

**TO: Brooklyn College Students**

**FROM: Ron Jackson, Vice President for Student Affairs**

**RE: Academic Freedom, Classroom Conduct and CUNY's Policy on Sex-Based Misconduct**

**DATE: September 26, 2024**

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The policy of the City University of New York (CUNY) is to promote a cooperative academic and work environment in which there is mutual respect among students, faculty, and staff. Brooklyn College is committed to a policy of academic freedom and equal access in its educational programs. This memo is a response to requests from several students to clarify the balance between free speech and non-discrimination in the classroom and focuses on the obligations of schools to ensure nondiscrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics, under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI).

Diversity, inclusion, and an environment free from discrimination are central to the mission of the University. CUNY does not tolerate acts of discrimination, including harassment, on the basis of national origin, including shared ancestry and ethnic characteristics (including shared Jewish, Israeli, Muslim, Palestinian, Arab, Sikh, or South Asian ancestry and/or the association with these national origins/ancestries), and the University will take all necessary actions promptly and effectively to address such discrimination.

As a public institution of higher education that is part of the City University of New York, the college and its students, faculty and staff are required to comply with federal, state and local laws, rules and regulations as well as university and college policies that seek to enforce them. These guidelines are designed to acquaint you with some of the CUNY policies, regulations and procedures that can be found in the [Brooklyn College Student Handbook](#) to ensure a safe, welcoming, and productive in-class experience. In addition, the memo includes information on the new [CUNY Policy on Sex-Based Misconduct](#) that is crucial for students to understand.

## **The Academic Community**

Membership in the academic community at Brooklyn College imposes upon all of us—students, staff, and faculty—an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry, and the free expression of ideas. We must respect the inherent worth of others, regardless of race, sex, sexual orientation, gender identity, age, disability, religion, national origin, or other protected status. Members of the academic community—faculty, students, and staff—may not engage in actions that injure, discriminate, or harass individuals, damage property, interfere with the rights of others, or significantly impede the functions of the college.

### **1. Freedom in the Classroom**

Faculty members are entitled to academic freedom in discussing and teaching the subject matter of their classes. A faculty member's position entitles them to freedom in the presentation of their subject. This freedom is fundamental to the advancement of knowledge and the educational mission of the college. The American Association of University Professors ([AAUP](#)), [considered a leading authority in academic freedom in American higher education](#), states, "Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights."

Faculty members should avoid presenting divisive matters in the classroom when they are not part of the subject matter of the class outlined in the syllabus. Again, referencing the [AAUP](#), "Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject." Thus, it would be improper for a faculty member to persistently introduce material unrelated to the subject matter of a class. Faculty have a responsibility to ensure that classroom discussions remain focused on and relevant to the subject matter, academic objectives, and learning goals of the course. Faculty may not treat students differently in the classroom based on their actual or perceived religion or national origin (including shared Jewish, Israeli, Muslim, Palestinian, Arab, Sikh, or South Asian ancestry), their association with a national origin or shared ancestry, or other protected status.

## **2. Classroom Guidelines**

Faculty may establish [classroom behavioral guidelines](#). If a student's behavior is threatening or disruptive and violates guidelines the instructor has established, the instructor may verbally warn the student. If the behavior continues during the same class session, the instructor may ask the student to leave the classroom for the remainder of the class session.

Per [CUNY Guidelines regarding the use of cameras](#), faculty may require students to turn on their cameras in online and hybrid courses during class periods or for remote testing purposes. CUNY is committed to using digital technology in ways that are sensitive to issues of student privacy. To ensure that students are aware that camera use may be required, a notice will be provided in CUNYfirst for all online and hybrid classes. Faculty who intend to require camera use should also clearly state this on course syllabi and cover the requirement with students on the first day of class.

## **Students' Rights and Responsibilities**

Per [Article XV of the CUNY Bylaws](#), academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students

should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Students are entitled to an educational atmosphere conducive to learning and free from discrimination and harassment. Students are entitled to equitable treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students based on their religion or national origin (including shared Jewish, Israeli, Muslim, Palestinian, Arab, Sikh or South Asian ancestry), association with a national origin or shared ancestry, or other protected status.

A faculty member may not use the authority inherent in the instructional role to discriminate, harass, or to compel a student to engage in political action that is not listed on the syllabus available before the semester begins. The evaluation of students and the awarding of credit must be based on a professional judgment of academic performance and not on matters irrelevant to academic performance, such as race, sex, sexual orientation, gender identity, age, disability, religion, national origin, or other protected status.

### **1. Student Absence on Account of Religious Belief**

Under [New York State Education Law 224-A](#), and according to [CUNY's religious accommodations policy](#), students have the right to request religious accommodations for any scheduled academic activities that may conflict with their religious observances. Any student who is absent from school because of their religious beliefs is entitled to receive an equivalent opportunity to make up any examination, study, or work requirements they may have missed because of their absence. For a list of religious holidays, visit [CUNY's holiday calendar](#). (Please note only religious observances are covered under this policy.)

### **2. Student Conduct**

Per [Article XV of the CUNY Bylaws](#), each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey (1) the laws of the city, state and nation; (2) the [bylaws](#) and resolutions of the board, including the [rules and regulations for the maintenance of public order pursuant to article 129-a of the education law](#) (“Henderson rules”); and (3) the governance plan, policies, regulations, and orders of the college.

Such laws, bylaws, resolutions, policies, rules, regulations and orders shall, of course, be limited by the right of students to the freedoms of speech, press, assembly and petition as construed by the courts.

### **3. Student Accommodations and Academic Adjustments**

Per the [CUNY Policy and Reasonable Accommodations and Academic Adjustments](#), CUNY is committed to providing reasonable accommodations and academic adjustments

to allow qualified individuals the opportunity to participate in programs, activities and employment. All requests for accommodations and academic adjustments, and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with college officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation. Student accommodation documentation will be kept in the [Center for Student Disability Services](#). Students who need individual accommodations in order to participate more fully in College programs or services pursuant to this policy should direct their needs to the [Center for Student Disability Services](#) located in 138 Roosevelt Hall.

#### **4. Freedom from Discrimination, Harassment, and Sexual Harassment**

Students have a right to be free from illegal discrimination, harassment, and sexual harassment. Brooklyn College complies with the [City University of New York Policy on Equal Opportunity and Non-Discrimination](#) and prohibits discrimination and harassment based on race, color, creed, national origin, ethnicity, ancestry, religion (including antisemitism and Islamophobic discrimination), age, sex (including pregnancy, childbirth, and related conditions), sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state, and city laws. For complaints regarding discrimination and/or retaliation, complete the form found on the [CUNY University-Wide Discrimination and Retaliation Reporting Portal](#).

Students who experience sexual violence, including sexual assault; domestic, dating, or intimate partner violence; and stalking or voyeurism have protected rights established by the “Enough is Enough” Law, New York State Education Law Article 129-B, effective October 7, 2015 as indicated in the [Student Bill of Rights](#).

Questions about [CUNY’s Policy on Sex-Based Misconduct](#) may be directed to [Michelle Mendez](#), the Brooklyn College Title IX Coordinator. For complaints regarding sex-based misconduct, complete the [Sex-Based Misconduct Complaint Form](#).

I hope this memo is helpful in clarifying expectations for students as members of the academic community at Brooklyn College.