Committee on Academic Freedom and Professional Status

Annual Report, 1987-1988

Submitted by:
Risa L. Lieberwitz
Chair, 1987-1988

The Committee on Academic Freedom and Professional Status met five times during the academic year, 1987-1988. The membership of the Committee on Academic Freedom and Professional Status [Committee] is made up of the former members of the Committee on Academic Freedom and Responsibility and the Committee on Freedom of Teaching and Learning, which were combined under changes in committee structure instituted this academic year.

I. During the academic year, 1987-1988, the Committee addressed the following issues:

A. Development of a policy on faculty conflicts of interest in assignment of textbooks;

B. Development of a Faculty Statement of Professional Ethics;

C. Development of Committee procedures for review of complaints filed with the Committee.

Each of the above issues is discussed below:

1. Based on concern which had been expressed by a Cornell faculty member, the Committee addressed the issue of potential faculty conflicts of interest in receiving royalties from textbooks and computer software assigned in class. The Committee worked with the Committee on Academic Programs and Policy to develop a proposed statement of policy encouraging faculty members to avoid the use of profits for personal gain from textbooks and software assigned by a faculty member to his or her own class. This proposed statement

was to be submitted to the FCR by the Committee on Academic Programs and Policy.

2. Based on a suggestion by Provost Barker, the Committee appointed a subcommittee to begin developing a Faculty Statement of Professional Ethics for inclusion in the faculty and student handbooks. The AAUP Statement on Professional Ethics was used as a starting point for the proposed Cornell statement. The Committee has also received comments and suggestions from Deans, Directors, Department Chairs and Faculty on the statement of Professional Ethics. At the close of this academic year, the subcommittee submitted to the Committee a first draft of a proposed Statement of Professional Ethics. The other Committee members will review this draft and submit comments to the subcommittee. Development of the Statement will continue next year.

3. The Committee adopted "Procedures for Review of Complaints Filed with the Committee." These procedures supplement those set forth in the Charge to the Committee, and address issues such as exhaustion of alternative avenues of redress, appointment of ad hoc subcommittees for initial review of complaints, settlement procedures, and hearings on complaints.

II. Issues to be addressed during academic year 1988-1989:

As discussed in Section 2, above, the Committee will continue its work on the development of a Faculty Statement of Professional Ethics. Another issue which may require the attention of the Committee are problems connected to issues of mandatory faculty retirement. The Committee has received some information on this subject which may be examined for implications affecting academic freedom and professional status. Finally, if complaints are filed

with the Committee next year, they will be addressed under the procedures adopted this year, as discussed in Section 3, above.

Committee on Academic Freedom and Professional Status

Annual Report, 1988-1989

Submitted by:
Risa L. Lieberwitz
Chair, 1988-1989

I. The Committee on Academic Freedom and Professional Status met five times during the academic year, 1988-1989. During this academic year, the Committee took the following action:

A. The Committee's major focus was on the development of a draft Statement of Professional Ethics for members of the Cornell University faculty. The Committee completed this draft statement, which was distributed to the University faculty in the materials for the May, 1989 FCR meeting. At this May, 1989 FCR meeting, Risa Lieberwitz, on behalf of the Committee, encouraged the University faculty to engage in widespread discussion of the Statement of Professional Ethics and to submit comments and suggestions for changes to the Committee. As stated at the May, 1989 FCR meeting, the Committee plans to submit a final version of the Statement of Professional Ethics for approval by the FCR in the fall, 1989.

B. The Committee joined with the Research Policies Committee in co-sponsoring the resolution, "Support of Freedom in Research," submitted to and approved by the FCR at its May, 1989 meeting. The resolution was an outgrowth of a meeting between the Research Policies Committee and Dean Shires of the Cornell Medical College concerning an incident in which an animal rights organization's protests played a part in the return of a grant by

a Cornell Medical College professor to the National Institute of Drug Abuse. Two members of the Committee on Academic Freedom and Professional Status attended the meeting between the Research Policies Committee and Dean Shires.

II. Issues to be addressed during academic year 1989-1990:

A. As discussed above, the Committee plans to complete a final version of the Statement of Professional Ethics for submission to the FCR in the fall, 1989.

B. During the academic year 1988-1989, the Committee briefly discussed the issue of standards for numbers of publications expected for promotion, and attempts at other universities to deal with problems related to this issue (see, Science magazine, July 29, 1988, p. 525). This may be an issue which the Committee may review in the next academic year.

