

**Comparison Between the Interim Expressive Activity Policy
and Prior Campus Policies, Practices and Procedures
March 11, 2024**

Key Provisions in Interim Expressive Activity Policy	Prior or Existing Policies, Procedures, or Practices
<p>I. General Principles</p> <p>“Free and open inquiry and expression is one of the university’s core values.”</p> <p>“Cornell has traditionally encouraged the free exchange of ideas, robust debate and dissent, peaceful protests and demonstrations, marches, picketing, rallies, signage and postering, displays and other symbolic speech, the distribution of information, and other means of communicating viewpoints and opinions (collectively, “expressive activity”) as essential to the university’s purpose.”</p>	<ul style="list-style-type: none"> • Cornell University Core Values (2019) • Policy Statement on Academic Freedom and Freedom of Speech and Expression (2021) • Student Code of Conduct and Community Standards (2021) • See also: <ul style="list-style-type: none"> ○ former Campus Code of Conduct (2018), Title One, Article III, and Title Four, Article II ○ Student Assembly Postering Policy (2010) (“SA Postering Policy”)
<p>I. General Principles</p> <p>“The Academic Freedom Statement and this Policy on Expressive Activity (“Policy”) establish expectations for Cornell students, faculty, and staff (“Cornellians”) engaged in expressive activity in university programs, activities, facilities, and spaces along with other reasonable time, place, and manner restrictions that the university may establish.”</p>	<p>The express incorporation of the Academic Freedom Statement is new.</p> <p><i>former Campus Code of Conduct, Title One, Article III.B.1</i></p> <p>“The conduct should (a) be intended for expressive purposes, (b) be reasonably understood as such by the University community, and (c) comply with such reasonable time, place, and manner restrictions as are consistent with the other provisions of this Article and as may be authorized from time to time by the President. . . the University may impose reasonable time, place, and manner restrictions on such conduct to preserve other important values and interests of the University community.”</p>
<p>I. General Principals</p> <p>“Infringement upon the rights of others to speak and to be heard, or interference with the peaceful and lawful use and enjoyment of university premises, facilities, and programs, is never acceptable.”</p>	<p>Discussed below in relation to Article III of the Interim Policy.</p>

<p>I. General Principles</p> <p>“When engaging in expressive activity, Cornellians should remember that they speak for themselves only and are responsible for their own speech. Cornellians may not attribute their speech to the university, unless they are university spokespersons acting within the scope of their duties.”</p>	<p>Only the President, the Board Chair and their delegated representatives are authorized to speak on behalf of the university.</p> <p>See also Policy 4.10 Use of Cornell’s Name, Logos, Trademarks, and Insignias</p> <p>“When engaged in political or other public statements or correspondence, any member of the faculty or staff who so identifies himself/herself, should clearly state that he/she is speaking individually and not on behalf of the university.”</p>
<p>I. General Principles</p> <p>“Expressive activity may not compromise public safety, impede the free movement of people or vehicles, damage university property, or interfere with regular university operations, as determined by the university. In addition to this Policy, expressive activity must also comply with all applicable university policies and with facility rules and regulations....”</p>	<p>former Campus Code of Conduct, Title One, Article III.B.3</p> <p>“Such activities are allowed so long as demonstrators do not disrupt other functions, including, without limitation, regular and special curricular activities, extracurricular activities, academic processions and events, conduct of University business, and employment interviews.”</p> <p>former Campus Code of Conduct, Title Four, Article II</p> <p>“It shall be a violation of this Title . . . [t]o disrupt or obstruct or attempt to disrupt or obstruct any instructional, research, service, judicial, or other University operation or function or to interfere with or attempt to interfere with the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other right of an individual, by any action including but not limited to the following . . . by intentionally obstructing or causing to be obstructed the lawful use of, access to, or egress from University premises or portions thereof, or by making unauthorized entry upon or use of a University property or facility or by unlawfully remaining in or on the same . . .by intentionally obstructing or restraining the lawful movement of another person or obstructing or restraining his or her lawful participation in an authorized activity or event. . .”</p>
<p>I. General Principles</p> <p>“Cornell is prohibited by federal tax law from engaging in political campaign activity. Accordingly, Cornellians may not use Cornell resources to engage expressive activities that qualify as political campaign activity.”</p>	<p>See Policy 4.18, Political Campaign Activity</p>

