

Cornell University
University Assembly

Agenda

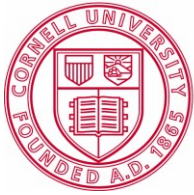
Codes and Judicial Committee

Cornell University Assembly
Agenda of the October 28, 2019 Meeting
1:00 PM – 2:30 PM
Day Hall, B16 SCE Conference Room

- I. Call to Order**
 - a. Call to Order
- II. Approval of the Minutes**
 - a. October 07, 2019
- III. Business of the Day**
 - a. Campus Code of Conduct
 - i. Continuation of work
 - ii. Procedural draft – time-permitting
 - b. University Hearing and Review Boards
 - i. Update on vacancies
 - ii. Creation of subcommittee
- IV. Adjournment**

Attachments

- 1. CJC Meeting Minutes: October 07, 2019



Cornell University University Assembly

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Minutes

Codes and Judicial Committee
University Assembly
October 7th, 2019
1:00pm – 2:30pm
701 Clark Hall

I. Call to Order

- a. Call to Order
 - i. R. Bensel chaired the meeting in lieu of L. Kenney's absence.
 - ii. R. Bensel called the meeting to order at 1:06pm.
- b. Roll Call
 - i. *Present:* J. Anderson, R. Bensel, J. Bogdanowicz, M. Hatch, R. Lieberwitz, G. Martin, J. Michael, L. Taylor
 - ii. *Absent:* L. Kenney, K. Wondimu
 - iii. *Others Present:* G. Giambattista, E. Kim, M. Lee, M. O'Gara, J. Pea, P. Thompson

II. Approval of Minutes

- a. September 30, 2019
 - i. M. Hatch moved to approve the minutes.
 1. Minutes **approved** by unanimous consent.

III. Business of the Day

- a. Updates from the October 1, 2019 University Assembly (UA) meeting
 - i. R. Bensel briefed the Committee on the UA meeting. He said that the first portion included a presentation and Q&A session with President Pollock, where she acknowledged that the student Code would be a part of the broader Campus Code of Conduct, and that it would be acceptable to continue work on the Code as long as the Committee is making substantial reasonable progress.
 - ii. R. Bensel said that the second portion of meeting, in which the UA discussed the two resolutions proposed by the Codes and Judicial Committee (CJC), was more contentious. He said that the resolution on the scope of the CJC's consideration of the Code was tabled indefinitely,

although basic principles had been agreed by the President in the Q&A session.

- iii. M. Hatch said that in response to questions on the presidential task to the CJC, the President stated that she had already provided documents in April 2019 and August 2018 outlining her requests.
 - iv. R. Bensel asked M. Lee to contact L. Kenney to distribute the memos to the rest of the Committee.
 - v. R. Lieberwitz asked if members who attended felt that everyone in the meeting understood that it is the CJC's choice on whether and how to amend the current Code, including whether to work on a student Code and how much of the University Counsel's draft to use.
 - vi. R. Bensel said that his understanding was that the President was quite open about the CJC's use of the Counsel's draft. He also noted that the issues surrounding the Office of the Judicial Administrator (JA) may be one area in which the CJC may be at odds with the President. He said that the Counsel's draft was unclear about where to place the JA's office and that the President's position was that it is difficult to recruit a JA without the job security of a more regular appointment.
 - vii. J. Anderson said that in terms of process and content, the President was forward about having a student Code and where she believes JA should be situated. He said, however, that when the President was asked about Greek life, she requested that the other issues be addressed first.
 - viii. M. Hatch said that the President encouraged the CJC to consult with the division of Student and Campus Life in the documents she had sent out. He also called the Committee's attention to K. Clermont's memorandum and said that while the memo may not be directly relevant to the President's visit, it is related to the Committee's current discussion on issues such as administering the Code and procedures.
 - ix. M. O'Gara said that she could also speak to those viewpoints if the Committee would like.
 - x. R. Lieberwitz raised a point of order, stating that the Committee should follow the agenda and that it seems premature to discuss the memo in this meeting.
- b. Campus Code of Conduct – Continuation of Recommendations
- i. R. Lieberwitz said that she liked R. Bensel's amended language for the second paragraph in the Principles and Values section ("Cornell's institutional agency [...] attacks on character"). She also suggested going through the current Code and highlighting what is or isn't included in the Counsel's draft.
 - ii. L. Taylor asked what the Committee would do to adopt the amended language if approved.
 - iii. R. Bensel said that the amended language would replace the pertinent