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July 1, 1991

MEMORANDUM

TO: Walter R. Lynn

FROM: Carroll J. Glynn CJG

RE: Annual Report for Academic Freedom and Professional Status Committee

The Academic Freedom and Professional Status Committee held its first meeting after the first of the year. Agenda items included:

1. **Discussion of a "Lay-Off" Policy**

   The committee reviewed a rough draft of a policy for laying off faculty and staff. The committee provided a number of suggestions and corrections to the draft.

2. **Discussion of a Report from an Appeals Committee Regarding the Procedure for Negative Tenure Decisions.**

   The committee responded to the Appeals Committee, explaining why they disagreed with some of the recommendations from the Appeals Committee.

3. **Discussion of a Faculty Member's Request that the Committee Consider His Complaint Against the Director of His Academic Unit.**

   The committee determined that the request be forwarded to Dean Call for preview.

4. **Discussion of Policies on Mandatory Retirement.**

Walter, if you have any changes or additions to the above "annual report," feel free to contribute. It was very nice getting to know you during my short tenure with this committee. I'm sure we will see each other again in the near future.

CJG/rap

To: Dean Walter R. Lynn

From: Ruth Schwartz

June 28, 1993



Re: **Annual Report, Committee on Acdemic Freedom and Professional Status of the Faculty, 1992/93**

The Committee is charged to:

**a.** examine and make recommendations on issues and considerations relating to academic freedom and professional status of the faculty

**b.** receive and review complaints by or against faculty members regarding freedom of teaching and learning or professional status. (Charge to the Committee adopted by the FCR December 9, 1987).

During 1992/93 the Committee spent a minor portion of time on part **a.** of its charge, examining and commenting on draft statements sent to the Committee on reponsible use of electronic communication services and on policies for reduction In academic work force.

The major part of Committee time was devoted to hearing two appeals, one brought by a faculty member against the administration of his academic unit, the second appealing an action by the Provost on the advice of an ad hoc committee appointed by the Dean of the faculty and the Committee on Academic Freedom and Status (report submitted, March 13, 1991). The first of the appeals, which took up most of the committee's time, was eventually denied. The second has recently been reopened to allow examination of additional evidence.

Members of the committee experienced considerable frustrations in the course of dealing with these appeals, stemming in part from lack of clarity in the Committee's procedures as set out in the Faculty Handbook and, . increasingly, from the recognition that both appeals might have been more easily settled if not prevented had University procedures been better defined and/or followed by all parties involved.

The Committee has the flexibility to set the procedures under which it will work each year. The 1992/93 Committee began operating broadly under

procedures suggested in the "Charge to the Committee" as adopted by the FCR in 1987. It was only after a misunderstanding of the Committee's function by one of this year's appellants, that we became aware of a modification in procedures made by the Committee on Academic Freedom and Professional Status on April 27, 1988 which includes provision for a hearing of all parties involved in an appeal, if requested by an appellant. After complying with an appellant's request by holding a hearing for which the Committee is inadequately equipped and which did not lead to a resolution of conflicts, the Committee voted to rescind the requirement binding it to a hearing.

The experiences of the past year showed up an urgent need for the Committee to re-examine and revise its procedures and communicate them clearly to those seeking its services. A draft of an alternative statement explaining the Committee's function and scope was prepared and has been ready for action since January 1993. It has not yet been finalized due the time pressures created by the appeals. A first order of business next year should be to act on this draft document.

Annual report of the Committee on Academic Freedom and Professional Status of the Faculty
For academic year 1993-94

by Richard B. Darlington, retiring chair
August 24, 1994

The committee spent most of the year evaluating very thoroughly an appeal from a professor. We ultimately decided against the plaintiff.

I heard a previous chair of this committee say that in his closing report, he recommended that terms on the committee be longer, so that there would be greater institutional continuity in the committee, and people on the committee would know how to deal with complaints. I feel the same way. Terms are currently 3 years. Probably nobody would want to serve for 5 years, but lengthening terms to 4 years seems reasonable to me.

To: Peter Stein, Dean of Faculty
From: Michael Gold, Chair
Date: July 10, 1995
**Re.: Annual Report of the Committee on Academic Freedom and Professional Status of the Faculty**

## WORK OF THE COMMITTEE DURING 1994-1995

The Committee on Academic Freedom and Professional Status of the Faculty dealt with three matters during 1995-95.

**1. Post-Tenure Review.** Throughout the year, we worked on the question of review of tenured faculty. Richard Baer presented our report to the Faculty Council of Representatives in April. The report recommended annual post-tenure reviews.

