



Formal Charge

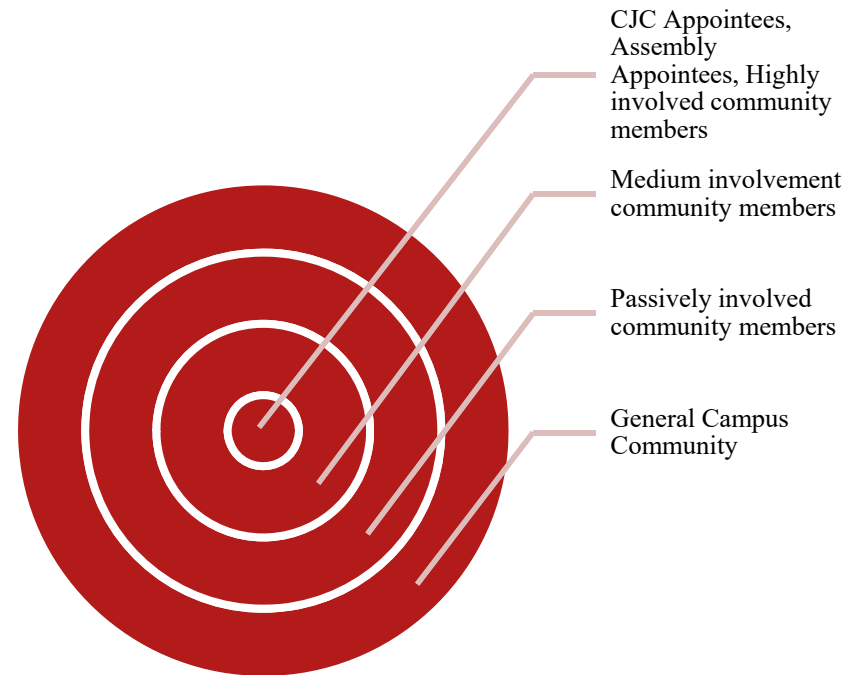
- **The Hate Speech Working Group of the Codes & Judicial Committee is charged with engaging the Campus Community to draft specific language proposals for the Codes & Judicial Committee's consideration in regards to Hate Speech and its relationship to the Campus Code of Conduct. Such proposals may include new draft language for the Committee's consideration, draft language for the modification of an existing Code provision (such as harassment or similar), a proposal of no action, or other proposals that the Working Group reasonably believes will advance the discussion of this topic including analysis of the benefits and drawbacks of proposed language, how they have defined the scope of Hate Speech, etc.**
- **The Working Group's meetings shall be open to the public and the Working Group shall report their progress to the Committee regularly and upon request. The Committee retains overall control and responsibility for the Working Group's actions and may alter this charge by majority vote.**

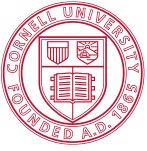




Approved Working Group Structure

- **Four CJC Appointees**
 - Subject matter experts to help guide and facilitate
 - One from each constituency
- **One Seat filled by each constituent Assembly**
 - Keeps the working group small and nimble
 - Allows for direct involvement of Constituent Assemblies
- **Unlimited, open community membership**
 - Avoids individual appointees “holding seats” and not being engaged.
 - Aims to allow for maximum community input and engagement





**Timeline for Hate Speech
Working Group**


Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					Community Forum – if necessary second forum scheduled	
			Feedback from Forum Posted			
Additional Public Comment Period			Additional Public Comment Period			
					Summary of Comments Prepared and Posted.	
		Working Group meets to consider draft language			Working Group Posts language options and explanation	
Public Comment Period						
		Working Group meets to consider comments			Working Group proposes three to five options to the full CJC	

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Community Forum on Hate Speech and the Campus Code of Conduct

October 27, 2017
3:15 PM – 4:45 PM
Klarman Auditorium

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Introduction and Structure for Today


Presentation

- Brief background
- The Committee and Working Group's Charge and Timeline
- Existing Code provision about Harassment (for context)
- The structure of the working group
- How you may become involved

Questions from Presentation

Open Discussion

- Second forum upcoming
- Written comment period upcoming

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Background

University Assembly (UA)

- Made-up of 20 students, faculty, and staff
- Five members from each constituency (Five Undergraduate, Five Graduate, Five Faculty, and Five Staff)
- Holds responsibility for “cross-cutting” issues on Campus

Codes & Judicial Committee (CJC)

- Made-up of 11 students, faculty, and staff.
- Three members from the University Assembly, two from each constituency
- Holds responsibility and care for the Campus Code of Conduct

