



August 22, 2025

Heather F. Perfetti
President, Middle States Commission on Higher Education
1007 North Orange Street
4th Floor, MB #166
Wilmington, DE 19801

RE: Violation of Accreditation Standards by Cornell University

Ms. Perfetti:

The America First Policy Institute (AFPI) submits this letter outlining Cornell University's institutionalized practices of discrimination in violation of the accreditation standards of the Middle States Commission on Higher Education (MSCHE). These discriminatory practices were reported to us and have been confirmed through internal documents, public statements, official policies, and archived webpages. Cornell was re-accredited by MSCHE in the spring of 2021, having begun the re-accreditation process in 2019. As such, Cornell was and continues to be subject to the *MSCHE Standards for Accreditation and Requirements of Affiliation*, 13th ed. All available evidence demonstrates that Cornell's illegal, university-wide discriminatory practices, which have been conducted before, during, and after Cornell sought re-accreditation, violate these standards, including the Requirements of Affiliation, Standard II: Ethics and Integrity, and Standard VII: Governance, Leadership, and Administration. Under 34 C.F.R., accreditors are required to notify affiliate institutions of failures to comply with accreditor standards and to establish a plan to return the institution to compliance. Therefore, we respectfully request that MSCHE investigate Cornell and take proper enforcement action in accordance with MSCHE accreditation procedures and federal regulations. Additionally, we request that MSCHE keep us informed of its efforts to ensure Cornell's compliance with federal law and MSCHE standards.

While Cornell President Michael Kotlikoff has publicly claimed Cornell is committed to making merit-driven decisions, all evidence indicates Cornell openly promotes and officially sanctions identity-based hiring and retention practices. Repeatedly, Cornell has demonstrated that it does not merely tolerate such discriminatory practices but deliberately prioritizes them. Cornell's *Toward New Destinations Rubric* evaluates departments based on their ability to "demonstrate measurable progress in compositional diversity" and awards high marks for "explicit goals for diversity within hiring." Additionally, Cornell's *Best Practices in Faculty Recruitment* urges search committees to use a "Faculty Pipeline Tool" that identifies institutions with "a high number of doctoral graduates, including underrepresented candidates" and advertises "diversity-focused"



publications. The website also suggests search committees should actively correct for perceived biases by applying relaxed standards to certain applicants based on their immutable characteristics. Cornell also has a *Diversity Dashboard*, where it justifies unequal treatment based on identity because “social categories like race, income, and gender” create systems of advantage and disadvantage. Finally, Cornell’s *Best Practices in Faculty Mentoring* webpage further solidifies Cornell’s race- and sex-essentialist worldview, indicating that women and minorities are at a categorical disadvantage, ignoring individual merit and experience in favor of broad, group-based assumptions and stereotypes. Ultimately, Cornell’s official policies demonstrate a pattern of applying institutional pressure on departments to prioritize immutable traits like race and sex over merit when making hiring decisions.

Such pressure has had practical consequences on the hiring and retention processes of the different Cornell departments. A December 23, 2020, email from a department chair outlines a deliberate scheme to fill a tenure-track position with a “diversity hire.” The email outlines how the department, in conjunction with senior “diversity, equity and inclusion” officials and the Office of the Provost, headed by now-university president Michael Kotlikoff, had developed a plan to prescreen candidates based purely on their identity and avoid advertising the position to avoid any sense of competition explicitly. The result was some 98% of qualified applicants being excluded from consideration, all but guaranteeing the position would not go to the most qualified candidate. Moreover, this position would not be filled until 2022, highlighting Cornell’s continual commitment to discriminatory practices before, during, and after seeking re-accreditation. A December 13, 2022, email demonstrates that a similar process was conducted when looking to fill an assistant professor position. The email itself states that more experienced candidates were excluded for “reasons of equity.” Additionally, reports of internal meetings show that Cornell faculty are discouraged from evaluating candidates on merit and from raising concerns about illegal, identity-based hiring practices.

Remarkably, the Weill Cornell Medical School is even more explicit in its discrimination. In 2021, the Weill Medical School began a Faculty Diversity Hiring Incentive Program as part of its five-year Mastercard Diversity-Mentorship Collaborative Program, which would distribute financial bonuses based on the race and ethnicity of faculty hires. An August 27, 2024, archived snapshot shows that \$50,000 would be meted out for hiring faculty from groups that are underrepresented in medicine, with additional funds available for hiring two such candidates. No evidence has been presented to AFPI indicating this program is not still in operation.

Unfortunately, these practices belie Cornell’s claims of merit-based decision-making and betray a university-wide culture that places identitarian ideology over and above equal opportunity and merit. Such a culture creates an environment where students, faculty,

and staff who do not share Cornell’s institutionally favored ideological views face open hostility. The pervasiveness of identity-based scholarships reflects an institutional belief that skin color, ethnicity, and sex are outcome-determinative, and there exists a credible fear of professional retaliation. Ultimately, at Cornell, members of the out groups are treated as less worthy and less welcome, while members of the in groups are reduced to stereotypes.

These policies and practices not only violate the law—Title VI and Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972—but also general principles of academic integrity and fairness and the specific standards of MSCHE. MSCHE requires that all affiliate institutions comply with all applicable laws and regulations. Meaning, by violating Title VI, Title VII, and Title IX, Cornell is *prima facie* in violation of their obligations to MSCHE. Additionally, Cornell’s practices violate the myriad criteria that MSCHE uses to judge whether affiliate institutions comply with a high standard of ethics and integrity. Instead of fostering freedom of expression and intellectual freedom, Cornell chills expression by discouraging disagreement among faculty and falsely labeling independent thinkers “racist.” Such actions demonstrate that the only “diversity” Cornell cares about is diversity based on immutable characteristics. The MSCHE standards are also explicit that hiring and retention practices must be “fair and impartial.” The weight of the evidence demonstrates that Cornell’s practices may be described as many things, but “fair” or “impartial” are not among them. Moreover, MSCHE calls for “[h]onesty and truthfulness in public relations announcements.” President Kotlikoff’s public statements about merit-based decision-making are undeniably dishonest, especially coming from the man who headed one of the offices that was the mastermind behind putting the illegal, discriminatory hiring scheme into practice. Furthermore, Kotlikoff served as a co-investigator for two National Institutes of Health grants where Cornell specifically outlined how it would use the grant money to further its discriminatory hiring and retention practices. Meaning, Kotlikoff not only oversaw but also directly participated in Cornell’s institutional scheme of discrimination.

Cornell’s practices also violate MSCHE’s standards concerning governance, leadership, and administration. MSCHE requires members of affiliate institutions to possess and demonstrate “credentials and professional experience consistent with the mission of the organization and their functional roles.” By emphasizing identity over merit and deliberately eliminating an overwhelming majority of qualified candidates from consideration, Cornell’s practices fail to demonstrate a commitment to institutional competency, calling into question the suitability and effectiveness of its faculty.

Cornell’s discriminatory practices are systemic, intentional, and persistent. They have been and continue to violate not only their legal obligations but also their obligations to MSCHE. For these reasons, we request that MSCHE proceed with an investigation of Cornell and



keep us informed of MSCHE's efforts to bring Cornell back into compliance with MSCHE standards and federal law.

Sincerely,

Leigh Ann O'Neill

Leigh Ann O'Neill
Chief of Staff, Senior Legal Strategy Attorney
America First Policy Institute

Cc: Linda McMahon, Secretary, United States Department of Education
Craig Trainor, Acting Assistant Secretary, Office for Civil Rights, United States
Department of Education