**2. Confidentiality in Proceedings on Charges of Sexual Harassment.** The Faculty Council of Representatives instructed us to investigate and report on confidentiality in proceedings on charges of sexual harassment. At least two tracks exist for such charges. One track is through the Office of Equal Opportunity, which, as far as we know, has handled many charges without leaks of information. The other track is the procedure in the Arts College, which has dealt with two cases. In one of them, detailed confidential information was published in the national press, and in the other case the terms of a presumably confidential settlement agreement became known locally. We studied the procedure in the Arts College with some care. The Committee was concerned that, in all cases, procedures be developed that make the University community aware of the serious consequences of undesirable conduct, yet protect members of the

community from professional and personal damage from unwarranted claims. We found that legitimate interests compete on several issues, and, without endorsing the procedure in the Arts college, we reported to the Faculty Council that we were unable to suggest improvements in the procedure.

**3. A Professor's Use of His Affiliation with Cornell.** We received from Brian Chabot, Associate Dean of the College of Agriculture and Life Sciences, a request for an opinion concerning a certain professor's use of his affiliation with Cornell in his personal affairs. Although we did not comment specifically on this professor's activity (we did not communicate with him), we used Dean Chabot's description of the professor's activity as the basis for choosing the general issues on which to comment. Our reply to Dean Chabot discussed a professor's use of one's office and its facilities, including e-mail and business cards, to formulate and express personal opinions. We said that such use was and ought to be permitted by Cornell, so long as a professor does not create the impression that one is expressing the views of the University. We added that, if such behavior amounts to harassment, it can be dealt with through existing procedures.

## ISSUE FOR THE COMMITTEE IN 1995-96

**Post-Tenure Review.** The University needs to formulate and implement a policy on review of tenured faculty. It appears that the administration is already considering the matter. Faculty

should play the leading role in developing the policy. As soon as possible in 1995-96, the Committee should review the report of the 1994-95 Committee, contact the administration, and with it create a plan for gathering information and writing a policy.

## Annual Report from the Committee on

# Academic Freedom and Professional Status of the Faculty

**May 1999**

This year, the AFPS committee was involved in the revision of two University policies — Policy 6.4: Sexual Harassment and Policy 1.2: Academic Misconduct. Although we anticipated becoming involved in the ongoing discussion on the educational uses of animal dissection, this problem seems to have resolved itself.

## Policy 6.4: Sexual Harassment

In the middle of the Spring term of 1998, the Provost shared with the AFPS his draft policy on sexual harassment. At this time, the AFPS found the draft policy to be deficient in a number of areas. After discussions with the Provost, some of these concerns were addressed, while others were not. The draft policy was put into effect during the Spring of 1998.

Near the end of the Spring term, the AFPS forwarded a resolution to the Faculty Senate for consideration. This resolution requested that two changes be made to the sexual harassment policy. These changes would give the charged individual

- the right to confront his or her accuser(s), and
- the right to know and rebut the evidence for charges brought.

Although this resolution was introduced in the last 1998 meeting of the Faculty Senate, there was insufficient time for a full discussion. On September 9, 1998, the resolution was again discussed by the full Faculty Senate, where it was adopted.

On September 30, 1998, Dean Robert Cooke and Melissa Hines (Chair, AFPS) met with Vice Provost Winnie Taylor to discuss the resolution. On October 6, 1998, the UFC and Melissa Hines met with Provost Randel to discuss the resolution. Provost Randel promised to take the matter under consideration.

To the best of my knowledge, Provost Randel has yet to respond to this resolution. In my opinion, the UFC should revisit this matter and request a response from Provost Randel.

## Policy 1.2: Academic Misconduct

In the Summer of 1998, the Office of Research Integrity at the Department of Health and Human Services reviewed Cornell's policy on Academic Misconduct and determined that it was not in compliance with their requirements. Pursuant to this, the DHHS forwarded a four-page list of conflicts to Cornell and asked for full compliance within 90 days. The Dean of Faculty requested an extension until December 31, 1998, as the Faculty Senate does not meet during the summer months.

This matter was forwarded to the AFPS shortly before the beginning of the Fall term of 1998. Working under this deadline, the AFPS substantially rewrote the then current Academic Misconduct policy *a)* to conform to all known sponsor requirements (principally those imposed by the DHHS and the NSF), and *b)* to conform to Cornell's new standardized policy format. The proposed policy was then reviewed by University Counsel and forwarded to the Faculty Senate with minor revisions. The AFPS's draft policy was adopted by the Faculty Senate on October 14, 1998. The policy was then approved with minor changes by the Policy Advisory Group on November 6, 1998, and forwarded to the Executive Policy Review Group. The final policy was issued in December of 1998 and is currently in effect.

Submitted by Melissa A. Hines
Chair, AFPS

## Annual Report from the Committee on

# Academic Freedom and Professional Status of the Faculty

**May 2000**

This year, the AFPS committee was involved in two actions as described below.

