

# Cornell University University Assembly

## Agenda

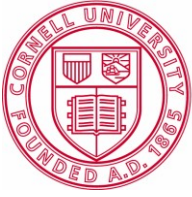
University Assembly: Codes and Judicial Committee

February 14<sup>th</sup>, 2020

9am-10:30am

316 Day Hall

- I. Call to Order
- II. Approval of the Minutes
  - A. December 9<sup>th</sup>, 2019 Meeting Minutes
  - B. February 5<sup>th</sup>, 2020 Unofficial Meeting Minutes
- III. Business of the Day
  - A. Cornell Statement on Responsible Speech and Expression Draft (20 minutes)
  - B. Student Code of Conduct Draft (60 minutes)
  - C. UHRB (10 minutes)



# Cornell University University Assembly

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## Minutes

Codes and Judicial Committee  
University Assembly  
December 9th, 2019  
11:30am – 2:30pm  
305 Day Hall

### I. Call to Order

- a. Call to Order
  - i. L. Kenney called the meeting to order at 11:39am.
- b. Roll Call
  - i. *Present:* J. Anderson, R. Bensel, J. Bogdanowicz, L. Kenney, R. Lieberwitz, G. Martin, J. Michael, L. Taylor, K. Wondimu
  - ii. *Others Present:* M. Horvath, M. Lee, W. Treat

### II. Approval of Minutes

- a. November 25, 2019
  - i. M. Horvath requested that the minutes accurately represent her view on the burden of proof. She said that the burden of proof would need to be changed if Greek life comes under the Code.
  - ii. R. Bensel moved to approve the minutes with amendments.
    1. Minutes **approved** by unanimous consent.

### III. Business of the Day

- a. Campus Code of Conduct – completion of first draft section
  - i. L. Kenney said that President Pollack requested the Committee to send the draft today, as she will be meeting with the Board of Trustees.
  - ii. R. Bensel said that the an update of the CJC's activities was presented to the UA, and there is nothing major to report from the meeting.
  - iii. R. Bensel said that he hopes that the Code incorporates a passage that allows for the CJC to review and comment on the enforcement on poster regulations, as posters and displays are a form of free speech. He said that the university does not seem to currently have any policies on this matter. He said that he would like for the Committee to have the capacity to review cases of free speech infringement concerning posters and displays.

- iv. M. Horvath said that the Committee seems to share concerns about the procedural section, and that a firm deadline should be set for this section. She also said that based on discussions with the Judicial Codes Counselors (JCC), the Office of the Judicial Administrator (JA) would be happy to review some recommendations and present suggestions for a substantive draft over winter break. She said that the Committee should also consider that the UA only meets once a month when assigning deadlines.
- v. L. Taylor moved that the Committee adopt R. Bensel's language for posters.
  - 1. J. Michael asked if this language would override any other existing provisions in, for example, residence halls.
  - 2. Motion **approved** by a vote of 6-0-1.
- vi. L. Kenney said that for this meeting, the Committee would vote on changes to the draft when there are substantive disagreements to continue moving forward.
- vii. R. Lieberwitz said that she added comments for areas to rework or shorten the language.
- viii. M. Horvath said that the goal of amendments to the Code is to have members of the community be able to read and understand their rights and responsibilities. She said that much of what is currently in the policies on university conduct regulation section is duplicative and harms readability.
- ix. R. Bensel said that concerning public law enforcement, prosecution would proceed anyway regardless of university conduct regulation.
  - 1. L. Taylor suggested adding "ordinarily" to R. Bensel's proposed language.
  - 2. M. Horvath said that it would be helpful to compare the draft she has with R. Bensel's proposed draft. She said that there are elements within the draft that would put the community at risk if the working draft is to be kept as is.
  - 3. R. Lieberwitz agreed with adding "ordinarily" as there may be some instances where it is difficult for an individual to participate in a conduct proceeding if they may be prosecuted for doing so.
  - 4. J. Michael said that the Code should not lose its ability when simultaneous proceedings take place and outcomes are different. She said that she would be comfortable with approving R. Bensel's language if it will be compared to a different draft.
  - 5. The Committee **adopted** the language by a vote of 6-1-0.
- x. R. Lieberwitz said that subsection c may now be redundant with R. Bensel's language.
- xi. R. Bensel said that the term "ordinarily" allows campus proceedings to take place especially when public proceedings often take a long time. He also said that a student may be reluctant to say anything in university

