

# Cornell University University Assembly

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## Agenda

University Assembly Codes and Judicial Committee

November 18, 2016

3:00-4:00pm

316 Day Hall Board Room

### I. Call to Order (Chair)

- i. Call to Order (1 minute)

### II. Business of the Day

- i. Discussion and Amendments regarding Transcript Notations Language (40 minutes)
- ii. Discussion and Vote regarding Cornell University Campus Code of Conduct Update Part 1: Updating University Hearing and Review Board Staffing Procedures [M. McBride] (20 minutes)

### III. Adjournment

- i. Adjournment (1 minute)

## Title III, Article IV

### (Section) A. Penalties

(8) Suspension from the University for a stated period not to exceed five years, ~~or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred.~~<sup>1</sup> Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. ~~If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board.~~ While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree. A student who is suspended may have a notation placed on their transcript stating “suspended after a finding of responsibility for a code of conduct violation” consistent with Section C of this article.

(9) Dismissal, i.e., expulsion from the University. A student who is expelled shall have a notation placed on their transcript stating “suspended after a finding of responsibility for a code of conduct violation” consistent with Section C of this article.

(10) An official university transcript notation is considered to be an additional penalty above simply suspending or expelling an individual. Such transcript notations are appropriate only when so required by law or when an individual’s conduct demonstrates an egregious departure from acceptable behavior expected from a member of the Cornell Community, as outlined in this Code and consistent with the following provisions:

- a) Official University transcripts must be annotated if the offender has been:
  - i. Suspended or expelled for an offense falling within the scope of New York State Education Law section 6444 including:
    - 1. Murder
    - 2. Forcible or non-forcible sex offenses [insert footnote that this offense is subject to Appendix A]
    - 3. Robbery
    - 4. Aggravated assault

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<sup>1</sup> From Bola (JCC): The Judicial Administrator has decided against giving students indefinite suspensions given the inherent unfairness and uncertainty the “indefiniteness” brings. This could be struck from the Code altogether. You can ask Michelle to confirm, but this is my understanding after several conversations with her.

5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
- ii. Suspended or expelled for one of the following offenses:
  1. Possession of an unauthorized deadly weapon on university grounds
  2. Embezzlement of more than five hundred dollars
  3. [Insert other violations for which we pretty much always want to annotate]
- iii. Previously suspended for a separate offense
- iv. Expelled from the University for an offense other than those listed under 2.B

b) Official University transcripts will not be annotated with if the offender has been suspended or expelled for the following offenses:

1. Alcohol, Marijuana, or other controlled substance use
2. Alcohol, Marijuana, or other controlled substance possession without the intent to supply to others

### (Section) C. Procedure for Annotation of Academic Documents and Compliance (Also amend relevant Table of Contents)

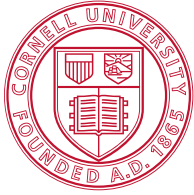
1. An official transcript issued during the pendency of charges shall indicate that charges are pending, ~~accompanied by a complete recitation of the pending charges.~~ The University, upon request of the person seeking the transcript, shall notify that person of the final judgment in the case. The University may withhold awarding a degree otherwise earned until the completion of proceedings, including compliance with a prescribed penalty or remedy. *Should an individual against whom charges are pending withdraw from the University prior to the resolution of those charges and the individual declines to complete the disciplinary process, the individual's official transcript shall be noted as "withdrew with conduct charges pending."*

2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator shall notify the University Registrar, Office of the Dean of Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.

3. No official transcript or degree will be granted to any person who has been found in violation of this Code and who has not fulfilled any condition or requirement fixed as a penalty or remedy, but such official transcript or degree shall be granted upon fulfillment of all such outstanding obligations.

