Policy Notebook for the Cornell Community
2004–2005
Introduction

The Policy Notebook for the Cornell Community contains the university's most frequently referenced policies. Please note that some policies are included in their entirety, whereas others are presented in summary form; in the latter case, the reader is referred to the full policy on the web or in the relevant Cornell office.

Please send comments and/or suggestions to David S. Yeh, e-mail: dsy1@cornell.edu.

August 2004

Note: Please be aware that amendments to the campus Code of Conduct as well as other policies contained in this document may occur after this edition has been printed. Up-to-date versions of currently recognized university policies are available at www.univco.cornell.edu/policy/Library.html. Persons relying on this document are encouraged to confirm the current status of specific code provisions with the Office of Assemblies, 165 Day Hall, 255-3715.

It is the policy of Cornell University actively to support equality of educational and employment opportunity. No person shall be denied admission to any educational program or activity or be denied employment on the basis of any legally prohibited discrimination involving, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, or handicap. The university is committed to the maintenance of affirmative action programs that will assure the continuation of such equality of opportunity. Sexual harassment is an act of discrimination and, as such, will not be tolerated. Inquiries concerning the application of Title IX can be referred to the director of the Office of Workforce Diversity, Equity and Life Quality, Cornell University, 160 Day Hall, Ithaca, NY 14853-2801 (telephone: 607 255-3976; TDD: 607 255-7066).

Requests for information about services for Cornell faculty and staff members, applicants for employment, and visitors with disabilities who have special needs, as well as related questions or requests for special assistance, can be directed to the Office of Workforce Diversity, Equity and Life Quality, Cornell University, 160 Day Hall, Ithaca, NY 14853-2801 (telephone: 607 255-3976; TDD: 607 255-7066). Students with disabilities should contact Student Disability Services, Center for Learning and Teaching, Cornell University, 420 Computing and Communications Center, Ithaca, NY 14853-2601 (telephone: 607 254-4545; TDD: 607 255-7665).

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Code of Academic Integrity
Acknowledging the Work of Others

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Standards of Ethical Conduct

This is an abridged version of the policy. The complete policy is available at www.univco.cornell.edu/policy/SOEC.for.html.

Policy Statement

Cornell University expects all executive officers, faculty, staff, student employees, and others, when acting on behalf of the university, to maintain the highest standard of ethical conduct.

Reason for Policy

The university's commitment to the highest standard of ethical conduct is an integral part of its mission to “foster initiative, integrity and excellence, in an environment of collegiality, civility, and responsible stewardship.” That commitment upholds the reputation of the university, both locally and globally, and encourages compliance with applicable laws and regulations.

Entities Affected by This Policy

The endowed division, contract colleges, and medical college division of the university

Who Should Read This Policy

• Executive officers, faculty, staff, and student employees
• Anyone acting on behalf of the university

Abridged Policy

An environment that encourages the highest level of integrity from its members is critical to the university. Therefore, adherence by executive officers, faculty, staff, student employees, and others acting on behalf of the university to the standards of ethical conduct set forth in this document is an integral part of the university's long-range goals of attracting quality students, faculty, and
staff; ensuring proper stewardship of its resources; and attracting gifts, grants, and other forms of support.

University executive officers, faculty, staff, student employees, and others acting on behalf of the university should not commit acts contrary to these standards or support the commission of such acts by others.

A practice will not be condoned on the grounds that it is “customary,” “easy,” or “expedient” if it does not meet these standards of ethical conduct; condoning such practices may compromise the integrity and reputation of the university. If you are asked to act against these standards, you should decline. You are empowered to say something such as the following: “University policy doesn’t allow me to do this. Please discuss this matter further with…” or “I’m uncomfortable with what you’ve asked me to do and I’d like to discuss the matter with…” If you act in good faith, the university will act to protect you from being disciplined or suffering reprisal for making such a statement.

Further, members of the university community are expected to assume personal responsibility and accountability for their actions by maintaining these standards. In an effort to ensure that employees are adequately informed of the university’s expectations, all employees will be asked to read a Statement of Ethical Conduct (see web site for Appendix A).

Listed below are some of the areas where frequent ethical questions arise and some general principles of ethical conduct:

**Abuse of power:** Support the creation and maintenance of an environment in which abuse of power is not tolerated.

**Communication:** Communicate judgments, opinions, and other information—both positive and negative—fairly and objectively.

**Computer use:** Use electronic communications and systems in a responsible manner.

**Confidentiality:** Use confidential information acquired in the course of university affiliation only for official or legal purposes and not for personal or illegal advantage during or after such affiliation; disclose confidential information acquired in the course of employment or university affiliation on a need-to-know basis and only when authorized to do so.
Conflicts of interest and commitment: Advise appropriate parties of potential conflicts in accordance with applicable university conflicts policies; refrain from engaging in a romantic or sexual relationship with a student whom you teach, advise, coach, or supervise in any way; avoid any activity that hinders your ability to carry out responsibilities to the university.

Financial transactions: Conduct, process, and report all financial transactions with integrity.

Grants and contracts: Adhere to grant and contractual obligations of the university, including proper allocation of expenses; comply with applicable laws and regulations governing the receipt and disbursement of sponsored funds.

Intellectual property: Honor nondisclosure agreements; abide by all rules and laws governing the use of copyrighted materials, patented ideas, licenses, and proprietary information; properly attribute the ideas and work of others.

