



Cornell University Employee Assembly

Cornell Employee Assembly
Minutes of the February 19, 2019 Meeting
12:15-1:30 PM
701 Clark Hall

I. Call to Order & Roll Call

- a. Chair Howell called the meeting to order at 12:15pm.
- b. *Members Present:* S. Barry, K. Barth, M. Benda, A. Brooks, J. Cooley, J. Creque, H. Depew, J. Duong, B. Fortenberry, G. Giambattista, B. Goodell, A. Haenlin-Mott, A. Howell, R. Lochner, K. Mahoney, A. McCabe, J. Michael, R. Miegler, A. Miller, E. Miller, M. Newhart, C. Sanzone, L. Taylor, J. Townley, W. Treat, J. Withers
- c. *Members Absent:* K. Supron, T. Chams, K. LoParco, D. Hiner, C. Wiggers, , H. Sheldon, E. Ivory

II. Approval of Minutes

- a. Motion to approve the minutes of the February 5, 2020 meeting – **approved** with no dissent

III. Business of the Day

- a. EA Resolution 4: Amendment to the Employee Assembly Charter Expanding Membership to Include a Seat for a Representative from Cornell Tech
 - i. Chair Howell introduced EA R4 and highlighted it as a unique intersection of interest and ability to extend values towards shared governance. There has been interest for some time regarding the addition of a Cornell Tech representative on the EA. However, the opportunity was not present due to the university bylaws not including Cornell Tech staff as part of the community that could participate in shared governance. This changed with the updating of the university bylaws. The EA has been in communication with staff at Cornell Tech and received enthusiasm in joining the organization. Chair Howell also noted the initiative following with the principles of One Cornell.
 - ii. J. Withers added that her committee reviewed and approved the resolution. She noted it as an excellent opportunity to add representation for a unit that could use it.
 - iii. M. Newhart asked if the seat would be included in the upcoming election process.
 1. Chair Howell responded in the affirmative.
 - iv. C. Sanzone asked for the number of the constituency at Cornell Tech.
 1. Chair Howell responded he would follow up with HR for an exact number.
 - v. B. Goodell made a motion to approve EA R4.
 1. R. Lochner seconded the motion.
 2. EA R4 – **passed** unanimously
- b. Approval of Spring Election Plan
 - i. J. Withers introduced the Elections Committee's spring election plan for EA approval. She noted the spread is uneven with 18 seats up for election and 11 not up for election. However, adding a Cornell Tech seat to expire in 2021 will help balance the system. There are also four Representative At-Large seats that are not chartered that will end this year. J. Withers also gave an overview of the committee's proposed timeline. They would also like to tie in the idea of the Cornell Employee Club if it comes to fruition. J. Withers also went over the election rules.
 - ii. E. Miller asked whether there is an option of adding additional at-large seats if needed next term.
 1. Chair Howell noted it would require a change in the bylaws.
 2. G. Giambattista added that the assembly adopted a representative model to replace at-large seats that were added by the assemblies during the term. The at-large seats most recently added were based on precedent from prior years. This has compounded into an ad-hoc system and in an effort to realign with the charter and bylaws, the at-large members are not currently included in either the charter or bylaws.