- proceedings until public proceedings are completed.
- xii. R. Lieberwitz said that when individuals are charged with a conduct violation on campus, they should be able to participate and defend themselves. She said that while this language would protect them, subsection c is redundant to subsection b.
  - xiii. L. Kenney said that she believes it is important to have things written out explicitly.
  - xiv. M. Horvath said that the Code is meant to protect the safety of the university community. She said that it is important for the university to be able to have educational interventions while protecting the campus community.
  - xv. L. Kenney asked if the Office of the JA would ever wait for criminal proceedings to be finalized before they get involved.
    - 1. M. Horvath said the Office would only do so if they are specifically requested by law enforcement to stop.
  - xvi. R. Lieberwitz said that regarding the statement that the “status of a Cornell student is not a right”, she disagrees.
    - 1. M. Horvath said that this concerns the bulk of what the Office of the JA deals with every day. She said that being a member of a community is not a right, and that the existing Code is so focused on respondents’ rights.
    - 2. J. Anderson said that being a student at this university is a privilege, not a right. He said he approves of the language but fears how it would be utilized.
    - 3. R. Lieberwitz said that she does not believe the language belongs in the section on other policies on the university’s role in public law enforcement.
    - 4. L. Kenney said that being a member on campus is not a right in itself, but the language probably belongs somewhere else.
    - 5. M. Horvath said that it would make sense to incorporate in the values section.
  - xvii. R. Lieberwitz said that having a more thoroughly outlined Code with lengthier language safeguards people’s rights and gives the university concurrent jurisdiction as appropriate.
  - xviii. M. Horvath said that punishment is not the goal of the Code. She said that it doesn’t make sense from a pedagogical or safety point of view for Cornell to wait for public prosecution before intervening.
  - xix. R. Bensel said that he is concerned about the university’s process, in that a student may have no way of defending themselves if a JA moves ahead of public prosecution.
  - xx. G. Martin made a motion to gender neutralize the Code.
    - 1. Motion approved by unanimous consent.

- xxi. The Committee voted on whether to submit the longer or shorter version of the Code working draft.
  - 1. By a vote of 6-0-1, the Committee **approved** to keep M. Horvath's version on the table for discussion.
- xxii. M. Horvath said that the policy on transcript notations in the working draft is taken directly from the University Registrar's webpage.
- xxiii. M. Horvath said that concerning the procedural section, definitions of violations is most important, so the Committee should take time to walk through them.
- xxiv. R. Bensel said that the Committee committed to sending out a draft without the procedural section for the time being.
- xxv. L. Kenney said that she could send the current version which includes all of the questions and concerns brought up, up until the section on definitions.
- xxvi. R. Bensel said that the draft to be sent after the meeting would be a first draft.
- xxvii. M. Horvath said that it is more difficult to add something back into a draft once it has been removed.
- xxviii. The Committee decided to go through the definitions section in the meeting.
- xxix. M. Horvath said that concerning the definition on conduct related to alcohol, possession of alcohol in unauthorized spaces, such as Lynah Rink, needs to be in line with NCAA regulations.
- xxx. L. Kenney said that "unauthorized spaces" need to be defined clearly. She also said that the section should include language on public intoxication, possession of fake IDs, mass alcohol consumption, paraphernalia, operating a motor vehicle under the influence etc.
- xxxi. The Committee took a vote on whether to send out the long or short version of the working draft for review.
  - 1. By a vote of 1-6-1, the Committee **decided** to keep the lengthier version.
  - 2. L. Taylor asked that M. Horvath's version be kept to refer back to later on.
- xxxii. J. Bogdanowicz suggested adding "knowingly" to the subsection on collusion in the definition section.
- xxxiii. M. Horvath said that the Code should include language on compliance enforcement or non-compliance with sanctions. She said that the current Code's lack of coverage on enforcing university directives has compromised the university's ability to keep private information. She also said that there is currently no recourse in the Code for situations in which university information has been disclosed, other than for health and safety issues.
- xxxiv. J. Michael suggested adding additional language that could incorporate actions taken if an individual fails to cooperate with a reasonable request

from a college official.