Kickbacks: Refrain from making or accepting payments to improperly obtain or reward with favorable treatment in connection with either a contract or subcontract relating to a prime contract.

Statutory reporting: Meet accurately and fully reporting obligations that are required by federal and state regulations.

Stewardship: Use university resources or assets legally and properly; refrain from engaging in personal use of university facilities, equipment, employees, students, or voluntary help unless written permission is obtained in accordance with applicable procedures.

Procedures

Seeking Clarification

If you have read the appropriate sections of this policy, other university policies, and applicable regulations, you may need additional clarification about the propriety of actions in the following instances:

- When university policies appear ambiguous or difficult to interpret or apply
• When it is difficult to identify your responsibilities in situations of potential violations of standards of ethical conduct

In such cases, contact your immediate supervisor, department chair, college dean, or university vice president; the Office of the University Counsel; the University Audit Office; or the office responsible for the applicable policy.

**Reporting a Violation**

You are expected to report violations of this policy to appropriate university personnel. To report an actual or suspected violation:

1. Discuss the violation with the immediate supervisor, except when the supervisor is involved, in which case discuss it with the person at the next supervisory level.

2. If you cannot address the situation in this manner, you may contact the university office responsible for your area of concern.

3. If it appears that there may have been a violation of ethical conduct, report it to the appropriate university office.

• **Caution:** Failure of a supervisor to report actual or possible violations may be a subject of appropriate university discipline.

**Retaliation**

The university will not tolerate retaliation toward or harassment of employees who report actual or possible violations. The identity of individuals providing information concerning possible violations, including fraud, will be protected within legal limits. Individuals who take retaliatory action will be subject to discipline, up to and including discharge.
**Enforcement**

Suspected violations will be investigated by the appropriate office, depending on the nature of the violation. Disciplinary measures may be taken in accordance with applicable regulations if appropriate to the circumstances by one of the following:

- immediate supervisor
- department chair
- college dean
- relevant vice president
- responsible university office

**Abuse of This Policy**

The university is committed to the protection of both the accused and the accuser in the reporting of any violation of this policy. Therefore, attempts by individuals to discredit others through inappropriate use of this policy are not permitted and will be considered for disciplinary action.
June 2004
Please be aware that amendments to the Campus Code of Conduct may occur after this edition has been printed. Persons relying on this document are encouraged to confirm the current status at www.univco.cornell.edu/policy/ccc.html or contact the Office of the Assemblies.

Title One: Statement of Principles and Policies

Enacted by the Board of Trustees 1987
Recommended by the President
Adopted by the University Assembly

Article I. Fundamental Principles
Article II. Supporting Principles and Policies of Judicial Administration
Article III. Other Policies
Article IV. Interpretation

Title Two: Regulations for the Maintenance of Public Order

Enacted by the Board of Trustees 1987
Recommended by the President

Article I. Applicability
Article II. Violations
Article III. Enforcement and Penalties
Article IV. Other Actions
Article V. Interpretation
Article VI. Amendment
Title Three: Regulations for the Maintenance of the Educational Environment

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Article II. Violations
Article III. Sanctions, Remedies, and Other Actions

Title Four: Judicial Structure and Procedure

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Recommended by the President
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Article I. The University Hearing Board
Article II. The University Review Board
Article III. Hearing and Review Boards and
Procedures under Title Two (Regulations
for the Maintenance of Public Order)
Article IV. Hearing and Review Boards under Title
Three (Regulations for the Maintenance of
the Educational Environment)
Article V. Judicial Offices
Article VI. Other Parties to Judicial Proceedings
Article VII. Procedures under Title Three (Regulations
for the Maintenance of the Educational
Environment)
Article VIII. Jurisdiction
Article IX. Interpretation and Modification

Title Five: Responsible Speech and Expression

Enacted by the Board of Trustees 1987
Recommended by the President
Adopted by the University Assembly

Article I. Public Speaking Events on Campus
Article II. Symbolic Expression
Article III. Standing Committee on Free Expression
Article IV. Crisis Consultation Group
Article V. Defense
Article VI. Miscellaneous
Title One: Statement of Principles and Policies

Conduct of the members of the Cornell community is an appropriate area of concern by the university. This statement sets forth several basic principles and policies regarding the scope, manner, and standards of regulating that conduct.

This statement is necessarily general. Its purpose is (1) to inform the community of the general principles upon which the Cornell judicial system operates, (2) to give general guidance to the judicial system as it handles specific cases arising under regulations authorized by the Board of Trustees, including legislation adopted by the University Assembly and approved by the president as representative of the Board of Trustees, and (3) to enunciate policy and not to create substantive rules of conduct, the violation of which may be punished. Such rules are found in the Regulations for the Maintenance of Public Order or other official regulations. No provision of this statement shall be interpreted to amend or modify, in any manner, any provision of the Regulations for the Maintenance of Public Order.

I. Fundamental Principles

A. The essential purpose of the university’s governing of community conduct is to protect and promote the university community’s pursuit of its educational goals.

The university, as an educational institution, has a special set of interests and purposes, the protection and promotion of which are essential to its effective functioning. These interests, with respect to the governing of university community conduct, include the following:

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 and property of the university itself. These general interests, of course, also are the subject matter of the public laws of the state and nation.
B. The university’s responsibility for community conduct is distinguishable from society’s. Therefore, the powers of the university’s judicial boards shall be limited to the enforcement of university conduct regulations and shall 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.

