

109 Day Hall
Ithaca, NY 14853

p. 607.255.3715
f. 607.255.2182
e. assembly@cornell.edu
w. <http://assembly.cornell.edu>

November 20, 2007

President David J. Skorton
300 Day Hall
Cornell University
Ithaca, New York 14853

Dear President Skorton:

In response to your letter of May 15, 2007, the Cornell University Assembly (UA) gave the task of reviewing the present Campus Code of Conduct (the Code) to the Codes and Judicial Committee (CJC). In reviewing the Code, the CJC took into consideration the revisions proposed by Barbara Krause (the Krause Report) and the community's response from last year. The result is a revised Code that condenses title five into title one, consolidates the judicial process as much as possible into title two, and addresses the President's and the community's concerns on other matters including the following specific issues:

- 1 Jurisdiction: now allows for off-campus jurisdiction, but with full judicial process, if the Judicial Administrator (JA), in conjunction with the President, determines serious (versus grave) threats to the University;
- 2 Violations: slightly revised and clarified, with added language from the Krause Report to reflect the desire that serious violations receive serious penalties; and
- 3 Procedural protections maintained as in present Code, with some clarification on issues such as evidence, right to counsel, right to remain silent, and JA's powers and procedures.

The CJC submitted the revised Code to the community for consideration in late September. With the assistance of Peggy Beach and her staff in the Assemblies Office, we feel the community was fairly saturated with information regarding the new Code and the opportunity to respond through various mediums, including in person at an open forum on October 2. Interestingly, though there was more coverage about the open forum and the web this year, there was considerably less response from the community. The committee considers this a positive reaction to the new Code and, in fact, an indication that the community will easily accept it as a working document.

While the community response to these proposals has been relatively quiet, there has been some controversy on the issue of off-campus jurisdiction, as well as when a jurisdictional objection may be raised. The UA discussed these issues with members of the CJC at our 14 November meeting and found their answers reassuring. This proposal represents the CJC's best effort at a fair solution that addresses the community's concerns. As always, the CJC and the UA stand ready to make further changes and revisions as needed in the future. The Code is a work in progress. Quoting Roscoe Pound from the walls of the Law School: "Law must be stable and yet it can not stand still."

The Code is now streamlined, indeed shortened by almost a third. At the same time, we acknowledge that the Code is, by its very nature, complex. In accepting the revised Code, the University has the responsibility of ensuring that the community constituents are fully educated about the Code and its ramifications. All means necessary should be used to provide user-friendly access to understanding the Code. This may include placing it online with multiple links throughout the issue, including a hyperlinked table of contents, and any other means possible.

109 Day Hall
Ithaca, NY 14853

p. 607.255.3715
f. 607.255.2182
e. assembly@cornell.edu
w. <http://assembly.cornell.edu>

There also needs to be a way to keep the community updated as changes are implemented. Additionally, the UA recognizes that these revisions have resource and staffing implications for community partners, particularly the Offices of the Judicial Administrator and Judicial Codes Counselor. Increasing the geographic scope of the Code will increase the number of cases referred to the campus disciplinary system. Those that are deemed serious by the JA and the President will be afforded all the procedural protections of on-campus cases, and serious cases typically require significant resources, including hearings. While the JA and the President might determine that some of those cases are not serious, complainants may disagree and seek “show cause” hearings. The CJC asks that the administration provide these Offices and the Hearing Board appropriate financial, administrative, and human resources to allow them to conduct their work. We are prepared to work on this area in any way that requires our attention and action. Approved by the University Assembly, unanimously (17-0-0) at its meeting of 14 November 2007.

We look forward to your comments and actions.

Sincerely,

Rodney Orme, Employee Representative
Cornell University Assembly
Signed for the University Assembly

Attachments:
UA R.8-Resolution on the Revision of the Campus Code of Conduct
Revised Campus Code of Conduct

CC: Mary Beth Grant, Judicial Administrator

/ao

109 Day Hall
Ithaca, NY 14853

p. 607.255.3715
f. 607.255.2182
e. assembly@cornell.edu
w. <http://assembly.cornell.edu>