

# Proposed Policy 6.4 Procedures

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## SUMMARY OF CHANGES TO FACULTY PROCEDURES UNDER POLICY 6.4

- Procedures apply to complaints against Cornell employees related to prohibited bias, discrimination, harassment and sexual misconduct
- Follows the 2016 revision of Policy 6.4 governing such complaints against students
- Like that effort, the revised procedures seek to advance several key goals:
  - bring Cornell's procedures in line with contemporary federal and state requirements
  - enhance the procedural protections afforded to both parties
  - provide a single, uniform set of procedures for all Cornell employees, while at the same time maintaining some separate provisions for faculty when directly pertinent to their academic role
  - improve the basic clarity and completeness of procedures, primarily by drawing on the key successful features of the 2016 student procedures

| Provision   | Current Procedures  | Proposed Procedures  |
|---|---|--|
| Applies to:   | Faculty (separate procedures for staff)   | Combined general procedures for all employees (faculty and staff) with specific procedures where relevant to faculty role  |
| Definitions-Sexual and Related Misconduct           | Outdated definitions of prohibited conduct in the Title IX/ NY 129-b areas                            | Adopted current or required definitions from student procedures  |
| Definition-other forms of Prohibited Discrimination | Covers other forms of prohibited discrimination (gender, age, disability, veteran status, etc.)       | No change  |
| Academic Freedom for Faculty                        | Provides for review of academic freedom issues only as form of appeal after finding of responsibility | Provides for up-front review when complaint under Policy 6.4 is submitted; determination by faculty panel that matter is protected by academic freedom cannot be appealed; uses definition of academic freedom adopted by University Faculty |
| Statute of Limitations                              | 6 months  | 2 years  |
| Right to Support and Advisors                       | Either party can have a support   | No change  |

| Provision   | Current Procedures   | Proposed Procedures  |
|---|--|--|
| Investigation   | No specific provision for exchange of information collected during investigation; practice of providing supporting information with final report | Adopted procedures from student procedures; complete transparency of information collected; opportunity to review during course of investigation and propose questions and topics for investigation; appendix provided before report written |
| Reviewer (Dean)   | Final report provided to Dean with recommended finding   | Final report and complete appendix provided to Dean with recommended finding   |
| Opportunity to Comment                                    | Parties have opportunity to comment on final report before Dean issues decision.   | No change.   |
| Right of Appeal of Dean's Decision                        | The Dean's decision may be appealed to Provost   | The Dean's decision may be appealed to faculty panel who have received training on prohibited conduct under Policy 6.4   |
| Additional Appeal of Sanction under University procedures | Faculty may challenge a sanction issued in the process under college and University procedures   | No change.   |
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