Freedom to teach and to learn, to express oneself and to be heard, and to assemble and lawfully protest 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. 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.

II. Supporting Principles and Policies of Judicial Administration

A. The following basic principles and policies will apply in situations where misconduct violates both the law and university conduct regulations:

1. The following kinds of offenses are adjudicated in the courts: all felonies, controlled substance cases, motor vehicle moving violations, charges involving assaults upon a peace officer or resisting arrest, cases involving persons who refuse to identify themselves or in which the complainant wishes to proceed in the courts, and cases involving nonmembers of the university community. Such misconduct also continues to be prosecuted under the Campus Code of Conduct.

2. When the university administration determines that other misconduct does not constitute a serious breach of the law and that the interests of justice would be served, it shall seek to handle such misconduct within the university jurisdiction and will

   a. exercise its discretion in a manner to avoid dual punishment for the same act.

*That is, not a violation of state or federal law.
b. cooperate with public officials so that its exercise of jurisdiction ordinarily will not be followed by criminal prosecution of the individual’s misconduct.

c. withhold the exercise of university jurisdiction, when prompt public prosecution is anticipated or is under way, until public officials have disposed* of the case.

3. Exceptionally grave misconduct, particularly misconduct which threatens or attempts to cause physical or mental harassment, may demonstrate such flagrant disrespect for the basic integrity and rights of others as to call into question continuance of the individual’s membership in the educational community, because (1) his or her presence would adversely affect the ability of others to pursue their educational goals, or (2) his or her misconduct grossly violated standards of behavior requisite to the maintenance of an educational community. In the event of such conduct, if (1) the conduct is not covered by any specific provision of a university regulation or statement regulating conduct, or (2) the relevant regulation does not provide a remedy adequate to protect the safety of the university community, nothing herein stated shall preclude the president or his or her designee, under the authority of the Board of Trustees as expressed in the University Bylaws, from taking appropriate and lawful action.

4. Policies covering conduct that violates both the law and university regulations, where feasible, should be based on jurisdictional understandings and procedures jointly developed and periodically reviewed by university and local officials. To the maximum extent feasible, jurisdictional understandings shall be made known to the Cornell community.

B. Exceptions and Limitations

It is understood that the Board of Trustees, under section 5709 of the Education Law, is responsible for the protection of the grounds, buildings, and property of Cornell University, including state property under its supervision and control, and for the prevention of crime and the enforcement of law and order. State law also makes the trustees responsible for the enforcement of such rules and regulations as the board shall make from

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*“Disposed” is not to be construed to mean “conviction.”
time to time. These statutory provisions regarding law enforcement, adopted in 1939, led to the creation of the Cornell University Police, staffed by peace officers who are deputy sheriffs of the county. Under section 6450 of the Education Law, adopted in 1968, the Board of Trustees must also adopt rules for the maintenance of public order and provide sanctions for the violations of the Penal Law of the State of New York for the same misconduct. These state laws cannot be superseded by actions of the Board of Trustees, nor may the board evade its legal responsibilities by delegation.

Under state law, public servants who knowingly refrain from performing a duty imposed upon them by law or which is clearly inherent in the nature of their office, may be guilty of a criminal offense. Accordingly, any inflexible internal rule which precludes a peace officer from making an arrest when a crime has occurred would be contrary to law. It is understood, however, that as to minor offenses, law enforcement authorities are permitted a degree of discretion in determining whether to prosecute an offender or to pursue some other appropriate remedy when an alternative disposition would further the interests of justice. Accordingly, the principles enumerated at Article II are understood to constitute policy guidelines, to be applied in good faith, but not as prohibitions upon the exercise of the law enforcement responsibilities vested in the Board of Trustees and exercised by its authorized peace officers. That is, such representatives must retain the sole discretion to determine the circumstances in which the public laws must be enforced in order to serve and protect the interests of the campus community as defined at Article I.

III. Other Policies

A. When public authorities apprehend an individual for a violation of the law, whether or not the misconduct is also a violation of university conduct regulations, the university shall neither request nor agree to special advantageous disposition of an individual’s case by police, prosecutors, or judges solely because of that individual’s status as a member of the Cornell community.

Nonetheless, the university, recognizing that the absence of roots and family in the local community may place students at some disadvantage when involved in law violation, stands ready to assist student defendants
and to cooperate with public officials to promote equitable application of the law. Should a student charged with law violation request assistance from the university, a representative of the Dean of Students Office will meet with such student and may advise him or her, and if requested, may facilitate the student’s employment of suitable legal counsel. If the law violation does not also constitute a violation of a university rule of conduct, and if the student defendant consents, the university ordinarily will cooperate with the request of appropriate law enforcement officials for programs of probation or rehabilitation.

Notwithstanding the above provisions, when the prosecution, the complainant, and the accused person all consent, minor breaches of the law may be administered under university jurisdiction, except in case of repeat offenses.

**B.** The university’s cooperation in law enforcement, at the request of public officials, shall be exercised in each particular case with a view to safeguarding the interests of the educational community, especially community confidence in the university.

**C.** When the university acts in a law enforcement capacity, individual members of the community who are questioned shall be informed fully and promptly of the context of the inquiry and investigation.

