

PROPOSED DRAFT

CORNELL UNIVERSITY CONDUCT CODE

PREAMBLE

Ezra Cornell's vision in 1865 – to found "an institution where any person can find instruction in any study" – marked the establishment of an educational community that, for nearly 150 years, has been distinguished by its commitment to inclusion, opportunity, intellectual curiosity, and academic and personal excellence. As articulated in Cornell's current statement on diversity and inclusiveness, "Open Doors, Open Hearts, Open Minds":

Cornell's mission is to foster personal discovery and growth, nurture scholarship and creativity across a broad range of common knowledge, and affirm the value to individuals and society of the cultivation of the human mind and spirit.¹

In furtherance of its mission, Cornell University expects its students, faculty, and staff members to conduct themselves in a way that sustains a climate of civility, decency, respect, and caring for all members of the campus community. The privilege of continued association with Cornell requires that all University members adhere to these fundamental values and to the more particular standards of behavior set forth in University policies and procedures.

¹ The full text of Open Doors, Open Hearts, Open Minds may be found at <http://www.cornell.edu/diversity/mission.cfm>.

I. GENERAL PRINCIPLES

A. The University governs community conduct in order to protect and promote the University community's pursuit of its educational goals. The University, as an educational institution, holds the following interests and purposes as essential to its mission:

1. The opportunity of all members of the University community to attain their educational objectives.
2. The generation and maintenance of an intellectual and educational atmosphere throughout the University community.
3. The protection of the health, safety, welfare, property, and human rights of all members of the University community, and the safety, property, and reputational interests of the University itself. These general interests, of course, are also the subject matter of local, state, and federal laws and regulations.

B. The University's responsibility for community conduct is distinguishable from society's responsibility. Therefore, the Conduct Code and the Student Disciplinary System are limited to the enforcement of University conduct regulations and do not extend to the enforcement of public law, except to the coincidental extent that such University conduct regulations are similar to provisions of public law.

C. The principle of freedom with responsibility is central to Cornell University. The freedom to teach and to learn, to express oneself and to be heard, and to assemble and protest lawfully and peacefully are essential to academic freedom and the continuing function of the University as an educational institution.

Responsible enjoyment and exercise of these rights means respect for the rights of all. Responsible behavior within an educational community also requires understanding that reasonable consequences will follow when community standards of behavior are not followed. 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 and will subject the violator to disciplinary action.

II. APPLICABILITY

A. This Conduct Code applies to the Ithaca and Geneva campuses of Cornell University or any other property or facilities used by it for educational purposes, except that Cornell's Weill Medical College and Graduate School of Medical Sciences in New York City shall be governed by separate regulations.

Conduct Code - DRAFT

B. All members of the Cornell community are expected to comply with the standards of behavior set forth in the Cornell University Conduct Code. Recognizing that certain aspects of their relationship with the University are different for students, faculty, and staff, allegations of misconduct will be processed differently depending on the status of the accused.

1. Allegations that a student or University-registered student organization has violated the Conduct Code will be processed according to the policies and procedures set forth in the Cornell University Student Disciplinary System. Complaints of student or student organization misconduct should be made to the Office of Student Conduct within the Dean of Students Office.
2. Allegations that a faculty member has violated any University policy or procedure, including the Conduct Code, should be referred to the faculty member's dean or department head, as appropriate. The dean or department head will process such complaints according to the policies and procedures that govern faculty misconduct.
3. Allegations that an employee has violated any University policy or procedure, including the Conduct Code, should be referred to the employee's supervisor or to an appropriate Human Resources representative. The supervisor or Human Resources representative will process such complaints according to the policies and procedures that govern employee misconduct.

C. In the event of alleged misconduct related to a person who falls into more than one of the above categories (e.g., a student acting in the course of employment with the University), the Director of the Office of Student Conduct shall determine which procedures will apply.

