

Resolution to Increase Transparency, Accountability, Consistency, and Shared Governance in Cornell University Policies and Procedures

Whereas: the Cornell faculty [welcome students with diverse backgrounds](#) from across the globe to pursue world-class education opportunities without obstruction on the basis of legally protected status;

Whereas: the Cornell Faculty Senate affirms that freedoms to engage in research and scholarship, to teach and to learn, to express oneself and to be heard, and to assemble and to protest, peacefully and lawfully, are [essential to the function of the university, even for ideas some may consider wrong or offensive](#);

Whereas: faculty, students, and staff of Cornell University are entitled to due process, according to Cornell policies, with clear and fair procedures to draw conclusions and inform decisions at times when allegations of misconduct, harassment, and/or discrimination places them in potential violation of Cornell policies;

Whereas: a functioning university depends on the transparency, trust, clarity, consistency, and cooperation that derives from [shared governance](#), where faculty have access to information, involvement in matters of concern to them, the authority to examine these issues and make recommendations, and to question all sanctions (dismissals, warnings, reprimands, course cancellations, etc.), as “guardian[s] of academic values against unjustified assaults from its own members,” per the the American Association of University Professors (AAUP) [recommendations](#);

Whereas: in the case of the ["Resolution Condemning the Cancellation of Professor Eric Cheyfitz's Classes and Threats of Further Severe Disciplinary Action"](#), the Faculty Senate discussion and resulting vote revealed low trust by a substantial number of faculty in the reliability of the University's disciplinary procedures and the implementation of those procedures by the University Administration;

Be it therefore resolved that the Faculty Senate create an Ad Hoc Committee (henceforth “the Committee”) to produce a **Policy Report** that reviews and evaluates points of similarity and difference in how the Cornell Office of Civil Rights (COCR) and the Committee on Academic Freedom and Professional Status of the Faculty (AFPSF) investigate complaints, define and interpret statutory language, evaluate evidence, and issue decisions (henceforth “COCR & AFPSF procedures”). This committee will consult with other parts of the university who hold relevant information, including COCR, AFPSF, and the Office of General Counsel;

Be it further resolved that the Committee's policy report reviews, evaluates, and recommends revisions to [Cornell's multiple Policy 6.4 documents](#) (henceforth, CUP 6.4), with the goal of reducing future differences in outcomes of the COCR, AFPSF, and decisions by the University Administration;

Be it further resolved that the Committee's policy report, at a minimum, examines and recommends possible revisions to CUP 6.4 for ambiguous language; points of administrative discretion; excess confidentiality that impairs or limits Faculty Senate deliberation on matters or resolutions that involve decisions within the jurisdiction of COCR & AFPSF; different evidentiary and evaluation standards between decisionmaking bodies (COCR, AFPSF, etc.); the temporal ordering and review times of processes related to complaint investigations, resolutions, appeals, and imposed sanctions under CUP 6.4 and Faculty Handbook Section 6.6; and the role and duties of the faculty co-investigator in COCR;

Be it further resolved the Committee's policy report propose a procedural attestation that can be used to inform Faculty Senate deliberations and resolutions as a part of shared governance. This attestation tool will inform the Senate about whether core elements, processes, and outcomes of cases were followed, in a way that does not violate complainant and respondent confidentiality. It will require committee members to attest that processes and procedures were followed and report any irregularities.

Be it further resolved that the Committee's policy report identify, classify, and explain any additional Cornell policies, procedures, and handbooks that may be in contradiction of shared governance principles, contain ambiguous language about processes or procedures, and/or reserve administrative discretion in adjudicative processes (initial complaint decisions, appeals procedures and determinations, etc.);

Be it further resolved that the Committee's policy report include a summary of the standards of evidence used by other universities in New York State for civil rights and academic freedom cases, and a mixture of the two, as well as the results of an independent legal analysis on the question of which standards of evidence to use in such cases, including citations to case law;

Be it further resolved that the Faculty Senate requests that the University Administration strengthen trust in the university's processes without disclosing confidential information by publishing an annual university transparency report on academic freedom. Such a report would disclose the number of external requests and internal disciplinary proceedings that involve the University Administration regarding faculty, student, and staff speech and behavior. The report would also include aggregate counts of incidents by group (faculty, student, and staff) across types of protected action (speech, behavior, etc.) and stage of disciplinary proceedings (complaint, investigation, resolution, appeal, etc.).

Draft resolution proposed by:

Bryan L. Sykes, Senator, Brooks School of Public Policy
J. Nathan Matias, Senator, Department of Communication

Faculty Senators Supporting this Resolution (alphabetical)

Ken Birman, Computer Science

Michael Mazourek, SIPS-Plant Breeding
Tracy McNulty, French and Comparative Literature
Chris B. Schaffer, Biomedical Engineering

Faculty Supporting this Resolution

Shannon Gleeson, Global Labor & Work