- paragraph from the Counsel's draft.
- iv. L. Taylor moved to adopt the language.
 1. Motion **approved** by a vote of 7-0-1.
 - v. R. Lieberwitz suggested removing the next paragraph "The Student Code [...] educational mission", from the Student Code for purposes of this draft, and putting it back into the Campus Code. She said that the general principles in this paragraph would be agreed upon by the campus and that the Principles and Values section should deal with entire Campus Code. She also proposed to amend "Student Code" to "Campus Code".
 - vi. L. Taylor said that she is unsure if she would agree because the Campus Code may not be the same in that particular respect. She said that employees would not be treated in the same way as students who should be able to "grow from personal mistakes".
 - vii. G. Michael said that the paragraph, in discussing opportunities for growth, is most pertinent to students.
 - viii. M. Hatch asked if the Committee is working on this draft as a Student Code of Conduct.
 - ix. R. Bensel said that his understanding is that the Committee is working on a Student Code and particularly on passages that apply to the Campus Code.
 - x. M. Hatch asked if the Committee will not be working on the Campus Code for a while.
 - xi. R. Bensel responded in the negative and said that the Committee is considering which elements of the Code will be in the Campus Code. He also said that if the Committee adopts R. Lieberwitz's amendment, the paragraph would state "Campus Code" and would be included as a part of the greater Campus Code.
 - xii. R. Lieberwitz **withdrew** her proposal. She said that it would be useful to identify which provisions should be applied more broadly as the Committee goes through each paragraph of the working draft.
 - xiii. L. Taylor proposed to have "Cornell Student Code of Conduct" accepted as the subtitle.
 - xiv. M. Hatch said that would be helpful.
 - xv. R. Lieberwitz suggested identifying which paragraphs relate to the entire campus community instead.
 - xvi. L. Taylor **withdrew** her motion.
 - xvii. The Committee agreed that the first two paragraphs of the Principles and Values section would be flagged for consideration of whether they would apply campus-wide.
 - xviii. L. Taylor moved to accept the language: "The Student Code [...]
educational mission".
 1. R. Lieberwitz suggested to leave a comment in the Google doc to

consider whether this paragraph should be moved to a different portion of the draft so that it doesn't interrupt the flow of principles that apply to everyone.

2. The language was **adopted** by a vote of 6-0-2.
- xxix. L. Taylor moved to strike "enjoyment and" from the proposed language of the next paragraph, "The principle of freedom [...] violates this principle".
 1. Motion **approved** by unanimous consent.
- xx. L. Taylor moved to accept the proposed language.
 1. Motion **approved** by unanimous consent.
 2. The committee agreed that this paragraph would apply to everyone in the community.
- xxi. J. Anderson moved to accept the paragraph "Individual rights [...] university community" as amended.
 1. Motion **approved** by unanimous consent.
 2. The committee agreed that this paragraph would apply to everyone in the community.
- xxii. J. Anderson said that he likes the paragraph, "When individuals [...] imposition of sanctions", but it would only be included in the student portion of the Code if accepted.
- xxiii. R. Lieberwitz said that principles of due process and fair procedures in enforcement of the Code is not explicit. She said that a general due process for enforcing rights would apply to everyone.
- xxiv. L. Taylor suggested to add that to the amended paragraph.
- xxv. Motion to accept the paragraph, "When individuals [...] imposition of sanctions" **approved** by a vote of 5-0-3.
- xxvi. J. Michael asked if the Committee has the power to decide where the JA reports to.
- xxvii. J. Anderson replied in the affirmative.
- xxviii. R. Bensele said that adopting the language in the paragraph, "Administration of the Code [...] employees of the university" would not change the current status quo.
- xxix. J. Michael asked if the President has requested the Committee to change that.
- xxx. R. Bensele responded in the affirmative.
- xxxi. J. Anderson said that issues regarding the JA should be in the scope section instead of the principles and values section.
- xxxii. J. Michael asked if the Committee would be changing the name of the Office of the Judicial Administrator to Office of Student Conduct.
- xxxiii. J. Anderson said that the latter naming convention is more common in other institutions.

