

Faculty Senate Resolution to Condemn Cornell Vice President Joel 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

Whereas, on October 2, 2024, the Cornell Daily Sun [reported](#) that Cornell Vice President Joel Malina and Vice President Ryan Lombardi met with more than 220 parents in a private Zoom meeting hosted by Cornell Hillel on September 30, 2024. At this meeting, Vice President Malina discussed two Cornell faculty members' employment status and their speech about Israel, Zionism, and Palestine. Malina identified the first faculty member as a junior faculty member of the College of Agriculture and Life Sciences, who Malina said had been hired before Cornell learned that the faculty member had retweeted "troubling posts" critical of Israel and Zionism. Malina stated that this faculty member's "in-class activities will be scrutinized, as will all in-class activities of our faculty." Malina identified the second faculty member by name and stated that the faculty member's speech on October 15, 2023 about Israel and Gaza was protected only because it was made off-campus and not in the classroom, and stated that the faculty member "is very savvy when it comes to staying on this side of our policies."

Whereas, Vice President Malina's [Letter to the Editor](#) in the Cornell Daily Sun on October 2, 2024, does not dispute or deny that he made these statements at the September 30, 2024 meeting with parents hosted by Cornell Hillel, nor does Malina's Letter to the Editor state that he should not have made these statements or discussed faculty members' employment status at this meeting;

Whereas, academic freedom and freedom of expression are fundamental to faculty and student teaching and learning, research, and public speech, which are protected in the [Cornell University Policy Statement on Academic Freedom and Freedom of Speech and Expression](#), the Cornell Faculty Handbook, and the Cornell Student Code of Conduct;

Whereas, the AAUP 1940 [Statement on Principles of Academic Freedom and Tenure](#) emphasizes the broad scope of academic freedom in teaching, research, and public speech, and the importance of job security of tenure to protect academic freedom;

Whereas, the statements by Vice President Malina at the parents meeting hosted by Cornell Hillel on September 30, 2024, violate academic freedom by inappropriately targeting and discussing two faculty members' speech and employment status; threatening surveillance of faculty speech in their classes; threatening to take punitive action against faculty for their classroom speech; engaging in viewpoint discrimination and censorship in targeting speech that is critical of Israel or Zionism or that supports Palestinian rights; and creating a chilling effect on faculty speech;

Whereas, Vice President Malina’s Letter to the Editor in the Cornell Daily Sun on October 2, 2024, acknowledges that “University administrators have no purview over classroom instruction, nor should they. Any review of faculty classroom activity appropriately lies with the faculty, who are committed to promoting inclusive academic spaces that are free of unlawful discrimination or harassment.” This acknowledgement does not cure his violations of academic freedom at the September 30, 2024 Hillel meeting with parents, as Vice President Malina’s Letter to the Editor does not take responsibility for his actions and does not state that he was wrong in targeting specific faculty for their speech criticizing Israel and Zionism and supporting Palestinian rights, for threatening surveillance and punitive actions against those faculty members and against all faculty for their speech, and for engaging in viewpoint discrimination against faculty in contradiction of the Cornell administration’s claims that their policies and actions are content-neutral.

Whereas, Vice President Malina’s Letter to the Editor on October 2, 2024 seeks to avoid responsibility for his statements at the September 30, 2024 Hillel parents meeting by claiming that he relied on the AAUP *1940 Statement on Principles of Academic Freedom and Tenure*, which included the statement: “Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.” It should be noted, however, that Malina omitted the addition made in 1970 to the 1940 *Statement*: “The intent of this statement is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.” Further, the AAUP’s 2007 “[*Freedom in the Classroom*](#)” report describes the broad scope of academic freedom in teaching and states, “So long as an instructor’s allusions provoke genuine debate and learning that is germane to the subject matter of a course, they are protected by ‘freedom in the classroom.’”

Whereas Vice President Lombardi stated, at the Hillel parents meeting of September 30, 2024 that Cornell is increasing police and other security presence and is installing cameras in all new and renovated buildings;

Be it resolved, that the Faculty Senate condemns Vice President Malina for his violations of academic freedom at the meeting with parents hosted by Cornell Hillel on September 30, 2024, by inappropriately targeting and discussing two faculty members’ speech and employment status; threatening surveillance of faculty speech in their classes; threatening to take punitive action against faculty for their classroom speech; engaging in viewpoint discrimination and censorship in targeting speech that is critical of Israel or Zionism or that supports Palestinian rights; and creating a chilling effect on faculty speech;

Be it further resolved, that Vice President Malina shall issue a public apology for his statements in violation of faculty academic freedom that he made at the September 30, 2024 Hillel parents

meeting, and that the Cornell administration shall publicly reject Vice President Malina's statements violating academic freedom;

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

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

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

Faculty co-sponsors of this Resolution:

Risa Lieberwitz (Faculty Senator)
Begüm Adalet (Faculty Senator)
Noah Tamarkin (Faculty Senator)
Laurent Dubreuil (Faculty Senator)
Frans Schalekamp (Faculty Senator)
Tobi Hines (Faculty Senator)
Iris Packman (Faculty Senator)
Suman Seth
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Dan Hirschman
Wunpini Mohammed
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