**D.** The president may alter or suspend the implementation of the supporting principles and policies found at Title One, Article II when the president finds that the Regulations for the Maintenance of Public Order are insufficient to maintain public order and when there is an imminent and sufficient threat to the university community’s pursuit of its educational goals to warrant such action. Should the president exercise such authority, such action shall be made known to the community immediately, together with a statement explaining the basis of such action. Such deviation from the implementation of said supporting principles and policies should last no longer than necessary to alleviate any pending threat. Any action of the president, under this section, shall be subject to and consistent with the applicable laws of the state and nation.
IV. Interpretation
It is not intended that the president will seek to suspend the general application of the supporting principles except in cases in which the president finds an imminent threatened general breakdown in the university’s capacity to enforce law and order. It is not intended, therefore, that the president will invoke Article III.D, in cases involving individual misconduct.

Title Two: Regulations for the Maintenance of Public Order

I. Applicability
These regulations shall apply to all persons and registered organizations on any campus of Cornell University or any other property or facilities used by it for educational purposes, except that faculty, students, employees, and registered organizations of the Medical College and the Graduate School of Medical Sciences shall be governed by separate regulations with respect to property or facilities of the Medical College and the Graduate School of Medical Sciences.

II. Violations
It shall be a violation of these regulations:

A. To disrupt or obstruct or attempt to disrupt or obstruct any instructional, research, service, judicial, or other university operation or function, or interfere with or attempt to interfere with the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other rights of individuals, by action including but not limited to the following:

1. by intentionally using or threatening physical force or violence to harass, abuse, intimidate, coerce, or injure another, or to cause damage to or loss of property;

2. by intentionally obstructing or causing to be obstructed the lawful use of, access to, or egress from university premises or portions thereof, or by making unauthorized entry upon or use of university property or facilities or by unlawfully remaining in or on the same;
3. by intentionally obstructing or restraining the lawful movement of another or obstructing or restraining his or her lawful participation in authorized activities and events, including, without limitation, regular and special curricular activities, extracurricular activities, and employment interviews; or

4. by intentionally urging and inciting others to violate the provisions of this subsection A.

B. To refuse to comply with any lawful order of a clearly identifiable university official acting in the performance of his or her duties in the enforcement of these regulations.

C. To possess, carry, or use firearms, including rifles and shotguns, ammunition, explosives, or other dangerous weapons, instruments, or substances in or upon university premises (except in the case of law enforcement officers or except as specifically authorized by the university), subject to the exceptions stated in the Trustee Legislation of September 5, 1969.

D. To engage in any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any registered organization.

E. To use race, gender, religion, national origin, or political persuasion as a criterion for admission or seating at public speaking events advertised as open to the campus community.

F. To disrupt, obstruct, or attempt to disrupt or obstruct any speaker invited to appear on the campus by the university or a recognized university group.

G. To build a symbolic structure on the campus without a permit or to build such a structure in violation of the conditions of a permit or to refuse to dismantle it or to discontinue the nonconforming feature, upon the lawful order of a university official.

H. To fail to comply with any time, place, and manner regulation authorized by Title Five, Article II.D.

I. To disrupt or attempt to disrupt any recruitment activity.
III. Enforcement and Penalties

A. Enforcement

The president of the university or a designated representative shall be responsible for initiating and assuring the prompt enforcement of these regulations.

1. Ejection. For conduct which violates any of these regulations, individuals or organizations may be ejected from the university campus or property, or any part thereof, by the president of the university or an authorized representative.

a. Where the continued presence of an individual who is subject to the jurisdiction of the Hearing Board poses a clear and present danger to the public order or to the security of property or the safety of any person or persons, the individual may be ejected only until the hearing of formal charges. The Hearing Board will meet to consider such case within five working days after the day in which the alleged offense occurred.

b. In the case of a registered organization which authorizes such conduct, the president of the university or a representative may rescind permission for that organization to operate on university property, i.e., rescind the registration of the organization.

2. Temporary Suspension. For the purpose of assuring public safety, the president or a designated representative shall have discretionary power to suspend the accused person temporarily pending the hearing of the charges by the University Hearing Board.

a. The Hearing Board will meet to consider such case within five working days after the day in which the alleged offense occurred. The board may grant an adjournment, upon the request of the accused person, to a date not later than 21 days after the date that charges have been brought. In the event of an adjournment, the board may set aside the temporary suspension, if it concludes that the suspension was unjustified or is no longer necessary and that a revocation of the suspension will not endanger the public order or the security of property or the safety of any person or persons.
b. Suspension in the case of a student may include the withdrawal of any or all university privileges or services, including class attendance, participation in examinations, or utilization of university premises or facilities as determined by the president.

B. Disciplinary Procedure

1. Upon receiving notice that a student, faculty member, employee, or a registered organization may have committed a violation of any of these regulations, the president or a designated representative shall promptly cause an investigation to be made. If there appears reasonable cause to believe that any of said individuals has committed a violation, written notification of the charges will promptly be served upon such individual in the manner described by Title Four, Article III.E, and a copy thereof shall simultaneously be transmitted to the University Hearing Board for prompt disciplinary proceedings.