<p>I. General Principles</p> <p>“This Policy will be administered in a content-neutral manner and without regard to the message or viewpoint being expressed.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.B.1</i></p> <p>“All protection and regulation of expressive conduct should be content-neutral. A group’s persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group’s expressive conduct.”</p>
<p>I. General Principles</p> <p>“Cornellians, however, who engage in activity that violates this Policy will be referred to the appropriate office for disciplinary action. Sponsored guests who engage in activity that violates this Policy may be subject to criminal or civil penalties.”</p>	<p><i>Student Code of Conduct and Community Standards (2021) Article I</i></p> <p>“Student conduct matters are delegated to the Office of Student Conduct and Community Standards (OSCCS), overseen by the VP SCL or their designee. Conduct matters pertaining to University faculty and staff are separately addressed under policies and procedures applicable to employees of the University....”</p> <p><i>former Campus Code of Conduct, Title One, Article III.A.2</i></p> <p>“Civil disobedience is not a ground for exonerating one from penalties for violating conduct regulations regarding free expression, nor should it be a circumstance mitigating the penalty.”</p> <p>See also Policy 6.11.3 Employee Discipline (Excluding Academic and Bargaining Unit Staff)</p> <p>See also SA Postering Policy I.A.7</p>
<p>II. Scope</p> <p>“To become sponsored university guests for purposes of this Policy, external groups or individuals must be formally sponsored by one of the following: (a) a college or school, academic department, or administrative unit of the university; (b) a registered university-sponsored student organization and its affiliated office/department/unit; (c) a registered independent student organization; or (d) a Cornell shared governance body (e.g., Faculty Senate, the assemblies). No other Cornell individuals or groups may sponsor university guests for expressive activities.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.A.1</i></p> <p>“Only members of the Cornell community may hold or host events on Cornell-owned property. External groups must be sponsored by a member of the Cornell community and the sponsor must have a representative present during the actual event. . . appropriate Cornell sponsors are: registered student organizations, departments and units of the university, and university-sponsored organizations and offices (e.g., Dean of Faculty, Faculty Senate, University Assembly, etc).”</p>

<p>III. Event Planning</p> <p>“Event organizers should be prepared to address the following considerations:</p> <ul style="list-style-type: none"> a) protecting health and safety; b) preventing damage and risk of damage to university grounds and property; c) preserving unimpeded mobility on pathways, streets, and within buildings, including entrance to and departure from buildings; d) avoiding interference with other university activities; e) reasonably limiting costs to the university of increased campus police protection, event safety staffing, medical resources, potential university liability, insurance coverage, and cleanup and repair after an event; and f) preserving campus aesthetic values. <p>In rare cases, Cornell, in its sole discretion, may disallow or prohibit activities based on the foregoing factors.”</p>	<p>The university has always had authority to regulate the use of its property. See, e.g., Sections 5708, 5709, and 6430 of the New York State Education Law.</p> <p>See also former Campus Code of Conduct, Title One, Article I.A., defining as among the core interests of the university “the protection of the health, safety, welfare, property, and human rights of all members of the University community, and the safety, property, and reputational interests of the University itself,” and Title One, Article III.B.2 (Symbolic Structures), listing similar factors for permitting symbolic structures.</p> <p>See also Approval for Events on Campus for Ithaca-based reservable spaces: “While the mission of the [University Events Team] is to work with event sponsors to mitigate risk and help produce successful events, there will be occasions when time and/or resources are insufficient to make those outcomes practical or possible and the UET may deny an event request. Such decisions reflect the expertise, stewardship responsibility, and judgement of the professionals serving on the UET and any such decision is final”</p>
<p>III.A Speakers, Artistic Performances, and Programs</p> <p>“A speaker or performer has the right to speak without intimidation and the audience has the right to hear what the speaker has to say. Debate, dissent, and protest are all appropriate ways to register one’s disapproval of the content of another’s speech, so long as they do not interfere with a speaker’s ability to communicate or the audience’s ability to hear and see. Heckling, interruptions, and other acts that intentionally attempt to disrupt speakers or events are wholly unacceptable.”</p>	<p>former Campus Code of Conduct, Title One, Article III.A.2</p> <p>“Because it is a special kind of community, whose purpose is the discovery of truth through the practice of free inquiry, a university has an essential dependence on a commitment to the values of unintimidated speech. To curb speech on the grounds that an invited speaker is noxious, that a cause is evil, or that such ideas will offend some listeners is therefore inconsistent with a university’s purpose . . . [t]hose who dislike what an invited speaker is saying also have rights. The rights include distributing leaflets outside the meeting room, picketing peacefully, boycotting the speech, walking out, asking pointed questions, and, within limits set by the moderator, expressing displeasure with evasive answers. Those who oppose a speaker may thus make their views known, so long as they do not thereby interfere with the speaker’s ability to be heard or the right of others to listen. Name- calling and the shouting of obscenities, even when they are not carried so far as to abridge freedom of speech, are nevertheless deplorable in a community devoted to rational persuasion and articulate controversy.”</p>

