

Draft Language for Housekeeping Changes to the Campus Code of Conduct

Proposed language to address to the suspension length, definition, and reporting date for organizations

Current Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017)).	Proposed Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017)).
<p>4. Limitations Period</p> <p>Any charge of a violation of this Code must be initiated by the filing of charges by the Judicial Administrator within one calendar year of the date of the alleged violation. Exceptions to this policy that extend the period beyond one year are:</p> <ul style="list-style-type: none">a. In cases where the charge involves fraud, the period shall be one calendar year from the alleged fraud or 60 calendar days from the filing of a complaint alleging fraud, whichever is longer, but in any event no more than three calendar years from the alleged fraud.b. In cases where the individual to be charged is absent from the University because of either (1) a leave of absence, (2) a termination of employment, or (3) a withdrawal as a student, a charge may be brought within one calendar year of the alleged violation or within 60 calendar days of his or her return to the jurisdiction of the University judicial system, whichever is later.c. In cases where the individual to be charged is facing public prosecution involving the same matters, a charge may be brought within 60 calendar days of the final disposition of such prosecution. Should it appear that the individual will leave the University before such time, the President	<p>4. Limitations Period</p> <p>Any charge of a violation of this Code must be initiated by the filing of charges by the Judicial Administrator within one calendar year of the date of the alleged violation. Exceptions to this policy that extend the period beyond one year are:</p> <ul style="list-style-type: none">a. In cases where the charge involves fraud, the period shall be one calendar year from the alleged fraud or 60 calendar days from the filing of a complaint alleging fraud, whichever is longer, but in any event no more than three calendar years from the alleged fraud.b. In cases where the individual to be charged is absent from the University because of either (1) a leave of absence, (2) a termination of employment, or (3) a withdrawal as a student, a charge may be brought within one calendar year of the alleged violation or within 60 calendar days of his or her return to the jurisdiction of the University judicial system, whichever is later.c. In cases where the individual to be charged is facing public prosecution involving the same matters, a charge may be brought within 60 calendar days of the final disposition of such prosecution. Should it appear that the individual will leave the University before such time, the President

<p>or his or her designee may cause the individual's degree to be withheld for the period in which the Judicial Administrator may file charges.</p> <p>d. The Judicial Administrator may request a Hearing Board Chair to extend any limitations period by up to an additional six calendar months, without required notice to any other person but upon a showing of special circumstances justifying such an extension, provided that the Judicial Administrator delivers such written request to a Hearing Board Chair prior to the expiration of that period.</p>	<p>or his or her designee may cause the individual's degree to be withheld for the period in which the Judicial Administrator may file charges.</p> <p>d. In cases where the Respondent is a University-Registered Organization the period shall be no more than three calendar years from the alleged violation.</p> <p>e.-d. The Judicial Administrator may request a Hearing Board Chair to extend any limitations period by up to an additional six calendar months, without required notice to any other person but upon a showing of special circumstances justifying such an extension, provided that the Judicial Administrator delivers such written request to a Hearing Board Chair prior to the expiration of that period.</p>
<p>(Title Three, Art. IV, Sec. A.1.c.6 (pg. 25, 2017)).</p> <p>(6) Suspension of all privileges for a stated period not to exceed one year.</p>	<p>(Title Three, Art. IV, Sec. A.1.c.6 (pg. 25, 2017)).</p> <p>(6) Suspension of all privileges for a stated period not to exceed one year five years.</p>

Proposed language to address to immediate suspension for non-compliance of sanctions

Current Language (Title Three, Art. IV, Sec. C.2 (pg. 36, 2017).	Proposed Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017).
<p>2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator shall notify the University Registrar, Office of the Dean of Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.</p>	<p>2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator shall may¹ notify the University Registrar, Office of the Dean of Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.</p>
<p>N/A</p>	<p>(Title Three, Art. II, Sec. A.3 (pg. 18, 2017).</p> <p>(m) To refuse to comply with any validly issued penalty or remedy dispensed by the Office of the Judicial Administrator lawful order of a clearly identifiable University official acting in the performance of his or her duties, or with a policy 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.²</p>

¹ The term “may” will preserve the rare instances of addressing, for example, serious violations of NCDs.

² Same language as Title IV; some language from peer-institutions will be shared.

Proposed language to role of non-matriculated minors

Current Language (Title Two, Art. I, Sec. B.2 (pg. 10, 2017)).	Proposed Language (Title Two, Art. I, Sec. B.2 (pg. 10, 2017)).
<p>1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as:</p> <ul style="list-style-type: none"> a. a degree candidate in any of Cornell’s undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. <p>2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:</p> <ul style="list-style-type: none"> 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. 	<p>1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as:</p> <ul style="list-style-type: none"> a. a degree candidate in any of Cornell’s undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. <p>2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:</p> <ul style="list-style-type: none"> a. currently enrolled in or taking classes at the University, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent, so long as such individuals are subject to written behavioral expectations, policies or procedures; 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.

