

Cornell University
University Assembly

U.A. Resolution # 9

**2015-2016 Cornell University Campus Code of Conduct
Update**

April 5, 2016

1 **Sponsored by: Gabriel Kaufman, Undergraduate; Chair, Codes and Judicial Committee**

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3 **On Behalf Of: UA Codes & Judicial Committee (D. Barbaria, H. Hall, C. Hodges, M.**
4 **McBride, A. Molitoris, L. Munguia, W. Sonnenstuhl, R. Walroth, K. Zoner)**

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7 **Whereas**, according to the University Assembly’s Charter, “By delegation from the [University]
8 Assembly, the [Codes and Judicial] Committee will review any proposed motion related to:

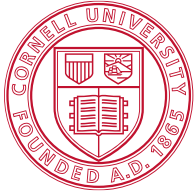
- 9 • Campus Code of Conduct;
10 • recruitment and appointment of members to the University Hearing and Review Boards.”

11 **Whereas**, President Skorton commissioned the Outdoor Space Working Group (OSWG) in 2014
12 to accomplish the following tasks, “Define what qualifies as an outdoor space that should have
13 written ‘time and place’ rules” and “Suggest how those rules should be developed, coordinated
14 and approved.”¹

15 **Whereas**, the Chair of the OSWG, James Blair, presented the groups findings and
16 recommendations concerning the Campus Code of Conduct to the Codes and Judicial Committee
17 on February 2nd, 2016; and

18 **Whereas**, the recommendations were accepted by President Garrett in the summer of 2015 and
19 many recommendations are already included in the Campus Code of Conduct; and

¹ Page 2, *Outdoor Space Working Group Final Report*



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20 **Whereas**, the recommendations not already present in the Campus Code of Conduct include
21 reasonable specifications on who may hold and host events on Cornell-owned property and
22 reasonable restrictions on time/place/manner restrictions on amplified sound; and

23 **Whereas**, in the past, there have been insufficient numbers of panelists over academic breaks
24 and during times of increased academic stress and workload; and

25 **Whereas**, interim measures are meant to be used only in exceptional circumstances where there
26 is a substantial danger of future harm; and

27 **Whereas**, in the past, there have been concerns raised by the Judicial Codes Councilor's Office
28 that interim measures have been used outside of those exceptional circumstances or for longer
29 than necessary;

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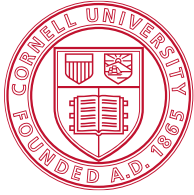
31 **1. Resolved Clauses Related to Outdoor Space Working Group**

32 **Recommendations:**

33 **Be it Resolved**, that the following paragraph be appended to the end of Title One, Article III,
34 Section B.1 of the Campus Code of Conduct, "**Only members of the Cornell community may**
35 **hold or host events on Cornell-owned property. External groups must be sponsored by a member**
36 **of the Cornell community and the sponsor must have a representative present during the actual**
37 **event. For these purposes, appropriate Cornell sponsors are: registered student organizations,**
38 **departments and units of the university, and university-sponsored organizations and offices (e.g.,**
39 **Dean of Faculty, Faculty Senate, University Assembly, etc.);"**² and

40 **Be it Resolved**, that the following paragraph be appended after the first paragraph to Title One,

² *Appendix C, Page 1, Outdoor Space Working Group Final Report*



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41 Article III, Section B.3 of the Campus Code of Conduct, “Use of public address systems and
42 amplified sound will be permitted without prior approval during the hours of 12:00pm and
43 1:00pm, at Ho Plaza and in front of Day Hall. Public address systems and amplified sound will
44 be permitted in other outdoor locations only with prior approval. Approval may be obtained
45 using the Event Registration Form located at: <https://activities.cornell.edu/EventReg/>.”³

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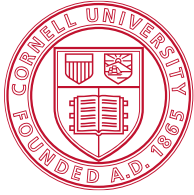
47 **2. Resolved Clauses Related to the University Hearing and Review** 48 **Board Application Process:**

49 **Be it Resolved**, that Title Two, Article Four, Section C.1 be amended to read as follows,

50 “The University Hearing Board and University Review Board pool shall comprise ~~75~~ **55**
51 members confirmed by the University Assembly: ~~35~~ **25** students, ~~20~~ **15** faculty members, and ~~20~~
52 **15** nonfaculty employees. Faculty members are nominated by the Dean of the Faculty. For other
53 candidates, ~~the Office of the Assemblies Codes and Judicial Committee will solicit written~~
54 ~~applications and the Codes and Judicial Committee shall nominate candidates to the University~~
55 ~~Assembly no later than the last regular meeting of the outgoing University Assembly. in~~
56 ~~consultation with the Office of the Assemblies, which will provide logistical support. The Codes~~
57 and Judicial Committee shall nominate candidates to the University Assembly for its
58 confirmation no later than the last regular meeting of the outgoing University Assembly. The
59 University Assembly Executive Committee may make emergency appointments on a temporary
60 basis.