2. If there appears reasonable cause to believe that any of said registered organizations has committed a violation, written notification of the charges shall promptly be served upon the officers of record of said registered organization, and a copy thereof shall simultaneously be transmitted to the University Hearing Board for prompt disciplinary proceedings.

C. Penalties

The University Hearing Board may impose penalties for the violation of these regulations as follows:

1. Faculty and Other Employees

   a. Written reprimand.

   b. Fine of not less than $20 nor more than $500 payable to the university treasurer unless the defendant and the assessor of the penalty agree that it shall be payable in whole or in part by community service performed in a manner acceptable to the assessor of the penalty with one hour of service equivalent to the current federal minimum wage.

   c. Suspension from university duties for a stated period not to exceed one month, with loss of salary but without loss of other rights and privileges.
d. Dismissal from the employ of the university and termination of any contract or tenure.

e. Any defendant’s prior record of violations under these regulations shall be considered in the imposition of a penalty. Ordinarily, the penalty for any repeated violation of these regulations shall be more severe than for a first violation.

2. Students

a. Written reprimand.

b. Fine of not less than $20 nor more than $500 payable to the university treasurer unless the defendant and the assessor of the penalty agree that it shall be payable in whole or in part by community service performed in a manner acceptable to the assessor of the penalty with one hour of service equivalent to the current federal minimum wage.

c. Probation for a stated period, not to exceed one year. For any violation during the probationary period, the student may be suspended for a stated period, not to exceed one year. In addition, in cases of misconduct in connection with university services or facilities, the student may be prohibited from further use of specified facilities or services.

d. In cases of misconduct in connection with university-owned or -operated housing, the student may be ordered to vacate such housing.

e. Suspension from the university for a stated period.

f. Dismissal from the university.

g. In situations where an individual is both a student and a faculty member or employee, the judicial mechanism may choose appropriate penalties from either or both subdivisions 1 and 2 of this paragraph C.

h. An offender’s prior record of violations under these regulations shall be considered in the imposition of a penalty. Ordinarily the penalty for any second violation of these regulations, whenever such violations occur, should be more severe than for a first violation.
i. Ordinarily, punishment for a third offense under these regulations within a 12-month period should be suspension from the university and denial of academic credit for the term in which the suspension occurs. No application for readmission for the academic term following the academic term in which the suspension occurred will be permitted. The penalty may be reduced by the Hearing or Review Board if such board concludes that a lesser penalty will more appropriately serve the interests of justice and, in addition, that the offender agrees not to engage in misconduct of the same kind again in the next 12 months.

These penalties shall apply to any violations which occur after the date of adoption of this regulation by the Executive Committee of the Board of Trustees.

3. Registered Organizations of Members of the Cornell Community
   a. Written reprimand.
   b. Fine of not less than $25 nor more than $500 payable to the university treasurer.
   c. Restriction of privileges for a stated period not to exceed one year.
   d. Suspension of privileges for a stated period not to exceed one year.
   e. Recision of permission for that organization to operate on university property.

D. Remedies
The University Hearing Board may impose remedies for the violation of these regulations as follows:
1. Restitution to the university or to the victim of the violation.
2. Order to the offender to perform or to cease and desist from stated actions.
3. Imposition of any remedy or penalty shall not preclude the imposition of any other remedy or penalty under these regulations.

E. Records and Notification
1. Violations, penalties, and remedies shall be recorded...
in the Office of the Judicial Administrator and/or
director of public safety in all cases arising under
these regulations. Copies of such records shall not be
released to outside sources without the written con-
sent of the subject of such record, except as may be
required by law.

2. Notifications of violations, penalties, and remedies
shall be sent as directed by the Hearing Board to the
university officials necessary to make the penalties
and remedies effective, and to other persons who
might provide counseling assistance to the offender.

F. Compliance

1. For noncompliance with penalties or remedies under
paragraphs C and D of this section, the offender shall
be suspended until compliance.

2. No degree or official transcript will be granted to any
person who has been found guilty of any violation of
these regulations and who has not paid any fine, per-
formed any service, or fulfilled any other condition
or requirement fixed as a penalty for such violations;
provided that such degree or official transcript shall
be granted upon fulfillment of all such outstanding
obligations.

3. No degree shall be awarded to any person while
charges are pending under these regulations. Any
official transcript issued during the pendency of such
charges shall be accompanied by a complete recita-
tion of the pending charges. The university, upon
request of the party seeking the transcript, shall notify
the recipient of the transcript of the final judgment
in the case.

IV. Other Actions

A. These regulations and the penalties imposed here-
under shall not preclude, in addition, resort to any
applicable state, federal, or local law or ordinance. They
shall not be deemed to limit the right of the university
or of any person to take such additional or other legal
action as may seem appropriate or necessary to main-
tain public order and to protect legal rights.

B. Nothing contained in these regulations shall be
deemed to impair the right of the university to take
such nondisciplinary administrative action as may be necessary or appropriate to maintain public order or safety.

C. In the event that a violation of these regulations should also constitute a violation of other campus rules or regulations, the university may, in its discretion, determine to handle all such violations in one proceeding.

V. Interpretation

A. These regulations (II.A) make it an offense to “interfere with or attempt to interfere with the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other rights of individuals....” Accordingly, these regulations shall not be interpreted to permit the unlawful interference with such rights, as protected by the constitutions and laws of the United States and the state of New York.