- xxxv. R. Bensel said that compliance with investigations should be included in the procedures section. He said that he is hesitant to require individuals who have not committed a violation to testify.
- xxxvi. R. Bensel moved that L. Kenney read through existing comments, compare with the current Code, attempt to finalize as best as possible, and submit the draft the President Pollack.
  - 1. Motion **approved** by unanimous consent.

#### **IV. Adjournment**

- a. Adjournment
  - i. The meeting was adjourned at 2:32pm.

Respectfully submitted,  
Dongyeon (Margaret) Lee  
Codes and Judicial Committee Clerk

## **Cornell Statement on Responsible Speech and Expression**

Cornell University is committed to fundamental principles of academic freedom and rights of free expression. Freedoms to engage in research and scholarship, to teach and to learn, to express oneself and to be heard, and to assemble and to protest peacefully and lawfully, are essential to the function of the University as an educational institution. Enjoyment and exercise of these rights includes respect for the rights of all as well as the exercise of these rights in a responsible fashion. Infringement upon the rights of others, including the rights to speak and to be heard, or interference with the peaceful and lawful use and enjoyment of University premises, facilities, and programs, violate this principle. Though the necessity is rare, the University has long affirmed the President's authority and duty to protect the community and maintain public order where imminent threats to health and safety require it. However, any intervention by the President in campus rights of expression and assembly shall be reported in a timely fashion to the community, with an explanation of the bases for the actions taken. The President consults with the University Assembly and other elected campus governance groups on a regular basis to ensure that the community's fundamental commitments to free expression and respect for others are safeguarded.

The University's Statement of Core Values affirms a clear statement on free expression:

### ***Free and Open Inquiry and Expression***

*We are a community whose very purpose is the pursuit of knowledge. We value free and open inquiry and expression—tenets that underlie academic freedom—even of ideas some may consider wrong or offensive. Inherent in this commitment is the corollary freedom to engage in reasoned opposition to messages to which one objects.*

See: <https://president.cornell.edu/initiatives/university-core-values/>

Finally, the University faculty have proposed, and the University hereby endorses, the following:

### **Faculty Statement Academic Freedom and Freedom of Speech and Expression:**

*For the purposes of these procedures, academic freedom is defined by the Statement on Academic Freedom and Responsibility adopted by the University Faculty on May 11, 1960, which provides:*

*Academic Freedom for the Faculty means: Freedom of expression in the classroom on matters relevant to the subject and the purpose of the course and of choice of methods in classroom teaching; from direction and restraint in scholarship, research, and creative expression and in the discussion and publication of the results thereof; to speak and write as a citizen without institutional censorship or discipline. . .*

*Academic freedom is valued very highly at Cornell, and the University Faculty defends it tenaciously; nevertheless, the same University Faculty is disinclined to see the concept*

*abused. Academic freedom does not imply immunity from prosecution for illegal acts of wrongdoing, nor does it provide license for faculty members to do whatever they choose.*

*Based on the protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered prohibited conduct under Policy 6.4 unless this speech or expression also meets one or both of the following criteria:*

- *a reasonable person in the setting would find it to be abusive or humiliating toward a specific person or persons, or*
- *it persists despite the reasonable objection of the person or persons targeted by the speech.*

*Generally speaking, employees have the right to communicate freely outside of the scope of their Cornell employment in their capacity as a private citizen. Such speech or expression generally will not be considered prohibited conduct under Policy 6.4 unless this speech or expression also meets one or both of the above bulleted criteria.*

See: <http://theuniversityfaculty.cornell.edu/news/academic-freedom-for-faculty/>



## Cornell Student Code of Conduct

### **Section 1: Principles and Values**

### **Section 2: Definitions**

### **Section 3: Scope and General Provisions**

### **Section 4: Prohibited Conduct**

### **Section 5: Other Applicable Procedures & Policies**

#### **Section 1: Principles and Values**

This Student Code of Conduct (“Code”) establishes Cornell’s expectations applicable to all students, recognized student organizations, and recognized living groups (including fraternities and sororities) at Cornell’s Ithaca and Geneva campuses, and Cornell Tech. The standards contained in the Code are based in Cornell’s historical educational origins and mission. These standards reflect the founding vision and values of Ezra Cornell and Andrew Dickson White. Cornell’s educational legacy embodies personal growth through higher learning and Ezra Cornell’s aspiration to ‘... *found an institution where any person can find instruction in any study*’.<sup>1</sup> This Code is intended to preserve a higher education community and residential campus where ‘any person’ in the community can pursue their education in a secure and nourishing environment.