III. RESPONSIBILITIES OF UNIVERSITY CITIZENSHIP/ PROHIBITED CONDUCT

All members of the University community are responsible for maintaining an environment that supports academic success and personal growth. Responsible behavior *includes but is not limited to* the obligations set forth below. For additional information and examples related to these obligations, please refer to Appendix A of this document ("Examples of Conduct Code Violations").

A. To respect the health, safety, and welfare of others. This precludes, among other things:

Conduct Code - DRAFT

1. Acts or threats of physical violence against another person (including sexual violence).
2. Actions that endanger another person.
3. Intentionally harassing, threatening, intimidating, or severely annoying or abusive conduct.
4. Videotaping, photographing, tape recording, or otherwise making any picture or sound recording of another person without that person's consent.
5. Disorderly conduct.
6. Possession or use of any dangerous article, weapon, or substance (including but not limited to firearms, ammunition, explosives, switchblades, etc.) on University property or at University events without University authorization.

Note: Certain types of Conduct Code violations in this category ordinarily will result in dismissal or substantial suspension from the University. Such violations include acts of violence, including sexual violence; violations that are motivated by bias based on race, gender, sexual orientation, national origin, disability, or any other protected category; or any other violation that directly and substantially threatens the University's educational mission or the health or safety of University community members.

B. To respect the right of fellow students to participate in University organizations and in relationships with other students without fear, threat, or act of hazing. This precludes, among other things, forced consumption of liquor or drugs for initiation into or affiliation with any organization.

C. To respect the right of all community members to teach and to learn, to express oneself and to be heard, and to assemble and protest lawfully and peacefully.

Note: The University condemns hate speech, epithets, and racial, ethnic, sexual, and religious slurs. However, the content of speech or expression is not by itself a basis for disciplinary action. Speech may be subject to discipline when it violates applicable laws or University regulations or policies.

D. To respect the property of others. This precludes, among other things:

1. Stealing, damaging, defacing, or misusing the property or facilities of the University or of others.

Conduct Code - DRAFT

2. Reckless or malicious interference with or damage to computer or network resources or computer data, files, or other information.
3. Unauthorized entry upon or use of University property or facilities.

E. To be honest and truthful in dealings with or on behalf of the University.

This precludes, among other things:

1. Falsely or deceptively presenting one's own identity (e.g., name, Social Security number, or other identification number).
2. Dishonesty or deception in the procurement or use of University or other records and documents, including identification cards, licenses, and permits.
3. Falsely or deceptively representing one's University status or authority to represent the University or a University-registered organization, including representations made in writing, verbally, on any Cornell letterhead, on web sites, or by any other means.

F. To cooperate fully and honestly with the Office of Student Conduct and in the Cornell University Student Disciplinary System, including the obligation to comply with all sanctions.

G. To comply with the behavioral requirements set forth in contracts made with the University (e.g., a residence hall contract or dining contract).

H. To comply with any lawful order of a clearly identifiable University official acting in the performance of his or her duties.

I. To comply with duly promulgated policies and regulations of the University and any of its colleges, departments, or units (e.g., Alcohol and Other Drugs, Sexual Assault, Sexual Harassment, equal opportunity and non-discrimination, and computer use policies). In cases where such policies contain specific procedures for resolving alleged violations (e.g., the Code of Academic Integrity), those specific procedures shall govern.

J. To comply with federal, state, and local laws, including laws related to possession and use of alcohol and drugs. This precludes, among other things:

1. Possession of any alcoholic beverage by a person under 21 years of age with intent to consume such beverage.

Note: Underage possession of alcohol will not violate the Conduct Code if the beverage is given to the underage person by his or her parent or guardian; or if the alcohol is provided as part of an official Cornell

Conduct Code - DRAFT

University course, for which the person is registered, where tasting or imbibing alcoholic beverages is required for instructional purposes.

2. Possession, use, sale, manufacture, distribution, or dispense of controlled substances as defined by state or federal law.
3. Any act that violates federal, state, or local law and negatively impacts the University's educational mission.

K. To refrain from attempting to violate the Conduct Code, and from assisting, urging, or inciting another person to violate the Conduct Code.

