice president of University Relations Joel Malina specifically targeted pro-Palestinian activists singling out speech of two faculty members as potentially sanctionable and in making examples of these two Malina violated the core principles of academic freedom and he also demonstrated that he has no understanding of these principles. Although in a follow-up letter to the editor he claimed contradictorily enough that his intent was to reference them. As promulgated by the American Association of Professor Standards which Cornell has publicly endorsed, academic freedom stipulates a wide latitude in faculty speech, both in the community at large and in the classroom. The speech of the two faculty that Malina referenced as potentially actionable falls well within the AAUP parameters of academic freedom and the singling out of faculty not only violates these principles but also the principles of basic ethics and collegiality in effect. Malina unintentionally perhaps engaged in the pernicious practice of doxing which the University condemns. In addition Malina's focus on pro-Palestinian protests by Cornell students faculty and staff against Israeli genocide and Gaza contradicts the Cornell administration's claim that its expressive activity policy is content neutral. This in itself is reason enough for this policy to be rejected. In his comments, in Hillel, Joel Malina appears entirely confused about the scope and meaning of academic freedom and is focusing on the case of pro-Palestinian activists Malina suggests that the administration's expressive activity policy is not content neutral. But is motivated by pro-Israeli parents and donors. Thank you.

>>Beth Milles: Hi my name is Beth Milles. I'm in the Department of Performing and Media Arts, I just want to acknowledge that people on zoom this is an incredibly vulnerable time you can feel it in this room, and I am very proud of all the colleagues who came out to express what they feel. I just want to say that performing in media arts houses theater and theater is not a folly and should not be made fun of and we are part of the Department of Performing and Media Arts.

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Theater represents life it can represent a way to speak about life, and having it criticized in that way is just in front of colleagues who are standing up honestly expressing the support of our students and our community is something I personally take offense and in representing my department I am standing up to say right now. I wanted to express some of the point of view of my colleagues and respond, sorry I'm shaking because I'm upset. I am moved and swayed by the words of the resolution but also many of my colleagues have reached out to support some of the words about expressing the needs for full and due process in support of our students and our colleagues, and investigations so that the people in question could have the opportunity to be heard. And I am expressing that point of view since it has been asked to be expressed and I support my colleagues right to express the room, thank you very much.

>>Jonathan Ochshorn: John and then we will have our final comment online from David Bateman.

>>John Siliciano: Thank you, I apologize for my remarks, it was a stupid statement. And that's all I can say about the stupid statement, I regret it. In terms of Vice President Malina's statement, I can state as I'm passing through as the chief academic officer of the University, I agree completely with the sentiments about the need for complete freedom in the classroom to teach our students as we are expected to do. This does not represent, I think, any effort by the central administration, which is a very unfortunate thing. You should do whatever you need to do the resolution but I would urge you not to see it as representing, sorry, anything in terms of our otherwise as a faculty member and as a central administrator, robust support for academic freedom in the classroom, on the campus and in the community. Thank you.

>>Jonathan Ocshorn: David?

>>David Bateman: Thank you very much and I appreciate the apology and I apologize for my outburst and quite upset by the theater. I like to thank you all for highlighting what he thinks is hypocrisy. I will very much oppose, let me be clear, any of the parents because I think they have every right to express their views. So I think if we were censoring the parents that would be a very different thing. Malina however was announcing policy and I really appreciate the

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clarification by the Interim Provost that in fact he was just speaking off-the-cuff this is not policy. It makes it worse in some respects. He did so in a way that opens University up to legal action for targeting speech and content. And frankly creating a discriminatory climate at Cornell, I want to speak on something that the resolution does not specify which Risa alluded to. Target Malina and his comments did not simply target pro-Palestinian speech he targeted two black faculty. So what's the basis for surveilling which faculty? Which faculty are going to be chosen and what plausible grounds can be content neutral. I also think the broader thrust of insisting there is no place for politics and no place for use in the classroom fails to understand how education takes place in much of the college of arts and sciences. So I want to read a letter that was recently printed in the Cornell Sun which captures my thoughts better than I ever could, "It's not just that the idea of being scrutinized makes our job harder what is most unnerving is the prospect of administrative surveillance impoverishes any chance of fostering genuine discourse as you yourself University, the representatives, have envisioned it. Many of my classes, the writer, entail extemporaneous discussions in which students converse about complex social and cultural issues with the potential of being unsettling. In these situations I'm constantly amazed at the care which Cornell students choose their words and the generosity they show one another when words fail. They set an example that you and Mr. Malina would do well to follow. They approach one another with trust not suspicion." I will just say personally I mean after 10 years of being at Cornell by far the most reasonable people at this university consistently are our students, they are generous, kind, understanding and curious. Back to the letter, "After more than 20 years in the classroom graduate school and my time at Cornell, I've learned that if students feel their teachers are scrutinizing what they say, the result is silence. If students feel trusted to explore ideas the result is education. And professors as we surely will after this morning sun story teach from a place of fear rather than trust, the result of generalized apathy at best and widespread paranoia at worst." This is not simply, and this back to me, it's not simply an attack on academic freedom though it is, it is a profound threat to the quality of education the students can receive at Cornell. They will not receive the education that they deserve and that we are able to offer them if we believe that some of us for whatever reason are being surveilled in classrooms, you simply cannot achieve it they will know that they can achieve it they will not come to our classes if they have a hint that we are being surveilled because they know the quality will be worse. It is an attack not on academic freedom but education itself.