- xxxiv. R. Lieberwitz said that the current discussion does not involve a basic principle. She also said that the Committee should flag the content and have a separate discussion in full later on.
- xxxv. M. Hatch asked if R. Lieberwitz is saying that both the original version from the Counsel's draft and R. Bense's proposed amendment are not pertinent for the time being.
- xxxvi. R. Lieberwitz replied in the affirmative.
- xxxvii. M. Hatch moved to remove the language from the document and discuss later.
- xxxviii. R. Lieberwitz said that the Committee should recognize it and come back to it later on. R. Lieberwitz moved to vote on relocating the paragraph to another section and return to discussion of the content later on.
1. Motion **approved** by a vote of 7-0-1.
- xxxix. R. Bense said that core values would apply to everyone, in response to M. Horvath's comment, "As noted, I think that the newly announced values should be included here".
1. The Committee agreed that core values should be in the overarching Campus Code.
- xl. R. Lieberwitz said that the paragraph, "The Code does not govern [...] civil statute(s) and ordinances", requires further amendment. She said that having concurrent criminal prosecutions and Code procedures may prevent individuals from participating if what they say could be used against them.
- xli. R. Bense said that this paragraph should be moved to the procedural section.
- xlii. R. Lieberwitz suggested to leave a comment that that the Committee would reconsider this process and discuss content at a later time.
- xliii. J. Michael said that the Committee should aim to minimize legalistic language.
- xliv. R. Bense suggested using "concurrent processes" instead of "concurrent prosecutions".
- xlv. L. Taylor asked if the Committee could discuss delegation of tasks over email.
- xlvi. R. Bense said that M. Lee should inform L. Kenney to assign tasks to members for the procedural section.
- xlvii. J. Anderson moved to accept "The university has long affirmed [...] Campus Code of Conduct".
1. Motion **approved** by a vote of 7-0-1.
- xlviii. R. Lieberwitz asked if the Committee would continue flagging what applies to everyone in the campus community.
- xlix. J. Anderson suggested doing so after going through "The Commitment to Responsible Speech and Expression" subsection.

1. R. Lieberwitz said that it would be useful to compare the language in the subsection with what is in the current Campus Code.
- li. J. Anderson said that the provision in “Subject to certain source of funding requirements [...] inviting organization” would be necessary, in response to R. Lieberwitz’s comment on the Google document. He said that this is important from a student activity fee perspective.
- lii. M. Hatch said that the phrase “on Cornell-owned property” would suggest that off-campus student groups could hold closed meetings, but not with student activity funds.
- liii. J. Bogdanowicz said that the sentence, “Only members of the Cornell community or permitted users may hold or host events on Cornell-owned property” is also in the current Code.
- liv. R. Lieberwitz said that she was merely raising an issue and that she believes the language should remain in the current draft. She also moved to remove the hyperlink included in the paragraph.
 1. J. Anderson agreed and said that the Committee should flag the link and take relevant information from it.
 2. Motion to remove the link **approved** by a vote of 6-1-1.
 3. J. Michael said that she only voted against the motion because the website version has informative policies in writing and she is unsure of why there is an aversion to a link.
 4. R. Lieberwitz said that in her experience with regulations, substantively contradictory material can be added in later on, which would raise debates.
 5. R. Bensel agreed and said that links could change.
- lv. R. Lieberwitz suggested to strike “within commonly accepted limits of safety and civility”.
- lvi. L. Taylor said that the phrasing of “commonly accepted limits of safety and civility” is vague and questioned who would decide what it means.
- lvii. R. Bensel said that “accepted limits of safety and civility” could be too narrowly restricting.
- lviii. R. Lieberwitz said that defining unprotected expression should be specific and clear enough to be able to identify what they would be. She said that an unknown constituent should not be deciding what would be considered commonly accepted limits.
- lix. M. Hatch suggested striking the paragraph as it is irrelevant to the statement of values that the Committee is currently working on.
- lx. R. Bensel said that the Committee should first vote on whether to strike the paragraph.
- lxi. R. Lieberwitz said that she understands the reasoning for striking the paragraph but noted that it is a fundamental point. She said that it should be

introduced by a reaffirmation of freedom of expression.

- lxii. J. Michael suggested tabling this discussion.
- lxiii. R. Bensel said that the Committee is concluding meeting with M. Hatch's motion to amend R. Lieberwitz's motion.

IV. Adjournment

- a. Adjournment
 - i. J. Michael moved to adjourn the meeting.
 - ii. The meeting was adjourned at 2:34pm.

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

SECTION I: PRINCIPLES AND VALUES OF THE CAMPUS COMMUNITY

Commented [RLL1]: I created a new heading for Section I, with subsection A. "Introduction".

A. Introduction

The essential purpose of the University's governing of community conduct is to protect and promote the University community's pursuit of its educational goals. To achieve these goals, the Campus Code of Conduct sets forth in Section I, principles and values that apply to all members of the Cornell community. These provisions are grounded in Cornell's historical educational traditions, particularly the founding visions of Ezra Cornell and Andrew Dickson White, as well as the contemporary mission of the University. One of the goals of the Code is to preserve and nurture an intellectual community in which "any person can find instruction in any study."

