

## **Annual Report (2003-2004)**

### **Committee on Academic Freedom and the Professional Status of the Faculty Cornell University**

Jonathan Ochshorn, Chair

24 May 2004

#### I. Specific actions.

There have been three items brought to the attention of the Committee on Academic Freedom and Professional Status of the Faculty [AFPS] during the 2003-2004 academic year, some of them continuations of items from last year: 1) the question of Cornell's suspension policy for faculty; 2) a request to review a proposal from the Engineering College to create two non-tenure-bearing titles (Research Scientist and Principal Research Scientist); and 3) a complaint brought by a faculty member asking that his salary increments be reviewed on academic freedom grounds.

A. Dean Cooke charged the AFPS in February 2003 with establishing a Task Force – a subcommittee of the full AFPS but also including other non-AFPS members as well as consultants - to review existing policies at Cornell and at a small number of peer institutions concerning due process for suspension of faculty. Most of the initial research and formulation of draft proposals on this question occurred during Spring 2003. This academic year, the committee refined our proposals, in part based on discussions with and feedback from academic deans. A presentation was made to the Faculty Senate on March 10, 2004. A summary of the committee's latest proposals, as well as the latest policy draft proposals, can be found on the "suspension policy" web site linked to the university faculty homepage.

B. The proposal from the Engineering College to create two non-tenure-bearing titles (Research Scientist and Principal Research Scientist) was received in Spring 2004. After lengthy discussion within the AFPS committee, and combined discussion with the Task Force on Non-tenure Track Faculty (Feb 2., 2004), it was agreed that the latter group

would pursue this question. The general sense of the AFPS on the question of these proposed titles was that it raised both academic freedom and professional status concerns.

C. The AFPS considered a complaint brought by a faculty member concerning his salary, which he alleged was low. After filing a grievance with his home college, he asked for a review by our committee on academic freedom grounds. Pursuant to our governance rules, AFPS first considered whether our committee should entertain the complaint; i.e., was the issue posed within its purview to review? After reviewing various documents supplied by the complainant and the dean of the complainant's college, AFPS declined to review the case. The committee judged that the low salary, in and of itself, did not raise an academic freedom issue.

## II. General concerns.

A. Misconduct. As I have suggested to you before, I believe that the faculty would benefit from a systematic review and overhaul of all policies dealing with academic misconduct. I see no good reason for maintaining such an *ad hoc* collection of procedures at Cornell, as if each separate type of misconduct required such a specialized mechanism for its adjudication. We have encountered simpler and more consolidated processes for dealing with misconduct at some of our peer institutions that might serve as models. This task, however, should probably be undertaken by an *ad hoc* committee created for this purpose, rather than the AFPS committee.

B. Governance. I have a sense that the rights and responsibilities of faculty within their departments and colleges, with respect to governance issues, are not well understood. What are the powers of the chair? How are teaching assignments made? What policies can departments, or colleges, properly make? Does a departmental faculty have the right to control its own curriculum, or to determine who gets hired or promoted, or are all of its efforts purely recommendations to some higher power? What are the university policies and procedures that define these rights and responsibilities: apparently, some are within the bylaws (accessible) while others are procedures or rules adopted by the Board of Trustees at various times, but not readily accessible. At a minimum, a single

comprehensive document ought to be made available to faculty describing their rights and responsibilities as members of a department and college. Perhaps the *Faculty Handbook* could be revised to address such questions.

**Annual Report (Spring 2003 only):**

**Committee on Academic Freedom and the Professional Status of the Faculty**

**Cornell University**

Jonathan Ochshorn, Chair

20 May 2003

I. Specific actions.

There have been two items brought to the attention of the Committee on Academic Freedom and Professional Status of the Faculty [AFPS] during the Spring 2003 term: 1) the question of Cornell's suspension policy for faculty; and 2) a request to review a proposal from the Engineering College to create two non-tenure-bearing titles: Research Scientist and Principal Research Scientist.

1. Dean Cooke charged the AFPS in February 2003 with establishing a Task Force – a subcommittee of the full AFPS but also including other non-AFPS members as well as consultants - to review existing policies at Cornell and at a small number of peer institutions concerning due process for suspension of faculty; to review the protocols recommended by the AAUP for this situation, as well as protocols used by our peers; and to make formal recommendations to AFPS. That standing committee (AFPS) is then to endorse or adapt the Task Force's recommendations and present formal legislation to the Faculty Senate.

The Task Force has met numerous times over the course of the semester, has researched policy on suspension of peer institutions and of the AAUP, has researched the existing situation regarding sanctions for faculty misconduct at Cornell, and has created two draft proposals: one a revision of the existing procedures for dismissal promulgated by Board of Trustees legislation; and the other a more general policy proposal addressing the question of faculty misconduct, including procedures for both minor and severe sanctions, and including a broader class of faculty than that covered by the revised procedure for dismissal. These draft proposals, as well as other documentation prepared

by the Task Force, can be reviewed online at the Suspension Policy web site linked from the University Faculty Web Site, or found directly at:

<http://www.people.cornell.edu/pages/jo24/suspension>.

We hope to bring these two proposals to the full AFPS committee in early Fall 2003, and to the Faculty Senate for discussion (Sept. 2003) and vote (Oct. 2003).

2. The proposal from the Engineering College to create two non-tenure-bearing titles (Research Scientist and Principal Research Scientist) was received too late in the Spring term to be reviewed by AFPS. We hope to consider this request in early Fall 2003, and to make recommendations to the faculty senate at the first or second meeting of the term. An initial concern of mine about this proposal is the status of the existing “senior scientist” title, and the possible need to distinguish it more clearly from the proposed “principal research scientist” title.

#### General concerns.

Both of these topics are also of potential concern to the ad hoc Committee on Status of Non-Tenure Track Faculty. In the first case, the question of how “faculty” is defined and therefore which appointments are covered under the AFPS’s proposed policies, is an issue with which our Task Force on Suspension Policy has grappled, and for which we have made provisional recommendations. However, the ad hoc committee may well have an interest in working with us to establish procedures for misconduct for non-tenure track faculty, and to determine which classes of non-tenure track faculty are covered by these procedures. In the second case, the proposal to establish two new non-tenure track degrees also should be of interest to the ad hoc committee. We seek guidance from the Dean of the Faculty as to how these two committees (AFPS and the ad hoc Committee on Status of Non-Tenure Track Faculty) might best work together on these two issues.

I also seek guidance about the proper format for submission of our proposals to the Faculty Senate. Dean Cooke’s charge to the subcommittee of the AFPS asks that we “present formal legislation to the Faculty Senate... prepared in a form that can be

approved by the Faculty Senate and the Board of Trustees.” Perhaps we could examine comparable legislation and policy proposals offered to the Faculty Senate to use as a model for our own submissions.