3. J. Kruser added that they originally had those seats available back when EA seats were distinguished by endowed or non-endowed employees. There was a conscious effort to be more representative of the staff, and the at-large seats are a holdover from that as there was not always a place defined for staff who were interested in participating. The EA has become larger and continues to want staff involvement. The question surrounds thinking about who the EA is and what it wants to be in the future.
- iii. J. Withers noted there was a suggestion to look into a 15+ year employee seat to align with the Less than 5 Years of Service Representative seat. As the election season is upon the EA, she does not think the Elections Committee has the bandwidth to take it on. However, it could be helpful for next year's Elections Committee.
- iv. K. Barth suggested adding into the charter the four Representative At-Large seats and possibly increase the seats to five. If the EA runs into a problem in the future, it can make another decision.
- v. B. Goodell stated not being opposed to making the EA larger. He views the EA currently as being a great size with the capacity to get a lot of things done.
- vi. Chair Howell made a motion to approve the plan.
 1. R. MiegI seconded the motion.
 2. Elections Committee Spring Elections Plan – approved unanimously
- c. EA Resolution 5: Support of the Divestment from Fossil Fuels
 - i. Chair Howell introduced the resolution and gave a background of the issue concerning divestment from fossil fuels. He gave an explanation of the endowment and divestment issue concerning the idea that where Cornell's money is invested should relate to its values as an institution and the effect its money can have on the world. As of December 2019, 1,200 institutions have divested their financial portfolios from fossil fuels, which has reached a level of \$12 trillion in assets. Chair Howell noted that looking at divestment as one of the many tools to address climate change is becoming widely adopted. At Cornell, the issue of divestment goes back to 2015-2016 when all five of the constituent assemblies passed resolutions asking the Board of Trustees to direct fund managers to divest from fossil fuels. At the time, it was a relatively new issue and the Board of Trustees decided to lay out a plan and criteria that the campus community and constituent assemblies must meet in order for them to take a look at the issue again. The Board of Trustees outlined three criteria under which it will consider divestment: If a company's actions or inactions are "morally reprehensible" and if the divestiture will have a meaningful impact towards correcting the specified harm and will not result in disproportionate offsetting societal consequences, or if the company contributes to harm so grave it would be inconsistent with the goals and principles of the university.
 - ii. Chair Howell noted that currently, the resolution in this form has been passed unanimously in both the UA and GPSA. The resolution is accompanied by a white paper addressing criteria specifically. He noted this effort is intended to be constructive and deferential to the board's stewardship role, and there are no strict deadlines and no particular companies listed. The white paper and resolution text is the work of Professor Caroline Levine, who put together information on why divestment is appropriate for an institution such as Cornell. With regards to the morally reprehensible criteria, there are examples of large fossil fuel companies having knowledge of and information acknowledging climate change and their role in it. In addition, there are records of them engaging in strategies subverting efforts to address climate change in any meaningful way, and even instances of them doubling down in investments in fossil fuel activities even when they have opportunities to do otherwise. The gravity of this rises to the level of morally reprehensible when taken into account the effects of climate change and the human impact it will bring. Chair Howell stressed that Cornell has an opportunity to be one a first-mover, in which it would have the opportunity to move many other institutions in a much greater way and be a guiding element. Divestment makes fossil fuel investments, funds, and companies less stable and attractive to other very public bodies who may have large funds to invest. Cornell would be the first Ivy League institution to divest. In terms of fractional size, the very small size of Cornell's exposure

in the endowment to the big fossil fuel companies makes it so that the benefits far outweigh any potential negative effects. Regarding inconsistencies to Cornell mission and values, one line from the university mission is directed at aiming to “enhance the lives and livelihoods of students, the people of New York and others around the world.” Chair Howell noted that the money will facilitate and fund companies whose activities are in direct contrast to the line above. The vast majority of peer-reviewed research indicate there is a major detrimental harm here and throughout the world if climate change and the companies that contribute to it do not abate. In addition, Chair Howell noted there is a line regarding respect for the national environment in the core values that were just approved by the Board of Trustees.

- iii. Chair Howell asked EA members who would like to cosponsor the resolution to reach out to him. It is an impactful opportunity.
- iv. J. Duong stated it seems divestment is the direction things are going. If Cornell is at the end of the divestments, they will be losing the most money from the endowment than if it had gotten out earlier.
- v. Constituent Scott Burke stated that 1.3% of the endowment is in fossil fuels, which approximately equates to \$95 million. It is a small percentage and hypothetically investing the money in the next best opportunity may see a reduction of about \$1-2 million. However, it may not be as much of a burden compared to the financial burden not divesting is having on Cornell’s ability to attract new student leaders and research. In terms of student tuition, it may affect perhaps less than 50 students.
- vi. R. Mieggl stated that the issue is often viewed through a cost perspective. However, it is an issue that should have been considered 50 years ago when the world was not facing the tipping points and deadlines from the United Nations as it is now. Regarding costs, there are mass migrations, wildfires, and other instances happening now. He stated that as long as fossil fuel companies have the resources and profits, they will not stop. While the divestment would be small, it does send out a message.
- vii. C. Sanzone shared confusions over the issue. While she viewed divestment as well-intentioned, a lot of large companies would not exist without the derivatives from fossil fuels. For example, Amazon would not exist in its current form if it did not have the global e-commerce and shipping that creates all kinds of emissions. She highlighted that everyone is a consumer of fossil fuels. Products, activities, and companies are all reliant on fossil fuels. She shared that it seems disingenuous to announce divestment from fossil fuels when so many businesses are powered by it. In addition, on the morally reprehensible angle, she highlighted a distinction between an individual company that may have acted unethically and an entire sector. She suggested hearing from the staff members who work in the investment office and care for the endowment.
- viii. K. Barth announced support for the resolution but respects it as a complicated issue. He noted that none of the Ivy League institutions or SUNY schools have voted for divestment. A case has been made by the administration that divestment would take away Cornell’s proxy vote as a shareowner in companies. K. Barth noted that between 1994 and 2015, 127 proxy votes were requested to fossil fuel companies to work on climate change and all of them were met with a no. He stated that it does not seem like having influence pans out.
- ix. S. Burke added that regarding the proxy vote, Cornell owns so little of large fossil fuel companies that it does not have much of a say in changing the industry. He asked the EA to consider whether the 2035 carbon neutrality goal was in alignment with divestment and what values it wants to stand for.
- x. Chair Howell made a motion to move to the question.
 1. R. Mieggl seconded the motion.
 2. EA R5 – passed with a vote of 24-1-0.

