

Cornell Student Code of Conduct 10.03.20 Counsel DRAFT

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*’.¹ 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,

¹ 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 and 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 include 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 also 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 and Community Standards (OSCCS), overseen by the VP SCL or their designee. 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 also includes streets, sidewalks, and pathways adjacent to or in the immediate vicinity of the 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. 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 they graduate.
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 and registered 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 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.

The 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 VP SCL, or their designee.

Students are further required to inform their guests as to Cornell's behavioral standards and expectations.

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 OSCCS 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; or, if the student departs the university prior to graduation, then at the time 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 the transcript notation of the suspension has been removed in accordance with the University Registrar's transcript notation policy;
- (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 VP SCL 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:

- 4.1 Alcohol-Related Behavior
- 4.2 Assault and Endangerment
- 4.3 Bribery
- 4.4 Collusion
- 4.5 Disorderly Conduct

- 4.6 Disruption of University Activities
- 4.7 Drug-Related Behavior
- 4.8 Failure to Comply
- 4.9 Fire Safety
- 4.10 Harassment
- 4.11 Hazing
- 4.12 Invasion of Privacy and Appropriation of Identity
- 4.13 Misconduct Related to Student Organizations or Groups
- 4.14 Misrepresentation
- 4.15 Obstruction with Code of Conduct Investigation and Adjudication Process
- 4.16 Property Damage
- 4.17 Public Exposure/Lewdness
- 4.18 Public Urination or Defecation
- 4.19 Theft and Intellectual Property Infringement
- 4.20 Unauthorized Entry or Use of Space
- 4.21 Violations of Public Law(s)
- 4.22 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, political affiliation, sex, gender identity or expression, disability, predisposing genetic characteristics, familial status, or marital status.

4.1 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;
- Possessing alcohol in unauthorized spaces regardless of age;
- Operating a motor vehicle under the influence of alcohol;
- Public intoxication.

4.2 Assault and Endangerment

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

- Any unwelcome physical contact, including but not limited to, striking, slapping, hitting, biting, punching, shoving, or kicking;

- Any physical action that is objectively abusive, threatening, intimidating, or endangers the physical or mental health or safety of another person.
- Any action that threatens or endangers the physical or mental 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.

4.3 Bribery

To bribe a University employee or student for personal gain.

4.4 Collusion or Complicity

To participate, aid or assist another person, including a guest invited to campus by the individual, to commit a violation of the Code.

4.5 Disorderly Conduct

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

- Violent or threatening behavior;
- Unreasonably loud or belligerent behavior;
- Obstruction of vehicular or pedestrian traffic.

4.6 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:

- Substantially obstructing or interfering with the lawful exercise of freedom of speech or freedom of peaceable assembly of any person or persons;
- Substantially 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 participation of another person in an authorized activity or event, such as regular and special curricular activities, extracurricular activities, employment interviews, and recruiting activities.

4.7 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, as defined by state or federal law, including, but not limited to:

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

4.8 Failure to Comply

Failure to comply with:

- A lawful directive of a University official within the scope of that person’s duties or employment;
- 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.

4.9 Fire Safety

- Intentionally or recklessly causing a fire that damages University or personal property or which causes injury;
- Failure to comply with the requirement that all persons must leave a University building after a fire alarm has sounded or other notice of evacuation has been given, whether or not a drill;
- Tampering with or improper activation of a fire alarm, fire hydrants, covering or otherwise compromising the proper functioning of a smoke detector or fire sprinkler, theft or improper use of a fire extinguisher;
- Possessing or using firecrackers or flare for any purpose other than vehicular safety.

4.10 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 an adverse 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

4.11 Hazing

Hazing is any act that could reasonably be perceived as likely to risk mental, physical or emotional distress or harm as an explicit or implicit condition of recruitment, admission, or initiation into, or new or continued membership status within a group, team, organization, living group or academic group or cohort. Hazing can occur on or off campus. The individual subjected to hazing does not need to regard or identify the act as hazing. The fact that an individual does not object to and/or appears willing to participate in the activity, does not signify the conduct is not hazing. Examples of hazing include but are not limited to causing, encouraging, or compelling another person to:

- Undertake acts of servitude or menial tasks
- Damage or steal property or engage in other illegal acts
- Consume alcohol or drugs
- Consume unpalatable substances, or palatable substances to excess
- Undergo undue financial expenditures
- Engage in acts relevant to those of the group (for example practice or training activities), but in a manner that a reasonable person would consider excessive or dangerous
- Abuse, humiliate, degrade, or taunt another person or persons
- Subject any other person (including an existing member or cohort of existing members of the group) to any of the above activities

4.12 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 without permission.

4.13 Misconduct Related to Student Organizations or Groups

- To knowingly affiliate with groups, teams, or organizations that have had their University recognition or registration withdrawn, suspended or permanently revoked by the University for disciplinary reasons. 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 unrecognized student groups who have never had University recognition or who are currently not recognized by the University because of non-disciplinary disbandment. However, known members of unrecognized student groups may be held accountable for prohibited conduct by these groups.
- To use age, race, ethnicity, creed, color, national origin, sexual orientation, military status, political affiliation, sex, gender identity or expression, disability, predisposing genetic characteristics, familial status, or marital status as a basis for exclusion from university or group activities on campus, except as permitted by University policy in accordance with federal law.
- 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.

4.14 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”);
- To possess and use 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.

4.15 Obstruction with Code of Conduct Investigation and Adjudication Process

Obstruction or interference with, or failure to comply with, Code of Conduct processes, including, but not limited to:

- Falsification, distortion, or misrepresentation of information;

- Failure to provide, destroying or concealing information related to a potential or actual Code violation;
- Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system;
- Retaliating against another person for participation in the Code process;
- Refusing to participate, without a substantial reason, as a witness in an investigation of or proceeding brought to enforce potential violations of this Code;
- Failure to comply with the sanction(s) imposed by the Code or other conduct policy, including Policy 6.4;
- Failure to comply with the terms of an agreement reached pursuant to an Alternative Dispute Resolution process, as provided in Code Procedures Section 15.

4.16 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 property owned by the University, or other entities and individuals without regard to whether they are affiliated with the University.

4.17 Public urination or defecation

To urinate or defecate in public.

4.18 Public Exposure/Lewdness

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 which is not covered by Policy 6.4.

4.19 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.

4.20 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;
- Building a structure on the campus without a permit or in violation of the conditions of a permit.

4.21 Violations of Public Law(s)

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

4.22 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.