

**Queensborough Community College**  
The City University of New York

**MEMORANDUM**

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To: Academic Senate  
From: Academic Senate Steering Committee  
Date: September 11, 2007  
Subject: Two Faculty for the Appeals Committee related to the CUNY Policy on Student Complaints concerning Faculty in Academic Settings

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Preamble: The following was included in the Steering Committee report to the Senate in May of 2007.

**ACADEMIC FREEDOM**

*While there is an affirmation of Academic Freedom on the part of the University and its highest officers and by President Marti, there remains no specific mention of Academic Freedom in the governance documents of the College. There has been a call for all CUNY units to have a committee on Academic Freedom but as yet the College has none. There are several reasons to have such a committee not the least of which is the need to have faculty educated in Academic Freedom to serve on an appeals panel in the event of an appeal of student complaint concerning a faculty member in an academic setting that would require a review committee including faculty to review the appeal as required by a new procedure set by the CUNY BOT. Should the Senate need to elect faculty to serve on such a review committee it would be good to have a group of faculty prepared for such service from which nominations could be drawn.*

1. Whereas, there has now been a case of a QCC student filing a complaint about the conduct of a faculty member. The faculty member has appealed the fact finder report and according to the policy there is to be a review by an Appeals Committee.

2. Whereas, the CUNY BOT Policy requires an Appeals Committee with two faculty members elected by the Senate.

V. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

3. Whereas, the QCC FEC has reported (August, 2007) the creation of a Committee on Academic Freedom.

*The Committee shall:*

- *Address issues of academic freedom through the colleges' existing channels of communication and governance structure.*
- *Provide information and guidance to the faculty concerning their rights, responsibilities, and recourse concerning violations of academic freedom.*
- *Hear faculty concerns regarding issues of academic freedom. Recommendations made by the Committee shall be forwarded to the Chairperson of the Faculty Executive Committee, who will then refer them to the College's appropriate parties.*
- *Monitor, examine, and report on the status of academic freedom at the College on an annual basis at the Spring General Faculty Meeting.*
- *Meet at least once each semester.*

4. Whereas, all faculty members of the Committee on Academic Freedom will have been elected directly or indirectly by the faculty to serve on that committee and they will have acquired knowledge of Academic Freedom and what is and is not covered by that phrase.

5. Whereas, there should always be two faculty on the Appeals Committee of five members that has two administrators and one student that reviews complaints and none who so serve should have a conflict of interest resulting from their relationships with either students or faculty involved in the specific,

6. Whereas, the fact finder reports are done by academic department chairpersons and any appeal would be an appeal from the findings or recommendations of a department chairperson issuing such a report,

**Therefore, be it resolved** that the Academic Senate will elect two faculty to serve on the Appeals Committee by **electing the faculty members of the Committee on Academic Freedom** (other than department chairpersons) to serve as a panel of candidates to so serve. In September the Chairperson of the Committee on Academic Freedom will select the two faculty to send to the Appeals Committee to serve for one year. Those not serving at any one time are alternates and will be selected to serve on the Appeals Committee by the Chairperson of the Committee on Academic Freedom when one of the two faculty are unable to serve or have issued a recusal.