

FACULTY MISCONDUCT ALLEGATIONS THAT ARISE BEFORE OR DURING THE TENURE REVIEW

The award of indefinite tenure is a profound commitment of the Department, the School/College, and the University. Some forms of faculty misconduct raise critical concerns that are directly pertinent to the standards governing the award of tenure. This section addresses situations in which allegations of serious misconduct arise either before or during the course of an active tenure review.

A. Serious Misconduct

1. For purposes of this policy, serious misconduct includes but is not limited to: alleged violations of Cornell policies [1.2](#) (Academic/Research Misconduct); [6.3](#) (Consensual Relationships); [6.4](#) (Bias, Discrimination, Harassment, and Sexual and Related Misconduct); [4.14](#) (Conflicts of Interest and Commitment); [1.7](#) (Financial Conflict of Interest Related to Research); and [4.6](#) (Ethical Standards); or alleged violations of other policies, regulations, or laws the violation of which could reasonably lead to substantial discipline such as suspension or dismissal.
2. The faculty member always has the opportunity under those policies to respond to the allegations of misconduct.
3. If the sanction is termination, then the tenure review is brought to a close. For sanctions less than termination, then sections B, C, and D below apply.

B. Delaying or Pausing a Tenure Review

1. For purposes of this policy, a tenure review starts the moment the chair requests tenure dossier materials from the candidate, when the chair convenes the first meeting of the tenured faculty who will consider the case, or when the candidate enters the final year of the probationary period, whichever comes first.
2. The "Pause Panel" consists of the candidate's chair and dean together with the provost and the dean of faculty.
3. A tenure review shall be delayed or paused if allegations of serious misconduct, as defined in section A arise that are deemed credible by the Pause Panel.
4. If credible allegations of serious misconduct become known before the tenure review begins, then the dean, in consultation with the Pause Panel, shall delay the start of the review until the adjudication of the misconduct allegations is completed.
5. If credible allegations of misconduct become known during the department or college stages of the tenure review, then the dean, in consultation with the Pause Panel, shall pause the review until the adjudication of the misconduct is completed.
6. If credible allegations of misconduct become known after the college stage of the review is completed, then the provost, in consultation with the Pause Panel, shall pause the review until the adjudication of the misconduct is completed.

7. In all such cases, the candidate shall be apprised of the misconduct allegations and the fact that the delay or the pausing of the tenure review is being considered. The candidate shall be given the opportunity to respond to the consideration before it is finalized.

8. The candidate shall not be given extra time to add scholarly content to the dossier in the event of a delay or a pause.

C. Misconduct-Related Summaries for Dossier Inclusion

1. The results of any inquiry, investigation, or adjudicative process associated with the misconduct shall be shared with the Pause Panel.

2. If the candidate is found not responsible for misconduct, then any reference to the alleged misconduct in the context of a reappointment or promotion review is forbidden without written approval from the candidate.

3. If the candidate is found responsible for some aspect of the misconduct, then a *misconduct summary* of the investigation results shall be jointly prepared by the Pause Panel in consultation with University Counsel. All subsequent reappointments and promotions that concern the candidate shall include the misconduct summary in the dossier.

4. Either way, the candidate has the right to include in the reappointment/promotion dossier a written statement that addresses any matter associated with the misconduct case.

D. Proceeding with the Tenure Review

1. After full adjudication of the misconduct case and/or the completion of any suspension-related sanction, the tenure review is resumed.

2. Upon resumption of the tenure review, the stipulations set forth in sections C.2, C.3, and C.4 apply.

3. If the tenure dossier is augmented with documents that relate to the misconduct case, then the review must be restarted at the department level and proceed accordingly to the college and university levels.

4. If a resolution to the inquiry, investigation, or adjudicative process is not reached within 12 months of the initial pause date, then upon the request of the candidate, the tenure review can be resumed. The stipulation in section C.4 shall apply, giving the candidate the right to include in the dossier a statement."

5. If the inquiry, investigation, or adjudicative process arises because of a document initially included in the tenure dossier (such as a student letter), and the candidate is found not responsible, then that document shall be excluded from the dossier when the tenure review is resumed.