

COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY

Charge to the Committee

A. Examine and make recommendations concerning issues and considerations in the following areas:

1. Academic Freedom and Responsibility
2. Freedom of Teaching and Learning, including but not limited to the special concerns of the faculty that teaching and learning at Cornell University be carried on freely and without disruption, interference, or intimidation.
3. The Professional Status of the Faculty, including but not limited to policies and procedures relating to faculty appointments, promotion, retirement, separation, tenure and other related matters.

B. Receive and review written complaints brought by or against a Faculty member with respect to matters involving academic freedom and responsibility and freedom of teaching and learning and any other matters that might affect his or her professional reputation, impair the execution of his or her professional and University responsibilities, adversely affect his or her economic status, lead to his or her dismissal, or otherwise alter terms of his or her employment.

1. This review process is subject to the following limitations:
 - i. All conclusions and recommendations shall be advisory only unless all involved agree otherwise in writing.
 - (a) Where the committee renders a decision brought in a complaint on the merits, such decision is final and is not subject to further appeal within the organization of the university faculty.
 - ii. It shall lie within the discretion of the committee to determine whether it will or will not entertain a specific complaint brought to it. In deciding whether or not to entertain a specific complaint the committee can properly consider among other factors whether other avenues of review are more appropriate or should at least be pursued before the complaint is brought to the committee, and whether the issue involved as posed in the complaint is properly within its purview to review.

(a) When possible, the committee should promulgate to the community any criteria it establishes (attached) that it will utilize in determining whether or not to entertain complaints.

(b) If the committee determines it will not entertain a specific complaint, the individual or individuals advancing such complaint can appeal such decision to the University Faculty Committee. The University Faculty Committee can uphold the committee's decision, direct the committee to entertain the complaint or direct the committee to entertain a portion of the issues raised in the complaint or the complaint in some modified form.

2. Procedures for reviewing complaints brought to it shall be established by the committee:

i. Such procedures must

(a) Comport with the basic precepts of due process.

(b) Maintain at all times strict confidence in the handling of individual cases unless otherwise agreed in writing by all parties involved. This rule of strict confidence includes the dissemination of any committee reports except under the following terms and conditions:

(1) After reviewing a written complaint, the Committee shall prepare a written, draft report of its findings and any recommendations for action. Copies of this draft report shall be sent to the complainant, the other principals in the case (typically a department chair and dean), the University Faculty Committee of the Faculty Senate and the Dean of the Faculty. All recipients shall be enjoined to keep the draft report confidential and to return it promptly with comments or criticisms to the Committee. After reviewing these replies, the Committee shall prepare a final report which it shall send to the same people as the draft report and, when appropriate, to the President and Provost of the University. The complainant shall not be enjoined to keep this report confidential but other recipients shall be requested to do so. However, if the complainant makes public a portion of the report, other recipients may make public the entire report. Moreover, if in the judgment of both the Committee and the University Faculty Committee, public release of a report, in whole or in part, either would clear any individual involved in the proceedings of charges damaging to his or her

reputation or serve to clarify incorrect publicity, or provide guidance to the faculty or the University community because of the issues involved, this may be done. The complainant and others involved shall be advised that such a public release is a possibility.

ii. The Committee may utilize subcommittees of its own members to undertake the initial review of complaints brought to it, but all final decisions on any complaint must be by a majority vote of the committee members attending a meeting of the committee called to review the complaint.

iii. The Committee should make available the procedures it will utilize in reviewing a complaint to those involved prior to the undertaking of its review.

Composition of the Committee*

Nine members of the faculty appointed with the concurrence of the Faculty Senate by the Nominations and Elections Committee for three-year terms.

Two student members (of which at least one shall be an undergraduate) with voting privileges, selected annually by the Staffing Committee of the Student Assembly. Reselection of a student for a second year shall be permitted. Student members of the Committee shall not participate in the review process set forth in Subdivision B of the Committee's Charge.

**Except as noted specifically below the Committee shall be organized and operate under the Rules and Procedures governing standing committees of the Faculty Senate.*

Adopted by the Faculty Council of Representatives, December 9, 1987, Records, pp. 6530-44C, Appendices A and B. Changes in nomenclature from FCR and Executive Committee to Faculty Senate and University Faculty Committee and to reflect amendments to the Organization and Procedures of the University Faculty, October 1995.

COMPLAINTS TO THE COMMITTEE ON ACADEMIC FREEDOM AND THE PROFESSIONAL STATUS OF THE FACULTY

This note is designed to help potential plaintiffs bring their concerns before this committee. This note has been prepared by the committee, and should be read in conjunction with the charge to the committee from the Faculty Senate.

- 1. Complaints typically pass through grievance procedures within individual colleges before reaching this committee.*
- 2. Complaints must be in writing. Plaintiffs should not ask committee members to help in preparing a complaint. The Dean of the Faculty or the Ombudsman may be able to recommend someone willing to assist in this regard.*
- 3. Potential plaintiffs may ask the committee chair or the Dean of the Faculty to clarify procedures, but lengthy discussion of a case's merits with these individuals is inappropriate.*
- 4. Complaints are confidential, but not from any Cornell officials who can clarify the facts of the case--including the respondents (those whose actions are the subject of the complaint).*
- 5. As mandated in the Faculty Senate's charge to the committee, before issuing a final report the committee allows plaintiffs and respondents to respond to a draft of that report. However, the committee does not ordinarily reconsider a complaint after issuing a final report on that complaint.*

*The following is a **typical** sequence of action in response to a complaint.*

- 1. The committee considers whether the complaint has passed through all appropriate preliminary grievance procedures.*
- 2. The committee then considers whether the complaint alleges violations of the written or generally understood policies of Cornell University.*
- 3. The committee finally addresses the merits of the complaint. The committee may appoint subcommittees to collect and report facts, or to draw up written statements of the committee's conclusions, but subcommittees do not formulate and submit recommendations. Recommendations on complaints are made only by the full committee.*

Adopted 11/5/93. Changes in nomenclature from FCR to Faculty Senate, October 1995.