In fall 2019, the university adopted a set of core values intended to serve as the foundation for a more equitable and inclusive atmosphere for all on our campuses. The Core Values are articulated as follows:

#### **Purposeful Discovery**

We value the process of discovery through learning, teaching, scholarship, and innovation to advance the University’s mission, in all cases striving with integrity for excellence and purpose. The search for and the dissemination of knowledge are tightly linked: as A. D. White noted, “The power of discovering truth and the power of imparting it are almost invariably found together.”

#### **Free and Open Inquiry and Expression**

We are a community whose very purpose is the pursuit of knowledge. We value free and open inquiry and expression—tenets that underlie academic freedom—even of ideas some may consider wrong or offensive. Inherent in this commitment is the corollary freedom to engage in reasoned opposition to messages to which one objects.

#### **A Community of Belonging**

As a university founded to be a place where “...any person can find instruction...,” we value diversity and inclusion, and we strive to be a welcoming, caring, and equitable community where students, faculty, and staff with different backgrounds, perspectives,

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<sup>1</sup> Ezra Cornell, First Inaugural Address, Oct 7, 1868; *Motto* magazine, Top Motto Among All American Colleges and Universities, “*Top 10 Motto List*”, 2007.

abilities, and experiences can learn, innovate, and work in an environment of respect, and feel empowered to engage in any community conversation.

### **Exploration across Boundaries**

Ezra Cornell embraced a vision that we would be a place to “...find instruction in any study.” To that end, we value the importance of all academic disciplines and celebrate the power of connections among them.

### **Changing Lives through Public Engagement**

As the land-grant institution of New York, with our main campus within the ancestral homelands of the Cayuga Nation and a long history of national and international connections, we value engagement in our community, our state, and the broader world, learning about their needs and strengths, and applying the knowledge we create for the benefit of society.

### **Respect for the Natural Environment**

We value our role in advancing solutions for a sustainable future and we recognize the close relationship between people and the Earth, acting in ways to live and work sustainably.

This Code contains not only Cornell’s conduct expectations and standards, but non-punitive educational objectives embodying opportunities to demonstrate growth from mistakes, restorative justice, and sanctions inclusive of and advancing Cornell’s educational goals.

The principle of freedom with responsibility is central to Cornell University. Freedoms to teach and to learn, to express oneself and to be heard, and to assemble and to protest peacefully and lawfully are essential to academic freedom and the continuing function of the University as an educational institution. Responsible enjoyment and exercise of these rights mean respect for the rights of all. Infringement upon the rights of others or interference with the peaceful and lawful use and enjoyment of University premises, facilities, and programs violates this principle. The Code is drafted to safeguard individual rights as well as those rights conferred by the University, reflecting its dedication to fairness in the treatment of all members of the university community. The University must simultaneously address misconduct when it unduly imposes upon the rights of others or compromises the effective operation of the University in the fulfillment of its educational mission.

Authority and administration of the Code and associated Procedures are vested with the *Vice President for Student and Campus Life (VP SCL)*, in consultation with the elected Assemblies of the University. Student conduct matters are delegated to the Office of Student Conduct, overseen by the Dean of Students. The conduct of University faculty and staff are separately addressed under policies and procedures applicable to employees of the University.

## **Section 2: Definitions**

The following definitions apply to the Code.

1. The term "campus" includes property and space owned, leased, used, or controlled by Cornell; it can also include streets, sidewalks, and pathways adjacent to or in the immediate vicinity of Cornell campus or property.
2. The term "University" means Cornell University, as well as any affiliated programs or virtual programs, computing, and spaces including, but not limited to, University programs in remote locations within or outside of New York or the United States.
3. The term "student" includes: Undergraduate, graduate, medical, veterinary, and professional students upon their commencement of attendance, defined as the earliest of: the first day of the term for which they were admitted; their first day residing in a university residence hall; the first day of a university-sponsored pre-orientation trip, activity, or academic program for which they are participating; or on the first day of a graduate assistantship for the first semester/term for which they were admitted – whichever is earliest. A student's status ends – with some exceptions noted in related Conduct Procedures – when a student withdraws or is withdrawn from the University, is dismissed (expelled) from the university, or their enrollment is terminated.
4. Individuals participating in non-credit bearing programs or who attend class(es) on a non-credit basis, and individuals who attend class(es) at the University on a for-credit basis while still an elementary, middle, or high school student, or foreign equivalent, are not students for the purposes of the Code.