Proposed language regarding removal of indefinite suspension

Current Language (Title Three, Art. II, Sec. E.1.c (pg. 24, 2017).	Proposed Language (Title Three, Art. II, Sec. E.1.c (pg. 24, 2017).
<p>1. Circumstances Requiring Hearing</p> <p>c. The offender may petition in writing for readmission from indefinite suspension.</p>	<p>Circumstances Requiring Hearing</p> <p>c. The offender may petition in writing for readmission from indefinite suspension.</p>
<p>(Title Three, Art. IV, Sec. A.1.a.8 (pg. 34, 2017).</p> <p>(8) Suspension from the University for a stated period not to exceed five years, or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred. Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board. While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree.</p>	<p>(Title Three, Art. IV, Sec. A.1.a.8 (pg. 34, 2017).</p> <p>(8) Suspension from the University for a stated period not to exceed five years. or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred. Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board. While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree.</p>
<p>(Title Three, Art. IV, Sec. A.2.b (pg. 34, 2017).</p> <p>b. Ordinarily, the penalty for a third violation by a student within a twelve-month period should be probation or suspension from the University for a stated or indefinite period and denial of academic credit for the term in which the suspension occurs. The penalty may be reduced if a lesser penalty would more appropriately serve the interests of justice and if, in addition, the offender expressly agrees not to engage in misconduct of specified kinds in the next twelve months. In such a case of indefinite suspension, the offender may petition the</p>	<p>(Title Three, Art. IV, Sec. A.2.b (pg. 34, 2017).</p> <p>b. Ordinarily, the penalty for a third violation by a student within a twelve-month period should be probation or suspension from the University for a stated or indefinite period and denial of academic credit for the term in which the suspension occurs. The penalty may be reduced if a lesser penalty would more appropriately serve the interests of justice and if, in addition, the offender expressly agrees not to engage in misconduct of specified kinds in the next twelve months. In such a case of indefinite suspension, the offender may petition the</p>

University Hearing Board in writing for readmission, but no application for readmission for the academic term following the academic term in which the suspension occurred will be permitted	University Hearing Board in writing for readmission, but no application for readmission for the academic term following the academic term in which the suspension occurred will be permitted
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Proposed language regarding misuse of confidential information

Current Language (Title Three, Art. II, Sec. A.2.d (pg. 17, 2017)).	Proposed Language (Title Three, Art. II, Sec. A.2.d (pg. 17, 2017)).
<p>2. It shall be a violation of this Title, as an offense against the University:</p> <p>d. To (1) forge, fraudulently alter, willfully falsify, or otherwise misuse University or non-University documents (including computerized or noncomputerized records, parking permits, dining cards, identification cards, other permits or cards, reserve books, or other property), or (2) possess such forged, altered, or falsified documents, or (3) unlawfully possess the identification of another person if that identification has a date of birth that would make the person legal to consume alcohol at a time the accused is not of a legal drinking age.</p>	<p>2. It shall be a violation of this Title, as an offense against the University:</p> <p>d. To (1) forge, fraudulently alter, willfully falsify, or otherwise misuse University or non-University documents (including computerized or noncomputerized records, parking permits, dining cards, identification cards, other permits or cards, reserve books, or other property), or (2) possess such forged, altered, or falsified documents, or (3) unlawfully possess the identification of another person if that identification has a date of birth that would make the person legal to consume alcohol at a time the accused is not of a legal drinking age, or (4) release or misuse University documents denoted in writing to be confidential where an individual has previously assented to described terms of confidentiality.</p>

Proposed language clarifying UHRB appointment procedures

Current Language (Title Two, Art. IV, Sec. C.3 (pg. 14-15 2017)).	Proposed Language (Title Two, Art. IV, Sec. C.3 (pg. 14-15 2017)).
<p>3. Members of the University Hearing Board and University Review Board pool shall serve terms of office as follows:</p> <p>a. All members shall be appointed for two-year staggered terms.</p> <p>b. Terms of office shall begin June 1 of the year appointed. Any appointment to fill a vacancy or to address an emergency shall become effective immediately.</p> <p>c. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to</p>	<p>3. Members of the University Hearing Board and University Review Board pool shall serve terms of office as follows:</p> <p>a. All members shall be appointed for two-year staggered terms, except for students entering their final year of study, who shall be appointed for one-year terms.</p> <p>b. Terms of office shall begin June 1 of the year appointed. Any appointment to fill a vacancy or to address an emergency shall become effective immediately.</p>

<p>communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.</p>	<p>c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee.</p> <p>d. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.</p>
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Proposed language clarifying JA appointment procedures

Current Language (Title Two, Art. II, Sec. A.3 (pg. 12 2017)).	Proposed Language (Title Two, Art. II, Sec. A.3 (pg. 12 2017)).
<p>3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and four members appointed by the University Assembly, to propose two or more nominees to the President. The President shall appoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.</p>	<p>3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year</p> <p>a. Four months preceding the expiration of the term of the Judicial Administrator, the chair of the University Assembly shall convene a six-member committee, including two members appointed by the President, two members appointed by the University Assembly, the chair of the Codes and Judicial Committee, and the Judicial Codes Councilor to provide feedback to the Judicial Administrator and evaluate their term. The committee will internally elect a chair and may make a recommendation to the President either in favor or against the Judicial Administrator being nominated for an additional term. or</p> <p>b. Upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and</p>

	<p>four members appointed by the University Assembly, to propose two or more nominees to the President.</p> <p>The President shall appoint or reappoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.</p>
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Proposed language adding discretion to No Contact Directive procedures

Current Language (Title Three, Art. III, Sec. B.2 (pg. 19, 2017)).	Proposed Language (Title Three, Art. III, Sec. B.2 (pg. 19, 2017)).
<p>a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive.</p> <p>b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.</p> <p>c. In the event the Judicial Administrator is notified of a violation of the terms of the NoContact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may suspend the accused temporarily, pending resolution of the underlying case.</p>	<p>a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive, binding upon all involved parties.</p> <p>b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.</p> <p>c. In the event the Judicial Administrator is notified of a violation of the terms of the No-Contact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may impose additional interim measures or suspend the accused temporarily, pending resolution of the underlying case.</p>