B. Nothing in this section or any other university regulation, however, shall be interpreted to limit or prevent the university from seeking to (1) enforce the laws respecting trespass or (2) lawfully regulate the use of university property. It is understood that provision (2) of this paragraph does not permit the misuse of such regulations for the purpose of unlawfully interfering with any of the rights described in paragraph A above.

C. While these regulations establish standards of conduct applicable to all persons, the term “student” as used herein shall be interpreted to mean any person currently registered with the university as a degree candidate in any of Cornell’s undergraduate or graduate divisions, a special student in the undergraduate divisions, or a nondegree candidate in the graduate school.

VI. Amendment

These regulations may be amended by the Board of Trustees upon the recommendation of or after consultation with the University Assembly or its successor.
Title Three: Regulations for the Maintenance of the Educational Environment

I. Applicability
This title shall apply to all students, members of the university faculty, other employees of Cornell University, and university-registered organizations, except all of the aforementioned whose connection with the university is exclusively with the New York City divisions.

II. Violations*
It shall be a violation on any campus of Cornell University or any other property or facility used by it for educational purposes or on the property of a university-related residential organization in the Ithaca or Geneva area:

A. To refuse to comply with any lawful order of a clearly identifiable university official acting in the performance of his or her duties or with a policy which has been duly promulgated by the university or any college, department, or unit thereof, whether or not the policy has been issued in standardized university format.¹

B. To forge, fraudulently alter, willfully falsify, or otherwise misuse university or nonuniversity records (including computerized records, permits, identification cards, other documents, or property) or to possess such altered documents.²

C. To furnish false information to the university with intent to deceive.

D. To bribe or attempt to bribe a university official.

E. To claim falsely to represent the university or a university-registered organization.

F. To misappropriate university funds.

¹The judicial system utilizes the decisions of the Hearing and Review Boards to define or interpret codes. The following numbered notes specify some of the interpretations which have been made by the university judicial system. Public record copies of all decisions of the boards are on file in the Office of the Judicial Administrator.

²For clarification of “University Official,” see Policy 4.5.

²University documents include Co-Op Dining cards, reserve books, and permits used for parking privileges. See Student Identification Card policy.
G. To threaten or use physical force to endanger, injure, abuse, intimidate, or coerce another person.3

H. To endanger or to cause damage to or loss of property of another person or of the university, or to endanger another person.

I. To intentionally harass another person by (a) following that person or (b) acting toward that person in a manner that is threatening, severely annoying or abusive, and beyond the scope of protected free speech.

J. To defraud.4

K. To steal or knowingly possess stolen property.5

L. To traffic, for profits or otherwise, in goods or services, when incompatible with the interests of the university and the Cornell community.

M. To unlawfully manufacture, distribute, dispense, possess, use, or sell controlled substances as defined by state or federal law.

N. To urge or incite another to violate these regulations,

O. To attempt to violate these regulations.

P. To assault or cause any physical injury to another person on the basis of race, ethnicity, religion, sex, sexual orientation, or disability.

Q. To sexually harass another person,

R. To sexually abuse another person.6

S. To sexually assault another person.6

T. To rape another person.6

U. To recklessly or maliciously interfere with or damage, in violation of university rules, computer or network resources or computer data, files, or other information.

3Violations of Life Safety regulations and theft and use of fire extinguishers are considered endangerment. A violation of Article II.C of the Regulations of the Maintenance of Public Order concerning possession or use of dangerous instruments or substances, may also be considered a violation of Article II.G and/or II.H of the Regulations for the Maintenance of the Educational Environment (Title Three).

4Failure to redeem a bad check may constitute fraud.

5Misappropriation of data or copyrighted materials, including computer software, may constitute theft.

6As defined by the Cornell Sexual Assault Policy, Policy Number 6.3.
V. To possess any alcoholic beverage by a person under 21 years of age with the intent to consume such beverage; except if that beverage is given to the person under 21 years of age (1) by that person’s parent or guardian, or (2) as part of an official Cornell University course, for which the person is registered, where tasting or imbibing alcoholic beverages is required for instructional purposes.

W. To enter upon or make use of university property or facilities without authorization.

X. To fail to leave a university building after a fire alarm has sounded or other notice of fire has been given, whether a drill or not.

Y. To intentionally expose the private or intimate parts of one’s body in a lewd manner or to commit any other lewd act in a public place.

Z. To haze a person. Hazing is defined as 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.

AA. To engage in disorderly conduct. For purposes of this section, disorderly conduct means intentionally causing, or recklessly creating a risk of, disruption to the community. Disruption to the community shall include, for example: violent, tumultuous, or threatening behavior; unconscionably loud or belligerent behavior; or obstructing vehicular or pedestrian traffic.

BB. To possess, carry, or use firearms, including rifles and shotguns, ammunition, explosives, or other dangerous weapons, instruments, or substances in or upon university premises (except in the case of law enforcement officers or except as specifically authorized by the university).
III. Sanctions, Remedies, and Other Actions in Cases Arising under RMEE

A. Sanctions

The following sanctions may be imposed:

1. Faculty and Other Employees
   a. Oral warning.
   b. Written reprimand.
   c. Appropriate educational tools (such as reflection papers, counseling, letters of apology, and directed study).
   d. Community work or a monetary fine in lieu of community work. Community work shall not be more than 80 hours per violation and must be performed in a manner acceptable to the judicial administrator. The assessor of the sanction shall have the sole discretion to substitute a monetary fine for community work, and shall determine the amount of the fine by multiplying the number of hours of community work assessed by the then-current federal minimum wage. Monetary fines in lieu of community work shall be payable to the university treasurer.
   e. Suspension from university duties for a stated period not to exceed one month, with loss of salary but without loss of other rights and privileges.
   f. Dismissal from the employ of the university and termination of any contract or tenure.