Commented [RLL2]: The first two sentences are new ones that I suggest using. It is partly from the current Code, and it is not yet in the draft revised code.

Cornell's institutional legacy as a private university combined with its public land-grant mission, statutory colleges, and membership among Ivy League peers make Cornell University unique. Among the principles that have emerged within Cornell's distinctive history are core values embracing the *inclusion of all persons, respect for and genuine understanding of personal differences, recognition of the breadth and diversity of life experiences and goals, the uninhibited expression of bold ideas, and civil discussion that focuses on ideas without engaging in personal attacks on character.*

Commented [3]: This section can be used for all, with the correct replacement of constituency.

The principle of freedom with responsibility is central to the University. Freedoms to teach and to learn, to express oneself and to be heard, and to assemble and to protest peacefully are essential to academic freedom and the function of the University as an educational institution. Responsible exercise of these rights mean respect for the rights of all. Infringement upon the rights of others or interference with the peaceful use of University premises, facilities, and programs violates this principle.

Commented [4]: Applies to everyone

Individual rights are thus central the University's history and identity. For that reason, the Code protects those individual rights as well as those rights dedicated to fairness in the treatment of all members of the university community.

Commented [5]: Applies to everyone

B. **The Commitment to Freedom of Expression and Academic Freedom**

Commented [RLL6]: This is an edited heading.

The University has long affirmed its commitment to free expression and academic freedom. 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. 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.

Commented [RLL7]: The rest of this paragraph comes from the current Campus Code.

Freedom of expression is a paramount value in the Cornell community. However, as in society as a whole, freedom of speech cannot be absolute. Expression may be subject to reasonable time,

place, and manner restrictions and to narrow exceptions that define conduct that falls outside protected forms of expression.

1. Public Speaking Events on Campus

- Only members of the Cornell community or permitted users may hold or host events on Cornell-owned property. Subject to certain source of funding requirements, any registered or recognized campus organization or living group is free to invite a speaker to address its own membership in a private, closed meeting under ground rules set by the inviting organization. Such organizations are also encouraged to enrich campus discourse by inviting speakers to address the broader community.
- If a group or organization opens the event to the University community, it should seek to arrange adequate space to accommodate the reasonably expected audience. In such a public event, the inviting group may also decide whether there is to be a question-and-answer period and, if so, its length and general format. If a question-and-answer period is held, neither the speaker nor the moderator should be allowed in recognizing speakers to discriminate on such grounds as ethnicity, gender, national origin, political persuasion, race, religion, sexual orientation or affectional preference, or other suspect or invidious categories. By the same token, at a public event, the sponsoring organization should not be allowed to bar attendance or give preferred seating on the basis of such suspect or invidious categories.
- Once members of the university community have extended an invitation to a speaker, others will not be permitted to substantially disrupt the speech or substantially interfere with the rights of others to hear the speaker. Protests and counter-protests that do not infringe upon the freedom of speech of a speaker are both permitted and protected.

Commented [RLL8]: See, the Outdoor Space Working Group recommendations that support using the word "substantially":
<http://news.cornell.edu/stories/2015/09/rules-holding-outdoor-events-campus-clarified>

2. Protests and Demonstrations

- Outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property. No university permit is required for such outdoor activities. The staging of a counter-protest does not, in-itself, constitute a disruption to a University function or authorized event.
- [Text needs to be added to the provisions about symbolic structures] University rules regarding the erection of symbolic structures on campus, use of campus facilities, and demonstrations can be found at: *[new url linking to Policy Outdoor Space Working Group language will be included here]* <https://ccengagement.cornell.edu/campus-activities/even-planning/reserving-space>
<http://news.cornell.edu/stories/2019/02/new-event-planning-policies-unveiled-following-student-input>
- Protests and demonstrations that take place inside of university buildings are protected expression unless they disrupt the specific business or other purposes of the property, including classrooms, libraries, laboratories, living units, and faculty and

Commented [RLL9]: The substantive provisions about symbolic structure and about recruiters should be included here, not a URL. The substantive content of a website can be changed without consultation with the CJC. This must be avoided. Therefore, substantive content should be included in the Code.

administrative offices.

- Protests or demonstrations that express views about recruiters on campus is protected expression, unless such protest or demonstration intentionally disrupts a recruitment interview or information session that is being carried out in accordance with ordinary University processes.

