

Cornell University Assembly

UA Resolution # 9 REVISED

Resolution to Clarify Responsible Free Expression in the Campus Code of Conduct

1 **Sponsored by:**

2 **Greg Mezey, Employee, Chair, UA Codes and Judicial Committee**

3 **Randy Wayne, Faculty, UA Member-at-Large**

4 **Melissa Lukasiewicz, Undergraduate, UA Vice Chair of Operations**

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6 **Whereas**, on November 19, 2012, “A spirited display of political discourse and
7 disagreement took place on Ho Plaza...as competing groups, the Students for Justice in
8 Palestine (SJP) and the Cornell Israeli Public Affairs Committee (CIPAC), both arrived
9 on the plaza to protest, comment on, and show solidarity with factions involved with
10 recent events in Gaza¹” (the Incident), and

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12 **Whereas**, in the aftermath of the Incident, concerns were raised about how the
13 Incident was handled and on December 12, 2012, the Faculty Senate passed a resolution
14 to investigate the Incident², and

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16 **Whereas**, on May 20, 2013, the University Faculty Committee (UFC) published their
17 findings and associated recommendations regarding the Incident³, and on October 8,
18 2013, members of the UFC formally presented those findings and recommendations to
19 the University Assembly (the Assembly)⁴, and

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21 **Whereas**, in its recommendations, the UFC noted, “It was important to preserve the
22 ability of groups to assemble spontaneously. Thus, while it is generally desirable to have
23 advance notice of meetings (so that, for example, University staff can help and safeguard
24 participants), it should not be mandatory to receive a permit in advance of any meeting.
25 Thus seeking a permit should be encouraged but not required. Ambiguities between the
26 permitting process and the Campus Code should be eliminated⁵”, and

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28 **Whereas**, the Campus Code of Conduct (the Code) is the responsibility of the
29 Assembly⁶, and

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31 **Whereas**, a review of the applicable sections of the Code by the Assembly’s Codes and
32 Judicial Committee identified potential ambiguities and recommended clarifications,

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34 **Be it therefore resolved**, that the first two paragraphs of Title One, Article III,
35 Section B.3 of the Code are amended as follows:

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37 Outdoor picketing, marches, rallies, and other demonstrations are traditional and
38 legitimate forms of self-expression and dissent on campus. Such activities are allowed
39 so long as **demonstrators** do not disrupt other functions, including, without limitation,
40 regular and special curricular activities, extracurricular activities, academic processions
41 and events, conduct of University business, and employment interviews. The right to

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42 free expression here, as in other contexts, requires respect for the rights of others.
43 Outdoor picketing, marches, rallies, and other demonstrations generally pose no threat
44 of long-lasting exclusive use of University grounds or property. No university permit is
45 required for such outdoor activities. The presence of a counter-protest does not itself
46 constitute a disruption to a university function or authorized event. Moreover, those
47 who oppose a speaker may thus make their views known. Everyone has the right to be
48 heard and to listen to others.

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50 **Respectfully Submitted,**

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52 James N. Blair

53 Chair, University Assembly

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56 **REFERENCES:**

57 1, “Report and Recommendations Concerning the November 19 Incident on Ho Plaza”,

58 Richard W. Allmendinger, William E. Fry, and Margaret Washington, May 2013, Page 2.

59 2, Ibid.

60 3, “UFC Response to Recommendations by the Faculty Ho Plaza Comm.”, May 20, 2013.

61 4, Minutes of the University Assembly, October 8, 2013.

62 5, Ibid.

63 6, “Campus Code of Conduct”, adopted by the Board of Trustees May 24, 2008 as

64 amended.

The revisions to the original passed resolution are shown in blue (lines 13 and 39). The University President requested these changes as a condition of his acceptance (UA Charter § 3.1.2). The University Assembly’s (UA) Executive Committee approved the change to line 39 on June 27, 2014, after consultation with the resolution’s sponsors and key stakeholders (UA Charter § 6.3). After some clarification regarding implementing language in the President’s response, the UA Executive Committee accepted the date change to line 13 on September 2, 2014.