<p>III.B Outdoor Events</p> <p>“Organizers should plan the time, place, and conduct of demonstrations wisely to avoid disrupting classrooms, libraries, auditoriums, laboratories, living units, administrative offices, and special event venues. Organizers are also responsible for complying with all public health and safety requirements.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.B.3</i></p> <p>“Such activities are allowed so long as demonstrators do not disrupt other functions, including, without limitation, regular and special curricular activities, extracurricular activities, academic processions and events, conduct of University business, and employment interviews.”</p>
<p>III.B Use of Amplified Sound</p> <p>“On the Ithaca Campus, public address systems or amplified sound may be used only on Ho Plaza and in front of Day Hall between 12:00 p.m. and 1:00 p.m. without prior approval. The use of a public address system or amplified sound, at any other time or location, is not permitted without prior written approval.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.B.3</i></p> <p>“Use of public address systems and amplified sound will be permitted without prior approval during the hours of 12:00 p.m. and 1:00 p.m., at Ho Plaza and in front of Day Hall. Public address systems and amplified sound will be permitted in other outdoor locations only with prior approval.”</p>
<p>III.B Outdoor Events</p> <p>“Candles less than six (6) inches in length may be used at outdoor vigils without prior approval. Lamps, lanterns, torches, and other open flame sources are generally not permitted, but may be approved on a case-by-case basis after review by health and safety personnel.”</p>	<p>See Cornell Environment, Health & Safety, Open Flame Devices and Candles</p> <p>“Outdoor Use of candles and other open flame decorative devices (i.e. tiki torches, oil lamps, etc.) are allowed with the following requirements: Completion of an Event Registration Form . . .”</p>
<p>III.B Outdoor Events</p> <p>“Registration of outdoor events is strongly encouraged, but not required. By choosing to register, organizers enable the university to better support planned events through the allocation of university resources, address health and safety concerns, and reduce the potential for unintended conflict with other scheduled activities.”</p>	<p>New provision</p>

<p>III.C Indoor Events</p> <p>“Cornell students, faculty and staff may participate in indoor demonstrations, tabling, or other expressive activity consistent with applicable building rules or restrictions and consistent with this Policy. Registration is strongly encouraged, but not required, for indoor demonstration activities. Organizers are responsible for complying with all building rules and public health and safety requirements.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.B.3</i></p> <p>“As to indoor demonstrations such as sit-ins, owners of private property . . . are not required to permit the occupation of buildings by those who are not present to transact the business or pursue the other purposes that the offices in the building are intended to serve. . . [a]ccordingly, the President may authorize regulations permitting the use of specific portions of University buildings, provided that such regulations shall not permit the disruption of classrooms, libraries, laboratories, living units, or offices and shall ensure the continuing conduct of University business. No such use shall be permitted beyond 5:00 p.m. or the close of normal business hours, whichever is earlier. . . Deans, directors, or other heads of each college, school, or other academic unit. . . may submit proposals to the President on the promulgation of such regulations for the use of University buildings assigned to the use of such college, school, or unit. No such regulation shall take effect or continue in effect without the approval of the President. The President may promulgate regulations governing the use of Day Hall or any other University building not otherwise governed by such regulations.”</p> <p>See also Approval for Events on Campus with respect to Ithaca-based reservable spaces.</p>
<p>III.C Indoor Events</p> <p>“Please note that living units, private laboratories and offices, dining halls, and libraries, are never appropriate locations for indoor demonstrations.”</p>	<p><i>former Campus Code of Conduct, Title One, Article III.B.3</i></p> <p>“Classrooms, libraries, laboratories, living units, and faculty and administrative offices are dedicated to specific purposes, which the University must be free to pursue without disruption.”</p>