IV. Committee Reports

- a. Chair Howell skipped committee reports in the interest of time.

V. New Business

a. Open Discussion

- i. Chair Howell opened the floor to discussing the university's handling of the recent inclement weather incidences and late closures.
- ii. M. Newhart conveyed several suggestions that were brought up to her. One suggestion was to look at peer institutions and ask the university to set a time to make a decision. For example, it could be 5:30am for daytime closures and 3:00pm for evening closures. The second suggestion was the idea of a weather and safety leave, which is something the federal government implements.
- iii. L. Taylor shared experiences of seeing people trying to get to work in dangerous weather conditions. She stated that given the number of people who rely on the bus system, when buses are not running, the university should not be open.
- iv. H. Depew shared that Chair Howell and her had a conversation with VP Mary Opperman. They expressed concerns about TCAT closures and stranded individuals without transportation. From the conversation, it seemed like Cornell was receiving weather information. By the time the office received the information that would persuade them to close the university, the TCAT was already closed. Her personal opinion is that there may have been some poor judgment and communication at play.
- v. K. Mahoney asked for the people on the committee who made the decision and what rubric was being used.
 1. H. Depew referenced the [Inclement Weather FAQ Page](#) on the Emergency Management website. There is an Incident Leadership Team who makes a recommendation. The process is also outlined on the website.
- vi. J. Duong conveyed he received feedback stating almost all weather incidences disproportionately impact non-exempt employees, employees who have to come to work, and parents who may have to scramble to find childcare. He highlighted the issue of cascading difficulties that can compound to exacerbate the situation. J. Duong also questioned the idea that Cornell's Incident Leadership Team did not have up-to-date information as the information could not have been less accurate than that received by Ithaca College, TC3, and other places in the area. He does not see the administration's response as acceptable and hopes the EA can come up with wording for a resolution.
- vii. B. Fortenberry noted that factors in deciding whether or not to close the campus include the rate of snow and the amount of snow the team at Cornell can clear. However, one observation he does not believe is adequately weighed is the fact that snow maintenance quickly shifts when going beyond the lines of Cornell property. He urged the EA to advocate for better transparency and understanding of the decision-making process.
- viii. C. Sanzone echoed B. Fortenberry's point and pushed for ensuring that the criteria used goes beyond the immediate campus. She feels the administration is lacking proactive communication. She suggested having the administration send a message the night before incoming snow, even if it does not intend to close the campus. Such message could serve as a catalyst for conversations between supervisors and their staff members. She stated support for trying to get more predictable timing for decisions. In addition, she would also like to know if there is a business reason for cancelling classes but keeping the university open as it creates a perception that staff are not as important as some other constituent groups. She is interested in doing a statement or resolution and asked interested EA members to contact her.

b. Chair Howell made a motion to extend the meeting for five minutes – **passed**

- i. R. Lochner suggested having a reporting system for students to keep them updated on the operating ability of certain facilities throughout the day.
- ii. B. Goodell suggested considerations for the criteria, including staff welfare, whether schools are opened or closed, law enforcement, impact awareness, and transportation and TCAT.
- iii. K. Mahoney suggested talking to faculty senate representatives.

- iv. Chair Howell asked EA members who are interested on working on a resolution or statement to coordinate and find a way forward so this situation does not happen again.

VI. Adjournment

- a. Chair Howell adjourned the meeting at 1:35pm.

Respectfully Submitted,
Catherine Tran

Clerk of the Assembly