### **Section 3: Scope and General Provisions**

#### **A. Jurisdiction:**

The Code covers behaviors by all Cornell students, University-recognized student organizations and living groups (including fraternities and sororities). The Code generally applies to conduct on any campus of the University, on any other property used by it for educational purposes, or on the property of a University-related residential organization.

The Code applies to conduct that involves the use of University computing and network resources from a remote location, and to online behavior.

The Code will apply regardless of the location of the conduct when: (1) the behavior occurs in the context of a University program or activity; or (2) poses a substantial threat to the University's educational mission or to the health or safety of individuals (whether affiliated with the University or not), the University community, or to the University's reputation.

Code applies to Cornell students between terms regardless of whether the University is in session.

The final determination as to whether conduct is subject to this Code will be made by the Dean of Students, or their designee.

Students are further required to inform their guests as to Cornell's behavioral standards and expectations; students can be held responsible for complicit misconduct arising from the behavior of their guests.

### **B. Transcript Notations:**

**Transcript notations** related to Code proceedings, including during the pendency of a conduct matter or when a student withdraws with a conduct charge pending, will be made in accordance with the University Registrar's transcript notation policy (<https://registrar.cornell.edu/grades-transcripts>).

**Disciplinary Record Reporting by the Student Conduct Office** is based on the seriousness of the underlying violation, with recognition of the educational and rehabilitative purpose of this Code. Towards that end, the following guidelines shall generally apply to such reporting:

- (1) minor offenses are not reported;
- (2) probationary status may be reported until the student graduates; if the student departs the university prior to graduation, then at the point of departure if the student has incurred no further Code violations;
- (3) suspension is reported until it has been fully served, the student has demonstrated one-year of good conduct without subsequent Code violations, and a request has been reviewed and approved by the Dean of Students;
- (4) expulsion is reported permanently.

### **C. Interaction with Criminal Proceedings:**

The Code does not govern criminal conduct, though criminal conduct can violate both the Cornell Student Code as well as criminal statutes. Accordingly, Code processes and criminal or civil processes may run concurrently where the alleged conduct implicates both the Code and local, state or federal criminal or civil statute(s) and ordinances. The determination of whether to continue or defer Code processes or proceedings rests with the Dean of Students or their designee.

## **Section 4: Prohibited Conduct**

The Code, together with Procedures for the enforcement of the prohibited conduct comply with New York Consolidated Laws, Education Law – EDN §6430 for the maintenance of public order on Cornell's campus.

The conduct defined and set forth herein is prohibited and subject to applicable procedures adopted under this Code. It is also a violation for any person subject to the Code to attempt to commit any of the following violations:

- 3.1 Alcohol-Related Behavior
- 3.2 Assault and Endangerment
- 3.3 Collusion
- 3.4 Disorderly Conduct

- 3.5 Disruption of University Activities
- 3.6 Drug-Related Behavior
- 3.7 Failure to Comply
- 3.8 Harassment
- 3.9 Hazing
- 3.10 Invasion of Privacy and Appropriation of Identity
- 3.11 Misrepresentation
- 3.12 Misconduct Related to Student Organizations or Groups
- 3.13 Property Damage
- 3.14 Theft and Intellectual Property Infringement
- 3.15 Unauthorized Entry or Use of Space
- 3.16 Violations of Public Law(s)
- 3.17 Weapons

In determining the appropriate sanctions for a violation of sections addressing assault and endangerment, harassment, and hazing, the decision-maker shall consider whether the behavior has been demonstrated to have been motivated by a person's or group's age, race, ethnicity, creed, color, national origin, sexual orientation, military status, sex, gender identity or expression, disability, predisposing genetic characteristics, familial status, or marital status.

### **3.1 Alcohol-Related Behavior**

To unlawfully manufacture, distribute, dispense, possess, use, or sell alcohol, including, but not limited to:

- Selling or otherwise providing alcohol to an individual who is under the legal drinking age;
- Selling alcohol without a license;
- Consuming alcohol or possessing alcohol while under the legal drinking age;
- Possession and use of identification by a person who is under the legal drinking age if the date of birth on the identification would appear to make it legal for the user to consume alcohol;
- Possessing alcohol in unauthorized spaces regardless of age;
- Operating a motor vehicle under the influence of alcohol;
- Public intoxication.