2. Students
   a. Oral warning.
   b. Written reprimand.
   c. Appropriate educational tools (such as reflection papers, counseling, letters of apology, and directed study).
   d. Community work or a monetary fine in lieu of community work. Community work shall not be more than 80 hours per violation, and must be performed in a manner acceptable to the judicial administrator. The assessor of the sanction shall have the sole discretion to substitute a monetary fine for community work, and shall determine the amount of the fine by multiplying the number of hours of community work assessed by the then-current federal minimum wage. Monetary fines in lieu of community work shall be payable to the university treasurer.

\[\text{Following procedures under Title Four, VIII.}\]
fine for community work, and shall determine the amount of the fine by multiplying the number of hours of community work assessed by the then-current federal minimum wage. Monetary fines in lieu of community work shall be payable to the university treasurer.

e. Probation for a stated period. For any violation during the probationary period, the student may be subject to additional sanctions for violation of probation. In addition, probation may include

(1) In cases of misconduct in connection with university services or facilities, the student may be prohibited from further use of the facilities or services involved other than those used in his or her course of work or study.

(2) In cases of misconduct in connection with university-owned or -operated housing, the student may be ordered to vacate such housing.

f. Suspension from the university for a stated period not to exceed one year, or indefinitely with the right to petition the Hearing Board at any time for readmission.

g. Dismissal from the university.

3. Dual Status

a. In situations where an individual is both a student and on the university payroll, the judicial mechanism may choose appropriate sanctions from either or both Article III.A.1 and Article III.A.2 of this title.

4. Registered Organizations of Members of the Cornell Community

a. Written reprimand.

b. Fine of not less than $25 nor more than $500 payable to the university treasurer, which, in the sole discretion of the assessor of the fine, may be satisfied with community work performed by members, as described in Title Three, Article III, Section A 1d and 2d.

c. Restriction of privileges for a stated period not to exceed one year.
d. Suspension of privileges for a stated period not to exceed one year.

e. Appropriate educational tools for members of the organization (such as reflection papers, counseling, letters of apology, and directed study).

**B. Remedies**

1. The following remedies may be imposed in all cases arising under the jurisdiction of the university judicial system:

   a. Restitution to the victim of the violation.

   b. Order to the offender to perform or to cease and desist from stated actions.

**C. Compliance**

If an offender has not complied with the prescribed sanction or remedy within the required time, the judicial administrator shall notify the registrar or Dean of Students’ Office or other offices on a need-to-know basis that the individual or registered organization is suspended. The suspension takes immediate effect, but the offender may request a hearing in order to show the fact of compliance. The suspension continues until the offender has complied. A transcript issued during the pendency of a charge or a period of suspension shall indicate that a charge is pending or that a suspension is in effect.

**D. General Provisions**

1. These regulations and the sanctions imposed hereunder shall not be deemed exclusive of and shall not preclude resort to any applicable state, federal, or local law or ordinance or other university regulations and procedures and shall not be deemed to limit the right of the university or of any person to take such additional or other legal action as may seem appropriate or necessary to maintain legal order and to protect legal rights.

2. Imposition of any sanction or remedy shall not preclude the imposition of any other sanction or remedy under this code.
Title Four: Judicial Structure and Procedure

I. The University Hearing Board

The University Hearing Board shall consist of 36 members elected by the University Assembly: 12 students, 12 faculty members nominated by the dean of the university faculty, and 12 other employees.

The Committee on Committees of the University Assembly, in consultation with the Codes and Judicial Committee, shall solicit applications and shall nominate candidates to the University Assembly.

A. Written applications shall be solicited from the Cornell community by the Committee on Committees and the Codes and Judicial Committee.

B. Board members shall be nominated by the Committee on Committees, in consultation with the Codes and Judicial Committee, for approval by the University Assembly no later than the last regular meeting of the outgoing University Assembly.

C. Individual nominees shall be named to replace individual board members.

D. All nominations are subject to University Assembly confirmation.

E. No person shall serve on the University Hearing Board who is at the same time a member of the University Assembly or its Codes and Judicial Committee or Committee on Committees, an employee of the Assemblies, or a member of the University Review Board, except for the temporary appointment provision as defined in Title Four IV.B.1.c.

F. Members of the University Hearing Board shall serve terms of office as follows:

1. Twelve students, 12 faculty members, and 12 employees shall be appointed for two-year staggered terms.

2. Terms of office shall begin with the first day of classes in the next academic year.

G. If any board member vacates his or her position, by resignation or departure from the Cornell community, prior to the expiration of his or her term, and his or her
replacement has already been appointed, the replacement shall immediately assume office.

H. The 36 members of the University Hearing Board shall elect an administrative chair from among themselves.

II. The University Review Board
The University Review Board shall consist of three voting members: one student, one faculty member nominated by the dean of university faculty, and one other employee. The Review Board shall also consist of three alternate members: one student, one faculty member nominated by the dean of university faculty, and one other employee. The president shall appoint a nonvoting senior member of the faculty, not a member of the university administration, to serve as chair. The members of the University Review Board shall be selected in the same manner as the members of the University Hearing Board.