### Proposed Federal Misconduct Policy

The Office of Science and Technology Policy (OSTP) issued a proposed federal policy on research misconduct during the fall of 1999 and solicited comments on the proposed policy from the scientific community. In November, the AFPS reviewed this proposed policy. Although the AFPS generally approved of the proposal, we found that the definition of the word "research" in the proposed policy was unclear. For example, would the policy cover misconduct that occurred while conducting or applying for a NSF grant that had the sole aim of preserving a historic site? (The NSF does fund proposals of this type.) The AFPS sent a letter to Sybil Frances, OSTP, detailing this ambiguity and requesting an expanded definition in the final policy.

When the new federal policy is put into effect, the AFPS will have to rewrite Policy 1.2: Academic Misconduct to conform with the new federal policy. (The current policy, which was rewritten by the AFPS last year, will almost assuredly be out of compliance with the new policy.)

### Review of College-level Grievance

On March 3, 2000, the AFPS committee received a letter from a professor in the School of Hotel Administration (SHA) requesting two actions. First, this professor requested an appeal of a grievance against an administrator in the SHA. An elected committee of the SHA had previously considered and dismissed this grievance. Second, this professor requested a hearing of a second grievance against two senior administrators in the SHA. This grievance has been filed in the SHA, but the college-level review has yet to be completed.

The AFPS agreed to review the first grievance, as the appropriate college-level procedures were complete. The AFPS refused to review the second grievance, as the college-level procedures are currently underway. Because the college-level review is conducted by an elected committee, the AFPS committee concluded that there was no reason to presume that the college-level review will be biased. The AFPS is in the process of drafting a final report on both of these issues. We expect this to be complete before the end of the academic year (June 30, 2000).

Submitted by Melissa A. Hines
Chair, AFPS

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

**2000-2001**

The Committee had a very quiet year, with only one case brought by the Dean of Faculty in Spring 2001. This concerned a grievance by a member of faculty of the Johnson Graduate School of Management (JGSM). The Committee met once to discuss this issue and quickly decided that by rejecting the grievance without a full hearing, JGSM had not allowed the plaintiff due process. It was recommended unanimously that the grievance be sent back to JGSM with a directive for specific course(s) of action. The administration of JGSM has not yet formally responded.

The present Committee believes its role to be reactive, not proactive in faculty affairs. It will continue to operate thus during the next academic year unless directed otherwise by the faculty. Apart from responding to an unpredictable number of complaints by or against faculty members as they arise, the only major task facing the Committee is consideration of the recommendations of the Task Force on Professorial Titles, probably in Fall 2001.

Respectfully submitted by

Alan W. Bell
Chair
Committee on Academic Freedom and Professional Status of the Faculty

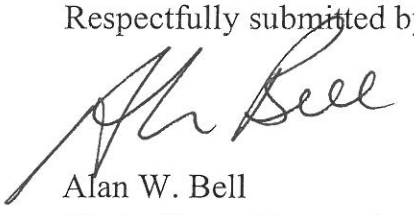
**Annual Report of the Committee on Academic Freedom and Professional Status of the Faculty**

**2001-2002**

The Committee's single, major activity was consideration of a complex and long-standing grievance by a now-departed faculty member of the Johnson Graduate School of Management. The grievance initially had been denied for lack of merit after a pre-hearing by a committee of JGSM faculty in early spring 2001. After considering the plaintiff's appeal against this decision, the AFPS Committee found that the plaintiff had not been given due process and returned the grievance to JGSM with a request for a full hearing. After denial by a second JGSM committee, the AFPS Committee agreed to investigate and recommend on the merits of the case. A subcommittee was appointed, conducted its investigation through fall 2001, and reported to the full Committee in January 2002. After endorsement of the subcommittee's findings and recommendation, a report was submitted to the plaintiff, the Dean of JGSM, and the Dean of Faculty. Without commenting on the specifics of this case, the Committee believes that it illustrates the challenges to impartiality faced by smaller colleges and schools when considering internal grievances, especially when the highest authority in the academic unit is also the principal respondent to the grievance.

The Committee briefly considered a proposal for introduction of the new title of Clinical Professor, developed by the Task Force on Professorial Titles for consideration by the University Faculty Senate. Although this proposal raised issues about academic freedom of both tenure-track and non-tenure-track faculty, the Committee felt that ample opportunity was being offered for open discussion of these issues within the Senate and at a special Faculty Forum.

Respectfully submitted by



Alan W. Bell
Chair, Committee on Academic Freedom and Professional Status of the Faculty

June 3, 2002