3. Scope of Presidential Responsibility

- The President shall consult with the University Assembly and other elected campus governance bodies on a regular basis to ensure that the community's fundamental commitments to free expression and respect for others are being safeguarded.
- The University President has the responsibility to protect the community and maintain public order in rare cases where the provisions of this Code are insufficient to maintain public order and imminent threats to health and safety require it. It is not intended the President will exercise such authority in cases involving individual misconduct. Any intervention by the President in campus rights of expression and assembly shall be reported in a timely way to the community, with an explanation of the reasons for such actions. Such deviation from the implementation of said policies should last no longer than necessary to alleviate any pending threat.

Commented [RLL10]: I've added sentences to this paragraph from the current Campus Code. Also, I would keep the language of "require it" because this places a burden of proof on the President to show the causal link between the conditions and the actions taken by the President.

SECTION II: DEFINITIONS

1. **Definitions.** The following definitions apply to the Code.

1.1 The term "campus" includes property owned, leased, used, or controlled by Cornell, as well as the sidewalks and pathways immediately adjacent to that property.

1.2 The term "University" means Cornell University, as well as affiliated programs sponsored and directed under its auspices, including, but not limited to, University programs in remote locations outside of New York but within the United States. Examples of such programs would include participation in athletic competitions, attendance at conferences, and internship sites such as Cornell-in-Washington

1.3 The term "student" includes undergraduate, graduate, medical, veterinary, executive, and professional students from the moment that they enter the University. That moment is, depending on which is the earliest, either: (a) the first day of the term for which they were admitted to study; (b) their first day of residence in a university residence hall; or (c) the first day of a university-sponsored pre-orientation trip, activity, or academic program in which they participate. A student's status ends (with some exceptions noted in related Conduct Procedures) when a student : (a) withdraws or is withdrawn from the University; (b) is expelled from the University; or (c) is awarded a degree.

The term student also includes persons not officially registered, and not faculty members or other University employees, if they are: (a) currently enrolled in or taking classes at the University; (b) currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or (c) currently on leave of absence or under suspension from being a student of the University.

Commented [RLL11]: I like Richard's paragraph, above. Also, I added this paragraph is from the current Code. Should it be part of the definition of "student"?

SECTION III: SCOPE

Procedures for adjudication of alleged misconduct by students are different from procedures for adjudication of alleged misconduct by faculty and staff. In all cases, the such adjudications should be carried out through fair procedures that provide due process to individuals or groups who are alleged to have engaged in misconduct.

A. Code Provisions Covering Student Conduct

The Campus Code of Conduct covers behavior by all Cornell students, and University registered or recognized student organizations and living groups (fraternities and sororities). The Code generally applies to campus owned or controlled properties as well as participation in programs sponsored or administered by the University. Determination of whether conduct is subject to this Code will be made by the Judicial Administrator in consultation with the Dean of Students and Code and Judicial Committee. In addition, a student's online activities and conduct when using University networks and computing resources is similarly covered by the Code.

The administration of the Campus Code should be carried out in ways that create opportunities to grow from personal mistakes, processes for implementing restorative justice, and the imposition of sanctions which protect and enhance the educational mission.

Section IV of the Campus Code sets forth provisions defining prohibited conduct. The **Student Conduct Procedures** (Section V) provide the framework to address allegations of prohibited conduct by individual students, recognized sororities, fraternities or student organizations. The Student Conduct Procedures set forth the adjudicatory process, the respective rights and responsibilities of participants, and the roles of University representatives at each respective stage (i.e. alleged violations, administrative resolution versus hearing procedures and, if applicable, the imposition of sanctions).

Commented [RLL12]: I've made some edits to this paragraph from the GC's office.

||

Commented [13]: Add due process section?

Authority and administration of the Code and Procedures are vested with the ***Vice President for Student and Campus Life (SCL)***, in consultation with the University Assembly. 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 administered pursuant to policies and procedures applicable to employees of the University.

[Replacing the above with: Administration of the Code is vested with the Office of the Judicial Administrator, in consultation with the University Assembly.

B. Faculty and Staff Conduct

Adjudication of alleged misconduct of University *faculty* and *staff*, is separately administered pursuant to the Cornell policies and procedures applicable to faculty and staff of the University. Such policies and procedures apply to adjudication of alleged Code-related or non-Code related misconduct.

