

Proposed Policy for  
Pausing a Tenure Case When a Misconduct  
Allegation Targets the Candidate

Academic Freedom Professional Status of the Faculty Committee

February 2020

# The Central Question

**What should happen if a serious misconduct allegation is made against the candidate before or during their tenure review?**

Sample allegation venues:

[Policy 1.2](#) (academic/research misconduct)

[Policy 6.3](#) (consensual relationships)

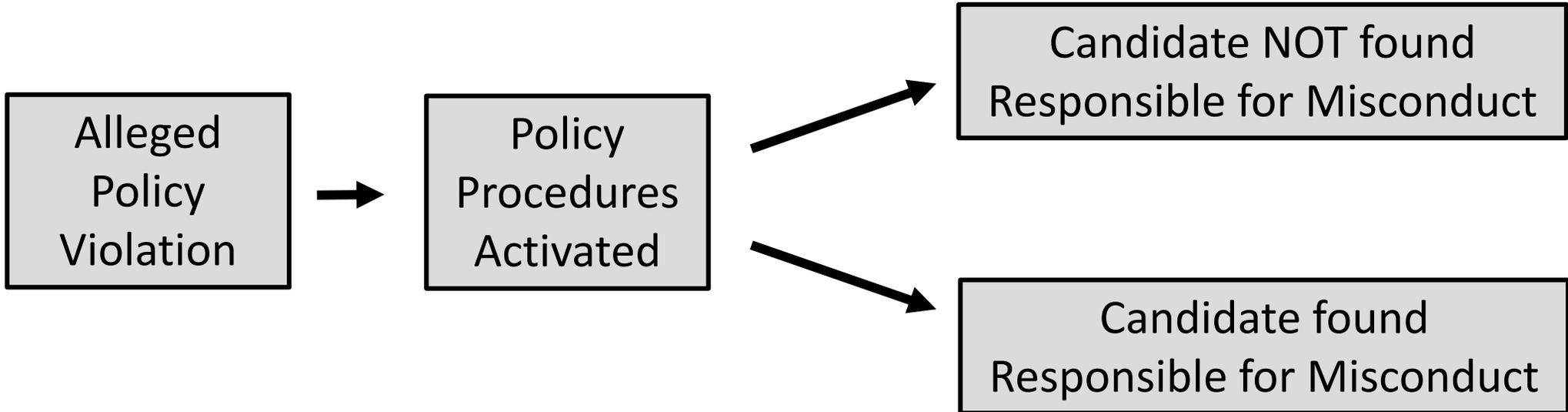
[Policy 6.4](#) (bias, harassment, sexual misconduct)

The allegation can surface in a number of ways:

- a letter solicited as part of the tenure review by the department,
- an unsolicited letter sent to the chair or dean,
- the Title IX Office, Cornell ethics hotline, etc

# What Happens When These Sequences Collide?

The misconduct policy sequence:



The tenure review sequence:



# Basic Idea Behind the Proposed Policy

To preserve the integrity of both the misconduct adjudication and the tenure review, it may be necessary to “**pause**” the latter while the former plays out. Two outcomes assuming the candidate is not dismissed:

1. Candidate is not responsible for any alleged misconduct.

Tenure review resumes at the pause point w/o reference to allegations.

2. Candidate is responsible for some alleged misconduct.

Tenure review restarts with a *misconduct summary* in the dossier.

# The Policy Talks About These Things

## The Pause Panel

The Pause Panel consists of the candidate's chair and dean together with the provost and the dean of faculty.

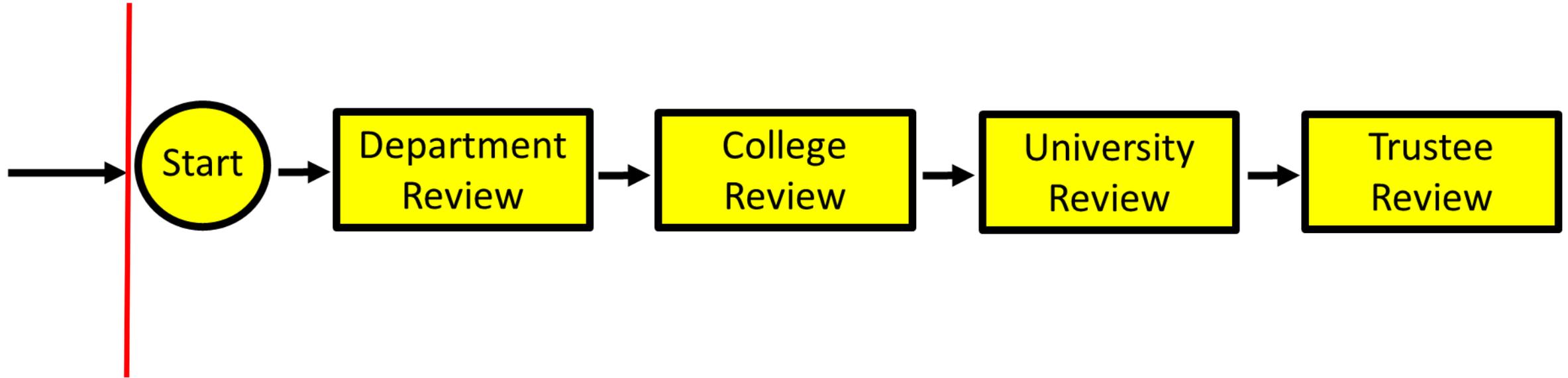
The Pause Panel decides if a case is to be delayed or paused.