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The Committee and Working Group's Charge

Codes & Judicial Committee

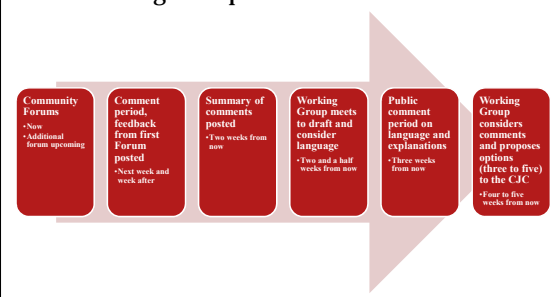
- Charged by the University Assembly to investigate Hate Speech's relationship to the Campus Code of Conduct
- Is currently examining this issue and has created a Working Group to specifically investigate this area

CJC Hate Speech Working Group

- Charged by the CJC to engage the community and to draft specific language proposals for the CJC's consideration
- Proposals may include: Completely new language, modification of an existing Code provision, a proposal of no action, etc.
- All meetings open to the public with the Working Group structured to specifically include community members


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The Working Group's Timeline



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graph LR
    A[Community Forums  
• Now  
• Additional forum upcoming] --> B[Comment period, feedback from first Forum posted  
• Next week and week after]
    B --> C[Summary of comments posted  
• Two weeks from now]
    C --> D[Working Group meets to draft and consider language  
• Two and a half weeks from now]
    D --> E[Public comment period on language and explanations  
• Three weeks from now]
    E --> F[Working Group considers comments and proposes options (three to five) to the CJC  
• Four to five weeks from now]
  
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Existing Code provisions about Harassment


Cornell Campus Code of Conduct, Title Three, Article Two, § A, §§ d (Page 16 in the Code, page 21 in the Code's electronic PDF)

- 1. It shall be a violation of this Title, as an offense against another person or the university:
- d. To harass another person (1) by following that person or (2) by acting toward that person in a manner that is by objective measure threatening, abusive, or severely annoying and that is beyond the scope of free speech.

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The Structure of the Working Group

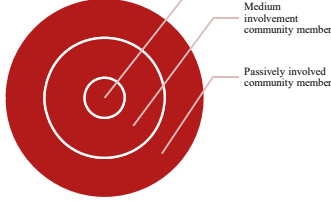
-  **Four Members Appointed by the CJC** (one from each constituency)
-  **One member appointed from each constituent Assembly** (Student Assembly, Employee Assembly, etc.)
-  **Unlimited, open community membership**

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How you may become involved

The Working Group is structured like a set of rings

- You can be as involved as much or as little as you would like
- All are welcome and invited to participate
- Participation can be as simple as attending this Forum to as involved as attending every Working Group meeting, speaking on proposals, etc.



CJC Appointees, Assembly Appointees, Highly involved community members
Medium involvement community members
Passively involved community members

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Logistics of becoming involved

Email list

- In the front there is a laptop, at the end if you would like to receive emails about the Working Group, please put down an email address.

Public Comments

- Will be opening electronically shortly. If you have comments now, we have a box at the front for you to leave them. You may also email me (mab622@cornell.edu) with them.


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Contact Information

- If you have questions, comments, or suggestions:
- Matthew Battaglia, Chair, Codes & Judicial Committee – Mab622@cornell.edu
- Current CJC appointees to the Working Group:

<u>Undergraduate</u> – Conor Hodges (ch732)	<u>Faculty</u> – Risa Lieberwitz (rl15)
<u>Employee</u> – Not yet filled	<u>Graduate/Professional</u> – Nate Stetson (nms96)



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Questions?



Campus Code of Conduct

<https://www.dfa.cornell.edu/policy/policies/campus-code-conduct>

Article I. Fundamental Principles

C. The Principle of Freedom with Responsibility

1. 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.

Article III. Responsible Speech and Expression

A. Public Speaking Events on Campus

2. Disruption of Invited Speakers

Freedom of speech, within commonly accepted limits of safety and civility, is a paramount value in a university community. In a university community, as in society as a whole, freedom of speech cannot be absolute. Speech that is libelous, or that incites a crowd to riot, deserves no protection. Perhaps no one, in real life, has ever falsely shouted "Fire!" in a crowded theater, but surely no one has a right to do so. Within such commonly accepted limits, however, freedom of speech should be the paramount value in a university community. 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. To curb speech on the grounds that an invited speaker is noxious, that a cause is evil, or that such ideas will offend some listeners is therefore inconsistent with a university's purpose. One may argue against inviting a speaker on the grounds that the speaker has nothing of importance to say. But once members of the university community extend an invitation, others may not disrupt the speech on the grounds that they find it stupid, immoral, or dangerous.

