



May 29, 2024

J. Larry Jameson, MD, PhD  
Interim President  
University of Pennsylvania  
1 College Hall, Room 100  
Philadelphia, PA 19104

Dear Interim President Jameson:

The Senate Committee on Academic Freedom and Responsibility (“SCAFR”) hereby submits its Report in the Matter of Professor Amy L. Wax.

After careful considerations, the Committee has found no significant defect in procedure that would require a remand to the Hearing Board. Our report appears below:

On September 29, 2023, Respondent, Professor Amy L. Wax, filed a Written Statement of Appeal (“the Appeal”) from the Decision of the President of the University of Pennsylvania (“the President”) issued on August 11, 2023, to accept the Report of the Hearing Board convened in this matter and issued on June 21, 2023 (“the Hearing Board Report”). The Appeal was filed with the Senate Committee on Academic Freedom and Responsibility (“SCAFR”), which is charged, pursuant to Section II.E.16.4.J. of the Faculty Handbook, with the review of all documents forwarded to it by the President and the Respondent’s Written Statement of Appeal. In addition to the Appeal, SCAFR also received, reviewed, and considered a letter dated October 9, 2023, from Respondent’s counsel, which raised an additional issue which Respondent believed should be considered as part of her Appeal.

SCAFR’s responsibility under the rules proscribed by the Faculty Handbook is limited: its duty is to determine whether there has been “a significant defect in procedure,” in which case SCAFR is required to remand the matter to the Hearing Board for further proceedings pursuant to Section II.E.16.I.4.

SCAFR’s review occurs after, but is separate from, the President’s review of any appeal. In this instance, the President considered the matter pursuant to the standard set forth in Section II.E.16.I.4. of the Handbook and found no “exceptional circumstances” warranting a departure from the Hearing Board’s recommendation. Faced with the President’s decision to accept the Hearing Board’s Report, the Respondent’s Appeal to SCAFR followed.

To assist SCAFR, the Committee retained outside independent counsel. The work of the Committee and the advice of counsel were not shared with the University’s Office of General Counsel.

In undertaking its work in this matter, the Committee adhered to the limited role set forth for it in the Faculty Handbook. Under the Committee's interpretation of the language in the Handbook, SCAFR's role was not to conduct a *de novo* review of the matter. Ambiguities, if any, in the record below were to be resolved in favor of the Hearing Board's Report. Deference was accorded to the Hearing Board's decisions about how it weighed the evidence before it and the value and credibility of all witness testimony. Phrased differently, SCAFR did not reach its own conclusion on the substance of the matter (that is, whether the Charging Party met its burden of proof of establishing "just cause" for imposition of a major sanction). Under the Handbook, that substantive determination rests with the Hearing Board as does the determination of which sanctions were warranted in this case. The Committee did, however, make its own, independent judgment about whether the required procedures were followed and whether any potential defects in procedure rose to the level of "significant." In doing so, SCAFR reviewed all relevant Faculty Handbook language, the record below, all the filed submissions, and the October 9, 2023, letter from Respondent's counsel. The Committee considered each of the Respondent's allegations of procedural defect, and the Committee also searched the record for other potential procedural defects.

After careful consideration and thoughtful discussion, the Committee found no significant procedural defect. The Committee hereby shares its decision with the President.

Respectfully submitted,

*The Faculty Senate Committee on Academic Freedom and Responsibility*

CC:

Sophia Z. Lee, Dean, Penn Carey Law School, as the Charging Party

Amy L. Wax, Respondent

Crystal Nix-Hines, Counsel for the Charging Party

David J. Shapiro, Counsel for the Respondent

John L. Jackson, Jr., Provost

Wendy S. White, Senior Vice President and General Counsel