IV. REGULATION OF THE PUBLIC ORDER

A. General expectation for maintaining public order.

1. As an educational institution, Cornell University embraces responsible speech and expression and is committed to ensuring that diverse viewpoints and dissent may be voiced. Responsible speech and expression require respect for the rights of others. To ensure that the rights of all campus community members are protected, the University is committed to maintenance of public order on its campuses and property.
2. Individuals and groups, including visitors to campus, are expected to conduct themselves in an orderly manner, to observe University regulations, and to comply with lawful directives of University officials.

B. Prohibited conduct.

1. Disruption or obstruction of any teaching, research, administrative, service, pedestrian or vehicular traffic, or other University activity.
2. Interference with the lawful exercise of freedom of speech, freedom of movement, freedom of lawful and peaceful assembly, or other rights of individuals.
3. Unauthorized entry upon or use of University property or facilities.
4. Construction and set up of any permanent symbolic structure; or construction and set up of any temporary symbolic structure without a permit issued by the Vice President for Student and Academic Services.
5. Reckless or intentional endangerment of mental or physical health or activity involving the forced consumption of liquor or alcohol for the purpose of initiation into or affiliation with any organization.

Conduct Code - DRAFT

6. To possess or use any dangerous article, weapon, or substance (including but not limited to firearms, ammunition, explosives, switchblades, etc.) on University property or at University events without University authorization.
7. Failure to comply with any lawful order of a clearly identifiable University official acting in the performance of his or her duties.
8. To urge, incite, or assist any other person to violate Cornell's regulations related to public order.

C. Sanctions for disruption of public order.

Individuals or groups who disrupt the public order or who ignore or refuse to comply with specific University directives designed to maintain the public order will be subject to the following consequences:

1. Visitors and other licensees and invitees will be directed to leave University property, or be subject to immediate arrest and removal.
2. Students will be directed to leave University property or a specific area thereof, or be subject to immediate arrest and removal. Students also will be subject to the procedures and sanctions set forth in Cornell's "Student Disciplinary System" including, if appropriate, interim suspension, suspension, and dismissal.
3. Faculty members will be directed to leave University property or a specific area thereof, or be subject to immediate arrest and removal. Faculty members also will be referred to their dean or department head, as appropriate. The dean or department head will process such complaints according to the policies and procedures that govern faculty conduct and will be subject to sanctions including, if appropriate, interim suspension, suspension, and dismissal.
4. Employees will be directed to leave University property or a specific area thereof, or be subject to immediate arrest and removal. Employees also will be referred to their supervisor or to an appropriate Human Resources representative. The supervisor or Human Resources representative will process such complaints according to the policies and procedures that govern employee conduct and will be subject to sanctions including, if appropriate, interim suspension, suspension, and dismissal.
5. Groups or organizations will be subject to recession of permission to operate on campus property.

Conduct Code - DRAFT

6. The sanctions described in this section shall be in addition to any penalty pursuant to New York criminal law or any other law to which a violator or organization may be subject. In cases arising under this "Regulation of Public Order" section that involve personal injury, reckless, willful, or substantial destruction of property, or substantial disruption of University business, violators ordinarily will be arrested and charged criminally in addition to facing campus disciplinary proceedings.
7. Notwithstanding any other provision of this Conduct Code, the President (or President's designee) retains ultimate authority to take such action as may be necessary or appropriate to maintain public order and safety.

This section entitled "Regulation of the Public Order" was duly approved by the Cornell University Board of Trustees on [date]. Notwithstanding any other provision of the Cornell University Conduct Code or the Cornell University Student Disciplinary System to the contrary, this section may only be amended by vote of the Board of Trustees.

V. REVIEW AND AMENDMENT

The Vice President for Student and Academic Services shall ensure that this document is reviewed periodically to determine whether amendments are appropriate. Except for that section of this document entitled "Regulation of Public Order" (which may only be amended by the Board of Trustees), this document may be amended pursuant to the procedures set forth in University Policy 4.1 (Formulation and Issuance of University Policies). During the course of periodic reviews and when considering any proposed amendments, the Vice President for Student and Academic Services and the University Policy Office will endeavor to seek input appropriate community input.