<p>III.D Postering, Signs, Chalking</p> <p>“The university, in its sole discretion, may authorize the use of specific portions of its facilities for expressive purposes such as bulletin boards, poster galleries, and art galleries. . . [w]ritten permission is not required to post in any designated postering area.”</p> <p>“All posters, signs, flyers and banners must conform to the following requirements:</p> <ul style="list-style-type: none"> • They must be dated, must include the name of the sponsoring Cornell organization or unit or individual, and must be removed within two weeks of placement. • They may not obstruct exit signs, exit doors, or fire and life safety systems due to fire code concerns. • Posters, signs and banners larger than 8” x 11” should be made from flame retardant materials. • If indoors, they must be affixed to designated areas using adhesives or tacks that are easily removed and that do not damage surfaces. • If outdoors, they may not be displayed on trees, buildings, bus stops, street signs, or other outside structures.” 	<p><u>SA Postering Policy Section I.A</u></p> <p>“[O]rganizations and individuals [may] advertise events on campus without causing damage to buildings, signage, and/or trees on or near campus. All posters must bear the name of the sponsoring organization.”</p> <p>[O]rganizations may advertise OUTSIDE [in two ways]:</p> <ul style="list-style-type: none"> • [Reservable] [b]anner space over the Campus Store • Chalking <p>“Organizations and individuals may poster INSIDE campus buildings on APPROVED BULLETIN BOARDS using tacks only.”</p> <p>“The following are prohibited:</p> <ul style="list-style-type: none"> • The use of masking tape or other adhesives (including paste or glue). • The use of nails, staples or other metal fasteners. • Attaching signs to or spray painting on woodwork, statues, walls or trees, telephone poles, doors, light poles, war memorials, walkways, roads, grassy areas, windows/transparent surfaces, bus stops, etc. • The attachment of flyers or posters to University signage, traffic or street signs, and trees. • Posters under the size of 187 square inches should be limited to no more than (3) per bulletin board per event. Posters over 187 square inches should be limited to no more than (1) per bulletin board per event. Posters exceeding the size of 408 square inches shall be prohibited. Posters of unusual shapes (i.e. not rectangles or squares) that interfere with other posters (to be determined by the building manager or responsible authority) shall be prohibited. <p>Messages or symbols on grassy areas especially Libe Slope using spray paint, lime, flour, plaster of paris, shaving cream, and/or any other substance.”</p>
--	--

<p>III.D Postering, Signs, Chalking</p> <p>“Posters, signs, or light projections that have been erected or displayed without approval or that are more than two weeks old may be removed by appropriate university personnel. Any cost associated with the removal will be billed to the sponsoring Cornell organization, unit, or individual.”</p>	<p><u>SA Postering Policy Section I.A.6.a and I.B.3</u></p> <p>“The outdoor areas will be checked periodically by the Grounds Department and employees for materials not posted in accordance with this policy and for outdated materials. Indoor areas will be checked by the appropriate facility/building managers and/or their designee....Violations of the policy will result in the removal of illegal posters...[w]here damages occur, the offending organization...may be billed for the cost of removal or repair...”</p>
<p>III.D Postering, Signs, Chalking</p> <p>“Use of <i>water-soluble chalk</i> is allowed on all campus sidewalks. No fixative may be used. Use of spray chalk, spray paint or other forms of paint, or other similar media that may damage university property is strictly prohibited. Chalking is not permitted on any vertical surface (i.e., sides of buildings).”</p>	<p><u>SA Postering Policy Section I.A.1.b</u></p> <p>“Chalking only on horizontal, concrete, granite, or asphalt surfaces where the rain will wash away the residue completely after one or two rainfalls, snowstorms. Should there be no precipitation, chalking must wear away after one week (seven days) of foot traffic. Note that chalking is not permitted in front of and beside Day Hall. Under no circumstances may groups or individuals advertise on an organic surface (grass/soil). Only water soluble chalk may be used and no fixative, such as hair spray can be used over the chalking.”</p>
<p>III.E Installations</p> <p>“Symbolic structures, art, and other installations erected on university property for protest or expressive purposes require prior registration and meet the following criteria:</p> <ul style="list-style-type: none"> • must be temporary (less than two weeks); • must clearly identify the sponsoring individual or group; • must be flame retardant • must not obstruct exit signs, exits, or fire and life safety systems; • must not otherwise pose a danger to persons or property; and • must conform to any other conditions that may be stipulated in the approval.” 	<p><i>former</i> <u>Campus Code of Conduct, Title One, Article III.B.2</u></p> <p>“Symbolic structures will be allowed in accordance with an express permit issued by the Vice President for Student Affairs and Academic Services or other presidential designee.”</p> <p>“Such structures must be temporary and conform to conditions contained in the permit...[t]he administration will be guided by attention to the following, or similar, kinds of University community interests that such structures could infringe upon:</p> <ol style="list-style-type: none"> a) protecting health and safety; b) preventing damage and risk of damage to University grounds and property; c) preserving unimpeded mobility on pathways and streets, entrance to and departure from buildings, and unimpeded mobility within buildings; d) providing for competing uses of campus grounds and property; e) avoiding interference with other University activities; f) reasonably limiting costs to the University of increased campus police protection, potential University liability, insurance coverage, and cleanup and repair after an event; and

	g) preserving campus aesthetic values.”
III.F Outdoor Camping “Outdoor camping requires prior registration. Outdoor camping in authorized locations is not permitted for longer than one week and must comply with public health requirements.”	New provision