- For employees, excluding academic and bargaining unit staff, relevant Cornell policies include:
 - (1) Cornell University Policy 6.11.3: disciplinary process.
 - (2) Cornell University Policy 6.11.4: staff complaint and grievance procedure.
 - (3) Cornell University Policy 6.4 and related procedures: Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct.
- For bargaining unit staff, relevant Cornell policies and collective bargaining agreement provisions include:
 - (1) Collective Bargaining Agreement: provisions for the disciplinary process and grievance/arbitration process.
 - (2) Cornell University Policy 6.4 and related procedures: Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct.
- For academic staff, relevant Cornell policies include:
 - (1) Cornell University Policy 6.2.10: Establishment of college-level academic employee grievance procedures.
 - (2) Cornell University Policy 6.4 and related procedures: Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct.
 - (3) Cornell University Faculty Senate Committee on Academic Freedom and Professional Status of the Faculty: Complaint process.
 - (4) Cornell University Faculty Handbook, chapter 4.3: Procedures Governing Imposition of Suspension or Dismissal on Professors.

The Code does not govern criminal conduct, though criminal conduct can violate both the Cornell Student Code as well as criminal statutes. Accordingly, because violations of *public laws* are handled through criminal prosecution or civil litigation for entirely distinct public policy purposes, the Cornell Student Conduct Code process and separate 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.

[Add the following to the above paragraph: All members of the University community, including students, must comply with federal, state, and local laws, regulations, and ordinances. --Richard

Commented [14]: Move this paragraph to procedural section and reconsider implications of concurrent processes

Note: This addition would allow us to eliminate a separate section toward the end of the Student Code.]

[From Risa: The following provisions are in the current Code regarding jurisdiction by the University and by the public criminal justice system. These are important provisions that I think we should add back in. I think they could be moved closer to the procedural parts of the Code rather than putting them here:]

C. Basic Policies on University Conduct Regulation in Relation to Public Law Enforcement

The following basic policies will apply in situations where misconduct violates both a University conduct regulation and the public law:

1. The Code does not govern criminal conduct, though criminal conduct can violate both the Cornell Student Code as well as criminal statutes. Thus, the Judicial Administrator has discretion to pursue even serious breaches of the law under the Campus Code of Conduct. Timely dealing with alleged misconduct is vital. Nevertheless, the Judicial Administrator should consider whether justice counsels withholding the exercise of University jurisdiction until public officials have disposed of the case by conviction or otherwise.
2. When the Judicial Administrator determines that misconduct does not constitute a serious breach of the law and that the interests of justice would be served by handling such misconduct within the University jurisdiction, he or she shall:
 - a. attempt to exercise jurisdiction in a manner to avoid dual punishment for the same act;
 - b. cooperate with public officials so that the exercise of University jurisdiction ordinarily will not be followed by public prosecution of the individual's misconduct; and
 - c. withhold the exercise of University jurisdiction, when prompt public prosecution is anticipated or is under way, until public officials have disposed of the case by conviction or otherwise.
3. Policies covering conduct that violates both a University conduct regulation and the public law, where feasible, should be based on jurisdictional understandings and procedures jointly developed and periodically reviewed by University and local officials. To the maximum extent feasible, jurisdictional understandings shall be made known to the University community.

D. Other Policies on the University's Role in Public Law Enforcement

1. When public officials apprehend an individual for a violation of the public law, whether or not the misconduct is also a violation of a University conduct regulation, the University shall neither request nor agree to specially advantageous disposition of an individual's case by police, prosecutors, or judges solely because of that individual's status as a member of the University community. Nonetheless, the University stands ready to assist student

defendants and to cooperate with public officials to promote equitable application of the law. Should a student charged with law violation request assistance from the University, a representative of the Office of the Dean of Students or Office of the University Ombudsman will meet with such student and may advise him or her and, if requested, may facilitate the student's retention of suitable counsel. If the law violation does not also constitute a violation of a University conduct regulation, and if the student defendant consents, the University ordinarily will cooperate with the request of appropriate law enforcement officials for programs of probation or rehabilitation. Notwithstanding the above provisions, if the prosecution, the complainant, and the accused all consent, minor breaches of the law may be handled exclusively within the University jurisdiction, except in case of repeat offenses.

2. The University's cooperation with law enforcement, at the request of public officials, shall be exercised in each particular case with a view to safeguarding the interests of the educational community, especially that community's confidence in the University.

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

For incidents for which the reporting party is not an enrolled Cornell student, the University may (but is not obligated to) proceed as the Complainant.

Commented [RLL15]: Provisions about transcript notations should be placed in the section about procedures and/or penalties for prohibited conduct.