The Pause Panel has access to the final report of the misconduct investigation.

The Pause Panel produces a privacy-respecting Misconduct Summary that is added to the dossier if the candidate is found responsible for the alleged misconduct.

## The Misconduct Summary

# Delay vs. Pause

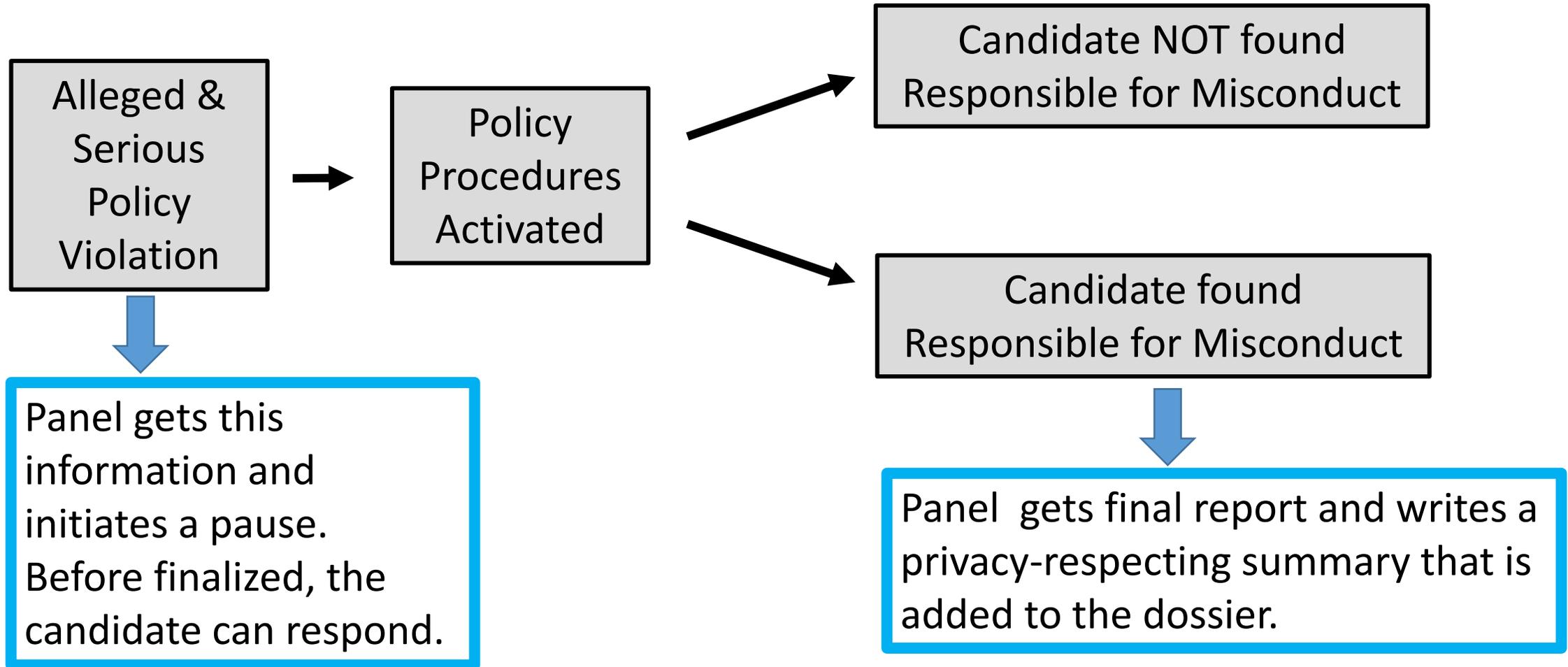


A tenure review is **delayed** if the processing of the allegation is still going on at the normal start time.