Those who dislike what an invited speaker is saying also have rights. The rights include distributing leaflets outside the meeting room, picketing peacefully, boycotting the speech, walking out, asking pointed questions, and, within limits set by the moderator, expressing displeasure with evasive answers. Those who oppose a speaker may thus make their views known, so long as they do not thereby interfere with the speaker's ability to be heard or the right of others to listen. Name-calling and the shouting of obscenities, even when they are not carried so far as to abridge freedom of speech, are nevertheless deplorable in a community devoted to rational persuasion and articulate controversy. Civility is a fragile virtue, but one upon which a university ultimately depends.

B. Protests and Demonstrations on Campus

1. Protected Expressive Conduct in General

The University will treat as within the basic protection of a right to free expression such lawful conduct as satisfies the following tests, where lawful means not in violation of state or federal law. The conduct should (a) be intended for expressive purposes, (b) be reasonably understood as such by the University community, and (c) comply with such reasonable time, place, and manner restrictions as are consistent with the other provisions of this Article and as may be authorized from time to time by the President.

Even in regard to conduct that is intentionally expressive and perceived as such, the University may impose reasonable time, place, and manner restrictions on such conduct to preserve other important values and interests of the University community. An accused charged with such conduct may assert as a defense that he or she has complied with such time, place, and manner restrictions.

All protection and regulation of expressive conduct should be content-neutral. A group's persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group's expressive conduct.

TITLE THREE: REGULATIONS FOR MAINTENANCE OF EDUCATIONAL ENVIRONMENT

Article II. Violations

A. Listing

1. It shall be a violation of this Title, as an offense against another person or the university:

c. To harass another person in a manner that would violate Cornell University Policy 6.4 if it were applicable.

d. To harass another person (1) by following that person or (2) by acting toward that person in a manner that is by objective measure threatening, abusive, or severely annoying and that is beyond the scope of free speech.

Harassment, Discrimination, and Bias Reporting:

<https://hr.cornell.edu/our-culture-diversity/diversity-inclusion/harassment-discrimination-and-bias-reporting>

Cornell Policy 6.4 <https://titleix.cornell.edu/policies/>

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

DEFINITIONS

Bias Activity

Action taken that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an actual or perceived aspect of diversity, including, but not limited to, age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.

Sexual Misconduct

A broad term encompassing any unwelcome behavior of a sexual nature designated as prohibited conduct by the applicable procedures under this policy.

Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4

<http://titleix.cornell.edu/procedure/>

2.8 Sexual and Gender-Based Harassment

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

Gender-Based Harassment is harassment based on gender, sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, 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 a person's employment, academic standing, or participation in any University programs or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or

2. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual's participating in or benefitting from the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- ☐ The frequency, nature, and severity of the conduct;
- ☐ Whether the conduct was physically threatening;
- ☐ The effect of the conduct on the complainant's mental or emotional state;
- ☐ Whether the conduct was directed at more than one person;
- ☐ Whether the conduct arose in the context of other discriminatory conduct;
- ☐ Whether there is a power differential between the parties; and
- ☐ Whether the conduct implicates concerns related to academic freedom or protected speech.

Because of protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered sexual or gender-based harassment unless this speech or 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 persons targeted by the speech.

Procedures for Resolution of Reports Against Faculty Under Cornell University Policy 6.4

<http://titleix.cornell.edu/procedure/>

B. Protected Status Harassment (see also “Sexual Harassment”)

When an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEO-protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

Protected-status harassment, including sexual harassment, occurs when an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEO-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment. The conduct constitutes harassment under any of the following conditions:

1. The conduct is direct.
2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
3. Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person.
4. The conduct is sufficiently severe or pervasive to alter the conditions of the victim's employment or academic pursuits, and creates a work or educational environment that a reasonable person would find abusive.

University Policy 6.2.10, Establishment of College-Level Academic Grievance Procedures or any other applicable grievance procedure will govern any grieved or contested disciplinary action, other than contested cases involving academic freedom issues, which is the adjudicatory responsibility of the Committee on Academic Freedom and Professional Status of the Faculty.

Procedures for Resolution of Reports Against Staff Under Cornell University Policy 6.4

<http://titleix.cornell.edu/procedure/>

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