4. Official transcripts issued to offenders who have been suspended or expelled for violations of this Code will be annotated with a notation on their transcript stating “[suspended/expelled] after a finding of responsibility for a code of conduct violation” consistent with the following provisions:

- a) The University Hearing Boards may, at their discretion, consider and impose transcript notations as a separate, additional penalty above simply suspending or expelling an individual found to have violated this Code, except where notations are mandated under Section A.10.a.i.
- b) Except where required by law and for offenses covered under Section A.10.a.i, in exceptional circumstances, transcript notations may be omitted if doing so would more appropriately serve the interests of justice at the discretion of the Judicial Administrator or University Hearing Board when determining appropriate sanctions.
- c) An individual whose transcript contains a notation may petition a University Review Board in writing to remove the transcript notation only if all of the following conditions are satisfied:
  - i. The offense for which the transcript notation was issued is not expulsion for an offense under Title 3, Article 4, Section A, Subsection 10, Bullet A, Sub-bullet I of this Code [129B violations]
  - ii. The transcript notation has been in place for at least one year
  - iii. The individual has not petitioned for the removal of the transcript notation in the past 2 years
- d) A University Review Board will review the petition within ninety days of receiving it. The notation will be removed immediately if at least one of the following conditions is satisfied:
  - i. Both the Judicial Administrator **and** the Hearing Board Chair concur with the petition; or
  - ii. The University Review Board determines to remove the notation
- e) Any transcript notation related to a suspension or expulsion that is later reversed shall be removed.



Cornell University  
University Assembly

**U.A. Resolution # X**

**2016-2017 Cornell University Campus Code of Conduct  
Update Part 1: Updating the University Hearing and  
Review Board Staffing Procedure**

*[Date]*

**Sponsored by:** Mitchell McBride, Undergraduate; Chair, Codes and Judicial Committee

**On Behalf Of:** UA Codes & Judicial Committee (M. Battaglia, N. Chovanec, R. Herz, C. Hodges, M. McBride, L. Munguia, N. Rogers, T. Shapiro, K. Zoner)

**Whereas,** according to the University Assembly’s Charter, “By delegation from the [University] Assembly, the [Codes and Judicial] Committee will review any proposed motion related to:

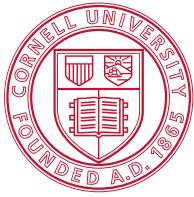
- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards.”

**Whereas,** the University Assembly’s Codes and Judicial Committee received an unusually high number of applicants to the University Hearing and Review Boards in Spring 2016; and

**Whereas,** the Office of the Assemblies provided valuable logistical support for the Codes and Judicial Committee during the staffing procedure; and

**Whereas,** there was some confusion as to what the specific roles the Codes and Judicial Committee and the Office of the Assemblies occupied,

**Whereas,** the current practice of appointing students to hearing boards permits one-year terms for graduating seniors;



## Cornell University University Assembly

20 **Be it Resolved**, that Title Two, Article Four, Section C.1 be amended to read as follows,

21 “The University Hearing Board and University Review Board pool shall comprise 55 members  
22 confirmed by the University Assembly: 25 students, 15 faculty members, and 15 nonfaculty  
23 employees. Faculty members are nominated by the Dean of the Faculty. For other candidates, the  
24 Codes and Judicial Committee will solicit written applications in consultation with the Office of  
25 the Assemblies, which will provide logistical support. The Codes and Judicial Committee shall  
26 nominate candidates to the University Assembly for its confirmation no later than the last regular  
27 meeting of the outgoing University Assembly. ~~For other candidates, the Office of the Assemblies~~  
28 ~~will solicit written applications, and the Codes and Judicial Committee shall nominate candidates~~  
29 ~~to the University Assembly for its confirmation no later than the last regular meeting of the~~  
30 ~~outgoing University Assembly.~~ The University Assembly Executive Committee may make  
31 emergency appointments on a temporary basis.

32 **Be it Resolved**, that Title Two, Article Four, Section C.3.a be amended to read as follows:

33 “Members of the University Hearing Board and University Review Board pool shall serve terms  
34 of office as follows:

- 35 a. All members shall be appointed for two-year staggered terms, except for students  
36 entering their final year of study, who shall be appointed for one-year terms.”

37

**No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.**