### **3.2 Assault and Endangerment**

To assault or engage in conduct that does or can reasonably be expected to result in physical harm, or significant emotional or psychological harm, to a person, or to threaten to do so, including, but not limited to:

- Any unwelcome physical contact, including but not limited to, striking, slapping, hitting, biting, punching, shoving, or kicking;
- Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating behavior(s);

- Any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm, including displaying a weapon, using firecrackers or flares, throwing or use of dangerous projectiles;
- To prevent a person from leaving a location (including part of the location, such as one part of the room) or to force a person to go to a location against their will. This is a violation whether accomplished through physical or psychological means.

### **3.3 Collusion or Complicity**

To participate, aid or assist another person to commit a violation of the Code.

### **3.4 Disorderly Conduct**

To cause or create a risk of disruption to the University community or local community, including, but not limited to:

- Violent, tumultuous, or threatening behavior;
- Unreasonably loud or belligerent behavior;
- Obstruction of vehicular or pedestrian traffic;
- Public urination or defecation;
- To expose a private or intimate part of one's body in a lewd manner or commit any other lewd act in a public place.

### **3.5 Disruption of University Activities**

To disrupt or materially interfere with any instructional, research, service, judicial, or other University operation or function, including, but not limited to:

- Disrupting, obstructing, or interfering with the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other right of an individual, by:
  - using or threatening physical force or violence to harass, endanger, injure, abuse, intimidate, or coerce another person, or to cause damage to or loss of property;
  - obstructing 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;
  - intentionally obstructing or restraining the lawful movement of another person or obstructing or restraining their lawful participation in an authorized activity or event, such as regular and special curricular activities, extracurricular activities, employment interviews, and recruiting activities
- Directly or indirectly preventing an individual or collection of individuals from speaking at a lecture, debate, or any public forum, obstructing the passage of others, or creating an imminent threat of such disruption or obstruction;
- Disrupting or obstructing a speaker(s) invited to appear on the campus by the University or a University-recognized organization;
- Attempting to Bribe a University official;

- Refusing to participate, without a just cause, as a witness in an investigation of or proceeding brought to enforce potential violations of this Code;
- Destroying or tampering with evidence or otherwise obstructing the application of this Code;
- Retaliating against an individual or group because of the individual or group's participation in proceedings under this Code.

### **3.6 Drug-Related Behavior**

To unlawfully manufacture, distribute, dispense, possess, use, or sell marijuana or any controlled substances, including prescription medication not prescribed to the user and substances generally recognized as dangerous, as defined by state or federal law, including, but not limited to:

- Possessing drug paraphernalia;
- Operating a motor vehicle under the influence of marijuana or any controlled substance, including prescription medication not prescribed to the user.

### **3.7 Failure to Comply**

Failure to comply with:

- A proper directive of a University official;
- A policy or operational rule that has been duly promulgated by the University or any college, department, or unit thereof, whether or not the policy has been issued in the standardized University format, including life safety regulations and technology regulations;
- Any element or term of a sanction imposed or agreed to pursuant to this Code or other conduct policy, including Policy 6.4;
- The requirement that all persons must leave a University building after a fire alarm has sounded or other notice of fire has been given, whether or not a drill.

### **3.8 Harassment**

Subjecting another person or group to uninvited or unwelcome behaviors that are abusive, threatening, intimidating, or humiliating, when the conditions outlined in (1) or (2) below, are present:

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's participation in any of the University programs or activities or is used as the basis for a decision affecting the individual; or
2. The subject conduct creates a hostile environment – A hostile environment exists when the conduct unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's programs or activities. Conduct must cause unreasonable interference from both a subjective and an objective perspective. The fact that the conduct targets a group that has historically experienced discrimination may be relevant to a contextualized judgment about whether the conduct creates a hostile environment.

Because of protections afforded by principles of free speech and academic freedom, expression will not be considered harassment unless the expression also meets one or both of the following criteria:

- it is meant to be either abusive or humiliating toward a specific person or persons; or
- it persists despite the reasonable objection of the person or person targeted by the speech.

Offensive conduct that does not by itself amount to harassment as defined above may be the basis for educational or other non-punitive interventions to prevent such conduct from becoming harassment if it were repeated or intensified. Mere disagreement with the political viewpoint or content of another's form of expression – as opposed to the means or manner by which the person communicates – shall not be the basis for any intervention, even a non-punitive one.