APPENDIX A

EXAMPLES OF CONDUCT CODE VIOLATIONS

In addition to the responsibilities described under the heading "Responsibilities of University Citizenship/Prohibited Conduct," the following sections define more precisely and/or provide further examples of conduct that violates the Cornell community's standards of behavior.

A. Health, safety, and welfare. Respecting the health, safety, and welfare of others also precludes:

1. Sexual harassment, sexual abuse, sexual assault, and rape. See Cornell University Policy 6.3, Sexual Assault at http://www.policy.cornell.edu/vol6_3.cfm and Policy 6.4, Sexual Harassment at http://www.policy.cornell.edu/vol6_4.cfm.
2. Intentional exposure of the private or intimate parts of one's body in a lewd manner or committing any other lewd act in public.
3. Intentionally causing, or recklessly creating a risk of, disruption to the community. Disruption to the community includes, for example: violent, tumultuous, or threatening behavior; unreasonably loud or belligerent behavior; or obstructing vehicular or pedestrian traffic.
4. Failure to leave a University building after a fire alarm has sounded or other notice of fire has been given, whether a drill or not.
5. Failure to comply with directives of TCAT bus drivers while the drivers are operating on Cornell University property.

B. Hazing. The right to participate in student groups without the fear, threat, or act of hazing is a particular aspect of respecting the health and safety of others. Hazing receives particular attention, among other reasons, because it is a hidden and serious problem that persists on many college campuses, including Cornell's, despite on-going efforts to educate and eliminate such conduct.

Hazing is an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; involves the consumption of alcohol, other drugs, or other substances; or violates any of the policies of the University. More information on hazing may be found at <http://www.hazing.cornell.edu/>.

C. Responsible speech and expression; civil disobedience. Cornell embraces responsible speech and expression, as well as the right of University citizens to assemble and to protest lawfully and peacefully. In order to promote the right of all University members to enjoy such rights, it must be recognized that interfering with the rights of others or interfering with the peaceful and lawful use and enjoyment of University premises, facilities, or programs violates the University community's standards of behavior.

Members of the community who engage in various forms of protest often invoke the concept of "civil disobedience." The essence of civil disobedience is the purposeful refusal to obey certain laws, regulations, or lawful orders in order to bring attention to a situation that is believed to be unjust. Those who engage in "civil disobedience," as that term is properly understood, do so because they believe so strongly in a particular cause that they are willing to accept the consequences of violating applicable rules. The notion of "amnesty" for those who engage in acts of civil disobedience, therefore, is inconsistent with the very essence of civil disobedience. Accordingly, members of the University community who engage in acts of civil disobedience (as opposed to lawful, peaceful protest) must anticipate that they will face sanctions as a result of conduct that interferes with the rights of others, harms the person or property of others, disrupts the normal operation of University business, or otherwise violates any University rules, regulations, or policies.

D. Misuse of computers and network systems. Responsible use of University property requires compliance with all rules and regulations related to computer use and network systems. This obligation includes adherence to the following **Principles for Computer Use and Network Systems**:

The use of computers and network systems in no way exempts students from the normal requirements of ethical behavior in the Cornell University community. Use of a computer and network system that is shared by many users imposes certain additional obligations. In particular, data, software and computer capacity have value and must be treated accordingly.

Although some rules are built into computer and network systems, such restrictions cannot limit completely what students can do. In any event students are responsible for their actions whether or not rules are built in, and whether or not they can circumvent them.

Standards of behavior include:

1. Respect for the privacy of other users' information, even when that information is not securely protected.
2. Respect for the ownership of proprietary software. For example, unauthorized copies of such software for one's own use, even when that software is not protected against copying, are inappropriate.

Conduct Code - DRAFT

3. Respect for the finite capacity of the system and limitation of use so as not to interfere unreasonably with the activity of other users.
4. Respect for the procedures established to manage the use of the system.