A tenure review is **paused** if an allegation arises after the start of the tenure review.

# The Pause Panel & The Misconduct Proceedings

(Chair Dean, Provost, DoF)



# The “Found Not Responsible” Scenario

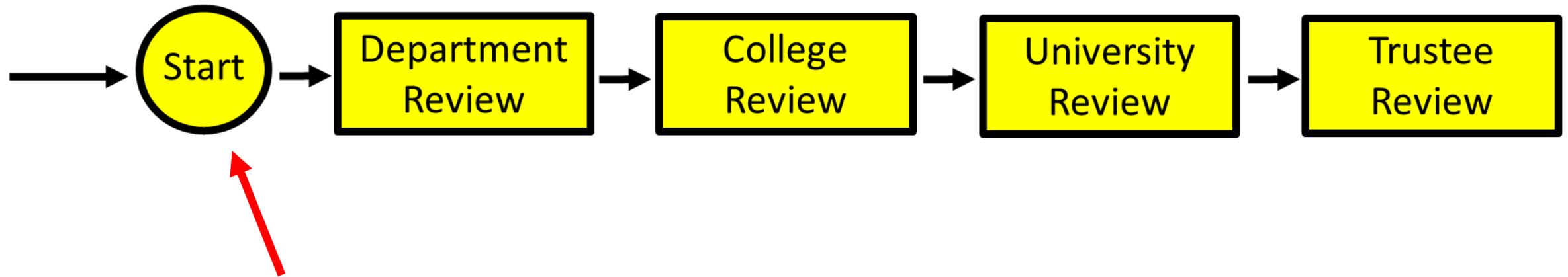


The review resumes at the pause point.

Reference to the allegations is not allowed UNLESS the candidate gives permission.

**The candidate can augment the dossier with a statement about any aspect of the allegations.**

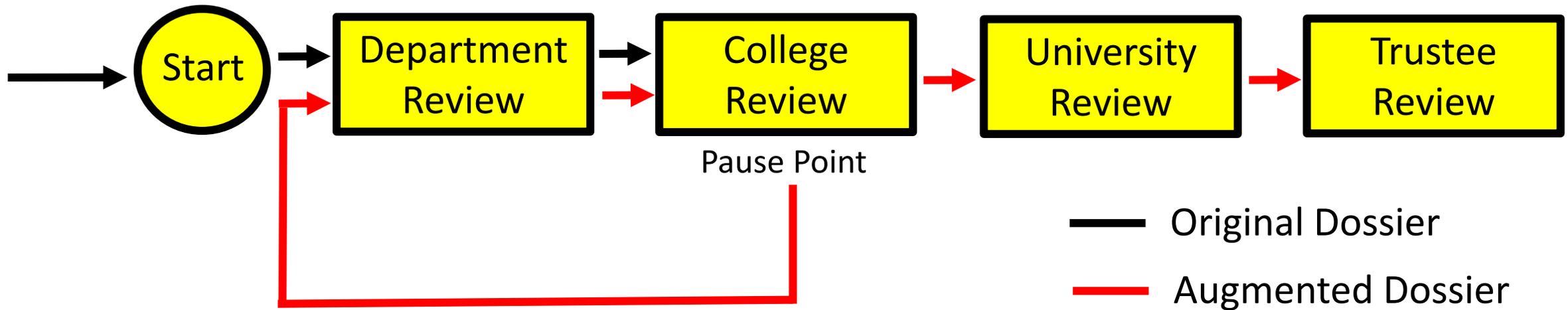
# The “Found Responsible” Scenario



The review restarts from the beginning with the augmented dossier regardless of the pause point.

**The candidate can augment the dossier with a statement about any aspect of the allegations.**

# A “Found Responsible” Example



If the pause point is at the college level, then the department will have to revisit the case with the dossier augmented with the misconduct summary. “Revisit” does not necessarily mean “start from scratch.” E.g., probably no need to re-assess the external letters.

Rationale for restarting: evaluators at the department, college, and university levels must “see” the same dossier.

# When You Think About a Pause Policy Think About these Things...

1. What makes an allegation serious enough to warrant a pause?
2. How well does the pause policy deal with confidentiality issues?
3. How will a pause affect the TT voters?
4. How will a pause affect the candidate's reputation?
5. Is the pause policy consistent with "innocent until proven guilty"?