

Resolution to Create an Ad Hoc Committee to Review Cornell Policy 6.4, Faculty Handbook Section 6.6, and the Duties of the Cornell Office of Civil Rights Faculty Co-Investigator

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](#);

Be it therefore resolved that the Faculty Senate create an Ad Hoc Committee (henceforth “the Committee”) composed of members of the Faculty Senate, faculty, the Cornell Office of Civil Rights (COCR), and the Office of General Counsel (OGC);

Be it further resolved that the Committee to produce a **Policy Report** that reviews and evaluates points of similarity and difference in how 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 decision-making 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 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;

Draft resolution proposed by:

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