

Proposed University Statement on Academic Freedom and Freedom of Speech and Expression

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Background

1. This [\(12/1/20\) revision](#) of the free speech text was presented at the Dec 2 Senate. ([slides](#)).
2. The Academic Freedom and Professional Status of the Faculty (AFPSF) Committee was supportive. Some concerns posted on the [DoF Website](#)
3. A vote to adopt the revision at the Dec 16 Senate was postponed in light of these [proposed amendments](#) developed by Professor Risa Lieberwitz.

Background

4. Professor Lieberwitz , General Counsel Madelyn Wessel, and the AFPSF worked to produce this mutually acceptable [\(1/14/21\) revision](#) of the free speech text. The AFPSF vote was 10-to-0 in support of this revision. This [side-by-side comparison](#) highlights the differences between the (12/1/20) and (1/14/21) revisions.
5. If approved by the Senate, the proposed text will be sent to the Trustees who will most likely act on it at their Jan. 28 meeting. If not approved then we will continue to live with the 1960 text that is currently in play.

Do we have a motion to discuss the (12/1/20) free speech text resolution?

Second?

To discuss the (1/14/21) version we must remove from consideration the (12/1/20) version...

The AFPSF wishes to withdraw this [resolution](#), which if it was approved, would indicate Senate support for [\(12/1/2020\)](#) [version](#) of the free speech text.

Is there an objection?

If none, the resolution is withdrawn.

If there is an objection and it is seconded, then we will vote on the motion to withdraw the resolution.

Is there a motion to consider this [substitute resolution](#) (also sponsored by the AFPSF) which, if approved, would indicate Senate support for this [\(1/14/21\) version](#) of the free speech text?

Second?

Some Concerns about the (12/1/20) Version

Wanted reassurance that Cornell would apply the protections in relevant actions.

Wanted confirmation that Cornell community = faculty + students + staff.

Wanted reassurance that the President must have a strong justification for exercising authority to intervene in campus rights of expression and assembly. President must act promptly to explain the reasons for intervening and the plan for restoring rights in a way that reaffirms the importance of shared governance.

The term “protected status” needs to be made more clear and inclusive in describing harassment covered by Cornell policies and procedures.

Change to the Formal Title of the Document

Cornell **Policy** Statement on Academic Freedom and Freedom of Speech and Expression.

Changed Text #1

~~Cornell University is committed to fundamental principles of academic freedom and rights of free expression.~~ **Cornell University respects and is committed to fundamental principles of academic freedom and rights of freedom of speech and expression as set forth in the following Statement and in other Cornell policies.**

Freedoms to engage in research and scholarship, to teach and to learn, to express oneself and to be heard, and to assemble and to protest peacefully and lawfully, are essential to the function of the University as an educational institution.

Changed Text #2

Responsible enjoyment and exercise of these rights includes respect for the rights of all. Infringement upon the rights of others, including the rights to speak and to be heard, or interference with the peaceful and lawful use and enjoyment of University premises, facilities, and programs, violate this principle. Though the necessity is rare, the University has long affirmed the President's authority and duty to protect the community and maintain public order where imminent threats to health and safety require it. However, any intervention by the President or the President's designee in campus rights of expression and assembly shall be reported ~~in a timely fashion~~ **promptly** to the **Cornell** community, **including the elected campus governance bodies**, with an explanation of the bases for the actions taken **and the plan for restoring, as expeditiously as possible, any rights of expression and assembly that may have been restricted.**

Changed Text #3

The University is committed to protecting academic freedom and to creating a learning, living, and working environment free of discrimination, harassment, and sexual and related misconduct. Based on the protections afforded by academic freedom, speech and other expression **in the context of instruction or research** will not be considered prohibited conduct unless this speech or expression meets the definition of discrimination, ~~harassment, and sexual and related misconduct under Cornell policy~~ **or protected-status harassment under Cornell policies and procedures**, and also meets one or both of the following criteria: a reasonable person in the setting would find it to be abusive or humiliating toward a specific ~~person~~ **individual** or specific ~~persons~~ **individuals**, or it persists despite the reasonable objection of the specific ~~person~~ **individual** or ~~persons~~ **individuals** targeted by the speech.

Discussion

Is there a motion to vote on this [substitute resolution](#) (also sponsored by the AFPSF) which, if approved, would indicate Senate support for this [\(1/14/21\) version](#) of the free speech text?

Second?

Vote Via Chat: Yes / No /Abstain

Do you support this [substitute resolution](#) which, if approved, would indicate Senate support for this [\(1/14/21\) version](#) of the free speech text?