Actions that constitute stalking or sexual harassment as defined by Policy 6.4 (“Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct”) shall be handled pursuant to that Policy and its associated Procedures.

### **3.9 Hazing**

To haze another person, regardless of the person's real or apparent consent to participate. Hazing means an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization and that: (1) could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; or, (2) destroys or removes public or private property; or, (3) involves the consumption of alcohol or drugs, or the consumption of other substances to excess; or (4) violates any University policy.

### **3.10 Invasion of Privacy and Appropriation of Identity**

To intentionally invade privacy or misappropriate property rights, by means of videotaping, photographing, audiotaping, or otherwise making any video, picture, or sound recording, or to appropriate, distribute, share, *or* use someone's likeness, identifying personal data, or documents. Malicious or deliberate intent may be considered in determining sanctions for a violation of this provision.

### **3.11 Misrepresentation**

- To furnish false information to the University with intent to deceive;
- To use, create, sell, or possess forged, fraudulently altered, or falsified documents, electronic records, or permits;
- To claim falsely to represent the University or a University-registered organization;
- To access the documents or records of the University or person without authorization, whether physical or electronic (i.e., “hacking”).



### **3.12 Misconduct Related to Student Organizations or Groups**

- Student groups or organizations (including fraternities and sororities) that engage in prohibited activities as defined under this Code, or that breach their formal agreements with the university for registration or recognition, may be held accountable under this code and associated procedures.
- Individual students who knowingly affiliate with groups or organizations that have had their University recognition suspended or permanently revoked by the University for disciplinary reasons, may be held responsible under this code. The definition of affiliation includes joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of such an organization. This applies to organizations that were created by members of a de-recognized organization in an attempt to continue its presence on campus. This prohibited conduct does not apply to student groups who have never had University recognition or who are currently not recognized by the University because of a non-disciplinary disbandment. However, known members of unrecognized student groups may be held accountable for any prohibited conduct by these groups. *[Pretty much from current Campus Code but still needs clarification and work.]*
- To use ethnicity, gender, national origin, political persuasion, race, religion, or sexual orientation or affectional preference as a basis for exclusion from university or group activities on campus.

### **3.13 Property Damage**

Actions that result in or can be reasonably expected to result in damage to property, including electronic data, files, or other information. This includes, but is not limited to, property owned by the University, property owned by individuals affiliated with the University, and property owned by individuals or entities not affiliated with the University.

### **3.14 Theft and Intellectual Property Infringement**

To steal or knowingly possess stolen property or information, including by such acts as misappropriation of data or University funds, or to infringe upon another person's trademark, copyright, patent, or other intellectual property rights.

### **3.15 Unauthorized Entry or Use of Space**

To enter upon or make use of University or private property or facilities without authorization, including:

- To enter any waters of Fall Creek, Cascadilla Creek, or Beebe Lake that are on or traverse the campus to swim or bathe, except in those waters officially designated as swimming or bathing waters;

- Tampering with or improper activation of a fire alarm, covering or otherwise compromising the proper functioning of a smoke detector or fire sprinkler, theft or improper use of a fire extinguisher, igniting or attempting to ignite a fire on campus without authorization;
- Building a structure on the campus without a permit or in violation of the conditions of a permit.

### **3.16 Violations of Public Law(s)**

Violation of any federal, state, or local law, regulation, or ordinance.

### **3.17 Weapons**

To possess, carry, or use any weapon or other object that can be used to cause physical harm, that can be used to threaten physical harm, or that, by its appearance, could reasonably be perceived as a weapon or object that could be used to cause physical harm (e.g., replica firearms). This includes firearms (defined as any projectile-firing device including rifles or shotguns), ammunition, explosives, or other dangerous weapons, instruments, or substances.

## **Section 5: Other Applicable Procedures & Policies**

For information about the **processes** for investigating and resolving alleged violations of the Code, please review, **Student Conduct Procedures**.

Separate policies and procedures govern: **Academic Integrity**, <http://theuniversityfaculty.cornell.edu/academic-integrity/>; and

**Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct: Cornell Policy 6.4.**

In addition, individual colleges or programs may have student conduct expectations and policies supplemental to this Code; those policies may be enforced through procedures established by the respective college or program.