

# Resolution 58: Suspending University Policy 4.23 to Affirm the Responsibility of the Shared Governance System and Uphold Freedom of Expression

**Abstract:** This resolution critiques the Interim Expressive Activity Policy (University Policy 4.23) for lacking consultation with shared governance bodies and infringing on freedom of expression. It calls for the policy's suspension until a formal consultation process is established, emphasizing the need to uphold academic freedom and collaborative decision-making.

**Sponsored by:** Imani Rezaka '24, Jahmal Wallen '24, Clyde Lederman '26,

**Reviewed by:** Student Assembly, 02/22/2024

**Type of Action:** Recommendation

**Originally Presented:** 02/22/2024

**Current Status:** Adopted by the Assembly

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**Whereas,** on January 24, 2024, the Cornell Administration announced its new Cornell Interim Expressive Activity Policy (University Policy 4.23).

**Whereas,** the system of shared governance was developed at Cornell University five decades ago as a fair and effective mechanism to create a binding social contract of community norms during a period of intensive national political, social, and generational divisions;

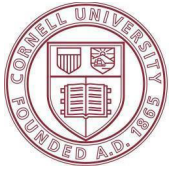
**Whereas,** the Charter of the Student Assembly sets forth that the purpose of the Assembly is “to effect more extensive involvement in campus governance in the undergraduate student body.”

**Whereas,** the Charter of the Student Assembly charges the Assembly with “the authority and the responsibility to examine any matters which involve the interests or concern the welfare of the student community.”

**Whereas,** this policy was enacted by the University administration absent the formal advice of the bodies of shared governance at Cornell, including the Faculty Senate, Graduate Student Assembly, and Student Assembly;

**Whereas,** the only feedback permitted to be provided by the Student Assembly was required by the Dean of Students to be done in a sixty-minute confidential meeting and with only six of the thirty-one members of the Student Assembly present;

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30 **Whereas**, the aforementioned confidential meeting occurred twelve days prior to the enactment  
31 of Policy 4.23, yet the University Administration claims this policy has been in development for  
32 many years;

33 **Whereas**, none of the feedback offered during the aforementioned meeting was implemented;

34 **Whereas**, the confidential nature of this process with stakeholders chosen by the University  
35 deeply undermines the spirit of collaboration and representative participation that undergirds the  
36 half century old system of shared governance;

37 **Whereas**, the directly elected trustees representing undergraduate and graduate students were  
38 entirely unaware of the development of this policy, as well as other on campus constituency  
39 elected trustees;

40 **Whereas**, the Student Assembly acknowledges the legal mandates that instruct the nature of  
41 University regulations on expressive activity, including by the Rules for the Maintenance of  
42 Public Order (RMPO);

43 **Whereas**, the Student Assembly affirms that the University President, pursuant to Article V(1)  
44 of the University Bylaws, “is charged with responsibility for providing general supervision to all  
45 affairs of the University”;

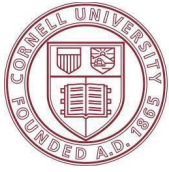
46 **Whereas**, for fifty years the Board of Trustees and University Presidents have affirmatively,  
47 formally, and seriously consulted the organs of shared governance in the exercise of their duties  
48 for the sake of campus unity and effective policymaking.

49 **Whereas**, the Interim Expressive Activity Policy includes substantial restrictions on expressive activity,  
50 including but not limited to:

- 51 1. Establishing an “expectation” of registration for outdoor demonstrations of 50 or more  
52 people; and all indoor demonstrations, tabling, or other expressive activity;
- 53 2. Prohibiting the use of candles or lamps unless approved by health and safety personnel;
- 54 3. Requiring that all posters, signs, flyers and banners must be dated, and must include the  
55 name of the sponsoring Cornell organization or unit or individual;
- 56 4. Prohibiting placing posters, signs and banners on trees or any outside structures;
- 57 5. Limiting the use of amplified sound to only in front of Day Hall and Ho Plaza between 12:00  
58 p.m. and 1:00 p.m. without prior written approval.
- 59 6. Allowing administration to use their sole discretion in prohibiting protests.

60 **Whereas**, the Interim Expressive Activity Policy states that it will be enforced through “the appropriate  
61 office for disciplinary action” and does not specify the penalties for breaking the rules;

62 **Whereas**, these policies stand in stark contrast to the Freedom of Expression theme year, which asks us  
63 to “to challenge personal beliefs, to consider new ideas and unfamiliar perspectives, and to foster  
64 discussion around core freedoms for democracy and higher education.” which is protected in the Cornell



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65 University Policy Statement on Academic Freedom and Freedom of Speech and Expression, the Cornell  
66 Faculty Handbook, and the Cornell Student Code of Conduct;

67 **Whereas**, the Cornell Campus Code of Conduct states: “Outdoor picketing, marches, rallies, and other  
68 demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property.  
69 No university permit is required for such outdoor activities. The presence of a counter-protest does not  
70 itself constitute a disruption to a University function or authorized event”;

71 **Whereas**, there are serious concerns about contradictions between the new restrictions in the “Interim  
72 Expressive Activity Policy” and protections of academic freedom and freedom of expression for faculty,  
73 student, and staff, as provided in the Cornell Policy Statement on Academic Freedom and Freedom of  
74 Speech and Expression, the Faculty Handbook, the Student Code of Conduct, and the prior Campus Code  
75 of Conduct;

76 **Whereas**, this interim policy appears to be in direct reaction to the rise of protest, rallies, and  
77 demonstrations on the Ithaca campus and creates a chilling effect among the Cornell community.

78 **Be it resolved**, that the Student Assembly shall engage our constituents and in full discussion and debate  
79 about the Cornell Interim Expressive Activity Policy, including concerns about contradictions between  
80 provisions in the Policy and other Cornell Policy protections of academic freedom and freedom of speech  
81 and expression.

82 **Be it resolved**, that is the sense of the Student Assembly that the fifty-year history of consultation  
83 between the University President and the Student Assembly is crucial mechanism to develop a cohesive  
84 social contract on campus;

85 **Be it resolved**, that is the sense of the Student Assembly that implementation of policies governing free  
86 expression and protest activity absent the formal advice of the assemblies severely strains the social  
87 contract at the University that is essential for a community of safety and belonging;

88 **Be it resolved**, that is the sense of the Student Assembly that the undergraduate student body is keenly  
89 and extraordinarily concerned with the provisions of University Policy 4.23 because of its outsized and  
90 restrictive effect on the exercise of freedom of expression;

91 **Be it resolved**, Student Assembly requests, petitions, and recommends that the University President and  
92 the Executive Policy Review Group not renew University Policy 4.23 beyond the first instance of its  
93 expiration without the formal advice of the assemblies in a process to be developed between University  
94 Assembly and the University President; and

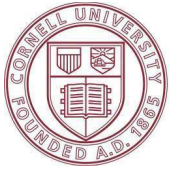
95 **Be it resolved**, it is the intention of the Student Assembly to develop a comprehensive process to solicit  
96 feedback from undergraduate students and provide detailed amendments to University Policy 4.23 prior to  
97 the conclusion of the 2024 Spring Semester.

98 **Be it finally therefore resolved**, the Student Assembly recommends University Policy 4.23 be suspended  
99 until a process for formal consultation may be developed and mutually agreed upon by the University  
100 Assembly and the University President.

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- 104 **Respectfully submitted,**  
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106 *Arts and Sciences Representative (Interim), Student Assembly*  
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108 Jahmal Wallen '24  
109 *Undergraduate Representative, University Assembly*  
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