



CORNELL UNIVERSITY

Office of the President

MEMORANDUM

TO: Barbara L. Krause
FROM: Hunter R. Rawlings III *HRR*
DATE: November 29, 2005
SUBJECT: Review and Revision of Cornell Campus Code of Conduct

I write to ask that you undertake a thorough review and produce a proposed revision of the Campus Code of Conduct ("the Code"). Dean of Faculty Charles Walcott and Dean of Students Kent Hubbell join me in this request. We believe that you will bring valued insights to this important task based upon your broad experience as Judicial Administrator, Assistant Secretary of the Corporation and Associate University Counsel, and Senior Advisor to the President.

In fulfilling this charge, I ask that you consult and confer with the University Assembly. It would also be beneficial for you to solicit the views of Deans Walcott and Hubbell, Vice Presidents Susan Murphy and Mary Opperman, University Counsel James Mingle, Judicial Administrator Mary Beth Grant, Judicial Codes Counselor April Bullard, and others who you believe are especially conversant about the strengths and shortcomings of the Code. It would likewise be advisable for you to review the historical documents describing the development of the Code, and model disciplinary codes from other universities.

There is much about the Code that is time-honored and deserves to be preserved. But over the years, many members of the Cornell community have viewed aspects of the Code as unduly complicated and cumbersome. Indeed, a recent external review report by a team of experts from other universities reached the same conclusion: the Cornell disciplinary system is far more complex and legalistic than what is typical at comparable institutions throughout the country.

Internal and external critics of the Code variously cite, as notable examples: the confusing overlap between the two main sections (Titles Two and Three); the extraordinarily elaborate procedures that are invoked for even the most minor

disciplinary infractions; the multiple and time consuming levels of appeal; and the delayed resolution of campus disciplinary matters while criminal charges are pending.

An effective disciplinary system should hold individuals accountable for behavior that violates the norms of the community. It should be straightforward, comprehensible, and fair both to those who invoke it and to those who are subject to its reach. You — and those you consult — should be guided by this overarching objective. I also ask that in conducting the review and recommending a revised document, you consider the following salient questions:

- (1) Should the Code continue to cover faculty and staff members regarding conduct unrelated to their jobs?
- (2) Should the jurisdiction of the Code be expanded to include off-campus misconduct? If so, what should be the scope and geographic coverage of such jurisdiction?
- (3) Should current procedural practices be changed, particularly: participation of attorneys and other advisors, formal hearings and appeals, deferring matters to the conclusion of related criminal charges, allowing an accused individual the (criminally-based) right to remain silent, providing multiple appeals, requiring proof of misconduct by a “clear and convincing” evidence standard and limiting the cases that may be resolved by summary decision. In addressing this question you may want to consider whether the extent of the process should be geared to the gravity of the misconduct charged and the severity of the sanction if proven, and whether the procedures should be aligned with those set forth in the Code of Academic Integrity.
- (4) Should other offices besides the Judicial Administrator be assigned responsibility to deal with lower-level offenses?
- (5) Should the Judicial Administrator’s office be integrated within the Student Services structure, to facilitate staff support, community collaboration and educational programming?

You should feel free to consider other issues that emerge in the course of your review and consultation.

Finally, I ask that you complete your review and present your recommended revised Code (with explanatory comments) to me by April 1, 2006. Following receipt of your report, I anticipate that there will be ample opportunity for members of the campus community to provide comments concerning the proposed changes to the Code.

Thank you.

cc: Dean Charles Walcott
Dean Kent Hubbell
University Assembly Chairs:
Opal Hammer, Janet Vertesi, Pamela Dusseau, Ellis Loew
University Counsel James Mingle
Vice President Susan Murphy
Vice President Mary Opperman
Judicial Administrator Mary Beth Grant
Judicial Codes Counselor April Bullard