61 **Be it Resolved**, that Title Two, Article Four, Section C.3.a be amended to read as follows:

³ Appendix C, Page 1, Outdoor Space Working Group Final Report



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62 “Members of the University Hearing Board and University Review Board pool shall serve terms
63 of office as follows:

- 64 a. All members shall be appointed for two-year staggered terms, **except for students**
65 **entering their final year of study, who shall be appointed for one-year terms.”**

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67 **3. Resolved Clauses Related to Interim Measures:**

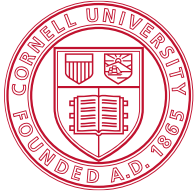
68 **Be it Resolved**, that Title Three, Article Three, Section B.2 be amended to read as follows:

69 “2. No-Contact Directive

70 a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity,
71 the Judicial Administrator, after making a reasonable effort to meet with the accused if
72 appropriate to do so, may issue a No-Contact Directive, **binding upon all involved parties. [Insert**
73 **footnote here reading: This Code section is subject to the provisions in Appendix A, Article I in**
74 **cases of sexual harassment.]**

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

77 c. **In the case of such directive, the accused may petition the University Hearing Board in writing**
78 **for a review of the decision. That board shall meet to consider the petition as soon as possible,**
79 **but no later than seven business days after it receives the petition. However, that board may grant**
80 **a postponement upon the request of the accused, to a date not later than 21 calendar days after**
81 **the petition is received. If that board determines that the No-Contact Directive was improper or is**
82 **no longer necessary, it shall lift the directive immediately. The board’s decision may not**
83 **supersede an active court order directive.**



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84 **d. e.** In the event the Judicial Administrator is notified of a violation of the terms of the No-
85 Contact Directive, the accused shall be provided with an opportunity to review the matter with
86 the Judicial Administrator within two business days. If the Judicial Administrator determines,
87 based upon the information available, that the No-Contact Directive has been violated, he or she
88 may suspend the accused temporarily, **or impose additional interim measures**, pending resolution
89 of the underlying case.

90 **e. d.** In the case of such suspension, the accused may petition the University Hearing Board in
91 writing for a review of the decision. That board shall meet to consider the petition as soon as
92 possible, but no later than five business days after it receives the petition. However, that board
93 may grant a postponement upon the request of the accused, to a date not later than 21 calendar
94 days after the petition is received. If that board determines that the No- Contact Directive was
95 not violated or the suspension was improper or is no longer necessary, it shall lift the suspension
96 immediately.

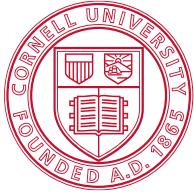
97 **f. e.** The Judicial Administrator may, in his or her discretion, rescind a No-Contact Directive or
98 lift such a suspension if he or she determines that the circumstances no longer require such
99 action.”

100 **Be it Finally Resolved**, that Title Three, Article Three, Section B.3 be amended to read as
101 follows:

102 “3. Temporary Suspension Pending Resolution

103 a. Suspension of an Individual

104 (1) In extraordinary circumstances and for the purpose of ensuring public order and safety, the
105 President or a designated representative shall have discretionary power to suspend the accused
106 pending resolution of the underlying case. Suspension in the case of a student may include the
107 withdrawal of any or all University privileges and services, including class attendance,



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108 participation in examinations, and utilization of University premises and facilities, as determined
109 by the President or his or her designee.

110 (2) The Judicial Administrator may accept from the President this power to suspend temporarily,
111 but only if the Judicial Administrator can exercise the power at his or her own discretion.

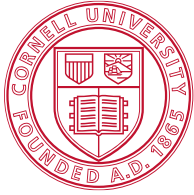
112 b. Suspension of a University-Registered Organization

113 (1) In extraordinary circumstances and for the purpose of ensuring public order and safety, the
114 President or a designated representative, after consulting with the Office of the Dean of Students
115 and/or other offices as deemed appropriate, shall have discretionary power to suspend the
116 activities of a University-registered organization pending resolution of the underlying case.

117 (2) The Judicial Administrator may accept from the President this power to suspend temporarily,
118 but only if the Judicial Administrator can exercise the power at his or her own discretion after
119 consulting with the Office of the Dean of Students and/or other offices as deemed appropriate.

120 c. When the President or his or her designee exercises ~~this the~~ power to suspend **individuals or**
121 **University-Registered Organizations** temporarily, these procedures shall be followed:

122 (1) In the case of such suspension, the accused may petition the University Hearing Board in
123 writing for a review of the suspension. That board shall meet to consider the petition as soon as
124 possible, but no later than five business days after it receives the petition. However, that board
125 may grant a postponement upon the request of the accused, to a date not later than 21 calendar
126 days after the petition is received. **Any temporary suspension exceeding 21 calendar days shall**
127 **automatically be brought before the University Hearing Board for a review of the suspension,**
128 **and be automatically reviewed by the University Hearing Board every 21 calendar days**
129 **thereafter.**



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130 (2) If the University Hearing Board determines that (1) good cause has not been shown for the
131 exercise of the President's suspension power or (2) that circumstances have changed so that
132 suspension is no longer necessary, the suspension shall be lifted immediately.

133 (3) If the suspension remains in effect after the University Hearing Board's initial meeting, that
134 board may decide to reconvene, upon motion by any member or the chair of the panel or upon
135 the request of the suspended person or University-registered organization, to determine whether
136 circumstances no longer require suspension."