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>>Jonathan Ochshorn: One more. Very very short.

>> Risa Lieberwitz: Thank you Risa Lieberwitz ILR, I wanted to note that we have at this point 67 cosponsors listed for this resolution I wanted to thank everybody for signing on and at this point 8 of those people are faculty senators, and so this is people are continuing to sign on and should feel free to do that and secondly I want to emphasize that Joel Malina is part of the administration, he speaks for the administration, this is not just one person going out there speaking for himself. He sends out statements to the entire campus on behalf of the administration. And so a general denial that this does not represent what the rest of the administration believes is simply not enough, right? We have to hold the administration to account for what they do that represents institutional positions and I think it's really important for us to do that.

>>Jonathan Ochshorn: I had it turned off. We are going to go to the good of the other. And we have two tonight.

>>Begum Adalet: Thank you, Senator for the Government Department. Thank you Eve for giving me the floor. I would like to take a few minutes to talk about the expressive activity policy that we'll get to see hopefully vote on at the next Senate meeting. Can everyone hear me okay? This is an issue that is near and dear to my heart for those of you who do not know I'm from Turkey which has been the site of crackdown on dissent, academic repression slow but steady dismantling of university autonomy in recent years. Even public universities in Turkey have been subject to the violation of long-standing norms of faculty governance. This has included the intensified policing of students, arbitrary dismissal and suspension of faculty members, top-down appointment of administrators officially affiliated with the governing parties, the highest ranks of the University governance which have also seen in places like Florida. The far right attack on the autonomy of higher education institutions is a global phenomenon. When the house ways and means committee Cornell leadership to interpret our campus policies for us they demanded that the punishment of our students felt eerily familiar and frightening to me. The draconian disproportionate measures brought on to our students reflect the

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priorities of politicians. Rather than our principles as educators. I'm constantly worried for our students who will be issued suspensions without due process, who are prescribed in criminal terms as repeat violators by our administration which is language they took from the Ways and Means committee letter and our students who risk losing access to university resources, their livelihood and their very ability to stay in this country. I as well as many other faculty who are witness oppression elsewhere have been terrified that we can expect to be surveilled in our spaces of teaching and research. Given this backdrop I was cautiously hopeful when the University administration announced a new committee on expressive activity policy hopeful to our renewed commitment to principles of shared government and transparency but cautious because of the committee includes only one representative from the College of arts and sciences none at all from ILR or the college of architectural art and planning, in other words, those of us who study literature philosophy and design, those of us who have insight into the history and meaning of civil disobedience, social movements, protest, democracy, disruption, violence, those of us with expertise and sound acoustics building shared spaces have not been included in writing new policy. But we as faculty members and senators now have a chance to restore democratic liberation and save the autonomy of our university from the whims of politicians. It's my hope that we will use this chance to carefully review and deliberate on the expressive activity policy and will vote to insist that our vote be binding on this crucial aspect of our shared campus life. Thank you.

>>Jonathan Ochshorn: Thank you. Once again, I'm going to vote with unanimous consent unless I hear an objection to extend the meeting five minutes. Two minutes, no objections are heard, go ahead.

>>Yuval Grossman: Yuval from Physics. I wanted to talk about something but since I did not have the chance to ask the Provost the question, I will actually read my question to you instead of what I wanted to say. So first let me start by saying I along with many others, I really support what you're doing. And the situation on campus has been totally dead for the last year Cornell has totally made it impossible for us to walk in an environment that you have the requirement by law to make it possible. I would like to actually have acknowledgement the fact. The other fact that I like to hear an acknowledge is that we keep hearing that these protests are peaceful, and we



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all know that they are not. There are so many events and I've been standing here and telling those events to all of you and you all know that this would happen. Why are you still pretending that these are peaceful events when you know the truth, they are not peaceful events and why are the administration is not standing up and very clearly saying we know what happened we know this is what happened. And we keep hearing about these. So that's actually my question. Thank you you have a few words?

>>Jonathan Ochshorn: I'm asked to remind everyone who hasn't already to sign in. Online and in person. Thank you for your patience and decorum. The meeting is adjourned.