

U.A. Resolution # 24 Appendices

Appendix A (Amendments Addressing Suspension within the Campus Code of Conduct)

1) Language to address to the suspension length, definition, and reporting date for organizations

Assembly Approved Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017).

4. Limitations Period

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:

- 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 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.
- 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.

~~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.

(Title Three, Art. IV, Sec. A.1.c.6 (pg. 25, 2017).

(6) Suspension of all privileges for a stated period not to exceed ~~one year~~ **five years**.

Language to address to immediate suspension for non-compliance of sanctions

Passed Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017).

2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator ~~shall~~ **may suspend the offender or issue a lesser penalty. In the event the JA elects to suspend, the JA 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.

Passed Language (Title Three, Art. II, Sec. A.3 (pg. 18, 2017).

(m) To refuse to comply with any valid penalty or remedy dispensed by the Office of the Judicial Administrator and/or University Hearing or Review Board

Language regarding removal of indefinite suspension

Passed Language (Title Three, Art. II, Sec. E.1.c (pg. 24, 2017).

Circumstances Requiring Hearing

~~e. The offender may petition in writing for readmission from indefinite suspension.~~

(Title Three, Art. IV, Sec. A.1.a.8 (pg. 34, 2017).

(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. [Add footnote reading "The Code previously allowed for indefinite suspension. While indefinite suspensions are no longer given as of [date of changes being accepted], any student indefinitely suspended at the time of indefinite suspensions being removed shall continue to be indefinitely suspended and subject to the appeals provision in-place at the time of removal.]~~

(Title Three, Art. IV, Sec. A.2.b (pg. 34, 2017).

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 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~~

Appendix B (Amendment Addressing the Role of Non-Matriculated Minors within the Campus Code of Conduct)

Language to address the role of non-matriculated minors

Passed Language (Title Two, Art. I, Sec. B.2 (pg. 10, 2017).

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:

- 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.

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:
- 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, 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; or
 - c. currently on leave of absence or under suspension from being a student of the University.

Appendix C (Amendments Addressing the Operations of the University Hearing and Review Boards and Hearing Mechanics)

Language clarifying UHRB appointment procedures

Passed Language (Title Two, Art. IV, Sec. C.3 (pg. 14-15 2017)).

3. Members of the University Hearing Board and University Review Board pool shall serve terms of office as follows:
- 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.
 - 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. Appointments made to fill a vacancy arising mid-term shall be granted the balance remaining of that term.
 - c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee. Faculty members seeking renewal will be reviewed by the Codes and Judicial Committee who shall receive input from the Dean of the University Faculty prior to reconfirmation by the University Assembly.
 - 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.

Language increasing the judicial boards pool size

Passed Language (Title Two, Art. IV, Sec. C.1 (pg. 14 2017).

C. Pool of Board Members

1. The University Hearing Board and University Review Board pool shall comprise 75 members confirmed by the University Assembly: 35 students, 20 faculty members, and 20 nonfaculty employees.

Language clarifying Hearing Board removal process

Passed Language (Title Two, Art. IV, Sec. C.3.c (pg. 15 2017).

c. Any Chair of the Hearing Board(s) or Review Board(s) shall have the authority to begin removal proceedings against 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. Upon a Chair beginning removal proceedings, the Chair shall furnish to the Codes & Judicial Committee of the University Assembly the following:

1. The name of the board member.
2. A rationale for their removal from the boards.
3. Prior steps taken to attempt to resolve the relevant issue(s).
4. Indication that the board member received at least fourteen days' notice of a Chair's intent to seek removal.

Upon receipt of the information, the Codes & Judicial Committee may remove the board member by a two-thirds vote of its seated membership. The Codes & Judicial Committee may request additional information from a Chair or other parties as part of their deliberation. For instances involving faculty members, the Dean of the Faculty shall also be consulted.

Language concerning Hearing and Review Board Procedures

Passed Language (Title Two, Art. IV, Sec. C.5 (pg. 15 2017).

5. Although the judicial boards decide cases and appeals when sitting in panels, the pool as a group, convened by the Administrative Chair, shall perform the following functions:
 - a. The judicial boards in consultation with the Codes & Judicial Committee of the University Assembly shall be responsible for establishing their own internal rules and procedures not specified elsewhere, and making them available through the Offices of the Judicial Administrator and the Judicial Codes Counselor.
 - (1) Such rules and procedures must not conflict or contradict provisions in this Code.

- (2) Such rules and procedures must be published in the Cornell Chronicle before going into effect.
- (3) Any changes in rules and procedures must be published in the Cornell Chronicle at least 30 calendar days before taking effect.

b. All changes to the judicial board’s rules and procedures must be provided to the Codes & Judicial Committee of the University Assembly at least 14 calendar days prior to approval by the boards. The Codes and Judicial Committee may reject any proposed change by a majority vote of its seated membership.

c. The Codes & Judicial Committee of the University Assembly may choose to modify the judicial board’s rules and procedures by a majority vote of its seated membership. Changes made by the Codes & Judicial Committee follow the same public notice procedures as apply to the judicial boards.

d. Upon request, the judicial boards shall report on their operations to the Codes and Judicial Committee of the University Assembly. When a report is requested, the boards shall provide it in the manner requested within thirty calendar days of receipt.

Language addressing public hearing notice timeframe

Passed Language (Title Three, Art. III, Sec. E.3.b (pg. 28 2017)).

(7) All hearings shall be private unless (a) the accused notifies the Judicial Administrator, no later than ~~two~~ **three** business days ~~before~~ **after the scheduling of** the hearing, that he or she wishes a public hearing and (b) the Hearing Board Chair determines that a public hearing would not result in undue intimidation of the complainant, the victim, or the witnesses.

Appendix D (Amendment Adding Discretion to Interim No Contact Directive Procedures)

Language adding discretion to Interim No Contact Directive procedures

Passed Language (Title Three, Art. III, Sec. B.2 (pg. 19, 2017)).

- 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.**
- b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.

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.

c. Such directives may be initially issued for a duration of up to 21 calendar days. Should the Judicial Administrator believe a No-Contact Directive remains necessary after that time, he or she may petition a University Hearing Board Chair to renew the directive for up to an additional 21 calendar days. Should the Chair choose to extend the directive, he or she may modify the directive's terms but may not supersede an active court order. Prior to a directive being renewed, the parties to the directive may submit written statements to the Chair for consideration. If additional renewals are requested by the Judicial Administrator, a different Hearing Board Chair shall review each additional request. Chairs may evaluate multiple renewal requests on the same case only if all other currently available Chairs have already reviewed an equal number of requests on that case.