A. No person shall serve on the University Review Board who is at the same time a member of the University Assembly or its Codes and Judicial Committee or Committee on Committees, an employee of the Assemblies, or a member of the University Hearing Board, except for the temporary appointment provision as defined in Title Four IV.B.1.c.

B. Members of the University Review Board shall serve two-year terms of office, which shall begin with the first day of classes in the next academic year.

C. If any board member vacates his or her position by resignation or departure from the Cornell community, prior to the expiration of his or her term, and his or her replacement has already been appointed, the replacement shall immediately assume office.

D. The chair shall have the right to convene the University Review Board.

E. The Review Board may appoint an independent legal adviser who shall advise the board on all matters relating to the performance of its responsibilities hereunder, and who may be present at any time during hearings and, at the invitation of the board, during deliberations.
III. Hearing and Review Boards and Procedures under Title Two (Regulations for the Maintenance of Public Order)

A. University Hearing Board

1. A separate panel for each case arising under these regulations shall consist of eight members as follows: The University Assembly shall elect seven members, including two students, three members of the faculty recommended by the dean of university faculty, and two nonfaculty employees. The president shall name one member, a senior member of the faculty, not a member of the university administration, who shall be the chair and who shall have no vote. A sufficient number of alternate members shall be selected in a similar manner. The terms of faculty and nonfaculty employees shall be two years, and the terms for students one or two years.

a. If for any reason a member or alternate member of the Hearing Board is not elected or appointed or does not serve, the president shall appoint a replacement from the appropriate constituency who shall serve for the balance of the unexpired term or period of absence as applicable.

b. The board may appoint an independent legal adviser to the University Hearing Board who shall advise the Board on all matters relating to the performance of its responsibilities hereunder, and who may be present during hearings and, upon the invitation of the board, during deliberations.

c. A member may voluntarily withdraw from participation in any case by reason of a conflict of interest or any other good cause. Any Hearing Board member who has personal knowledge of the facts at issue, or has been directly involved in the events at issue, shall be excused. Any board member having knowledge of such facts or circumstances shall call them to the attention of the board. A member shall be excused, for such reasons, by a majority vote of the board after consultation with the legal adviser, if such adviser has been appointed. In the event that a member is excused, an alternate member shall be selected, as hereinbefore provided.
B. Hearing Procedure

1. The University Hearing Board shall schedule a hearing to be held within 21 days after the date that charges have been brought. It shall cause a written notice to be served upon the accused person, at least 48 hours in advance of the hour set for his or her hearing, which notice shall clearly set forth (1) the time and place of the hearing, (2) the nature of the charges against the accused, and (3) the right to be accompanied by the judicial codes counselor or an adviser or counsel of choice, to hear the evidence against him or her, to cross-examine witnesses, and to give evidence in his or her own behalf.

2. At any hearing, charges preferred by the president shall be presented by a designated representative on behalf of the university and as the representative of the president.

3. While the strict rules of evidence do not apply, the board shall endeavor to evaluate all of the relevant facts of a given case. In all cases the complainant shall have the burden of producing a sufficient quantity of evidence to sustain the complaint and shall have the burden of persuading the hearing panel that the evidence is sufficiently credible to justify a ruling in favor of the complainant. In every case the complainant’s burden of persuasion is met when a violation has been proven by clear and convincing evidence.

4. No charge may be brought more than six months after the alleged violation occurred.

5. The chair shall control the conduct of all hearings and shall make such procedural rulings as may be necessary to assure fairness, to expedite the proceeding, and to avoid unnecessary delay. The board may overrule any such decision by majority vote.

6. The Hearing Board may order the joinder of cases for trial which present common questions of law or fact.

   a. The prosecutor, in a verified affidavit, may affirm that each defendant performed acts sufficiently similar that the facts presented in evidence would not differ materially from one defendant to another. In such case, the board may order joinder of such cases for trial.
b. Any defendant, whose case is joined, may submit a verified affidavit to the board seeking to be excluded from the joint trial on the ground that (1) the defendant is not charged with the same offense, at the same time and place, or (2) that the facts material and relevant to the charge would differ materially from the facts applicable to the other defendants. Such case, with the consent of the prosecutor or at the direction of the board, may be severed from the joint trial.

c. The board may permit any person tried jointly and found guilty to submit either a written or oral statement regarding mitigating circumstances but shall be required to permit such a statement regarding mitigating circumstances before imposing a penalty of expulsion or suspension for the balance of a term or longer.

d. The board may consider differences between the conduct and circumstances of each individual defendant before imposing a penalty.

7. All hearings of the Hearing Board shall be in private, unless an accused requests a public hearing at least 48 hours in advance. In that event, the board shall convene in quarters which accommodate a reasonable number of the public and may limit such numbers in the interest of preserving the decorum and dignity of the proceeding. Witnesses may be excluded at the discretion of the chair except for the period of their examination or cross-examination.

8. A majority of the members shall constitute a quorum for any hearing. Decisions of the Hearing Board shall be rendered by a majority vote of board members present.

9. In the event of the unexcused failure of an accused person to appear at the designated time and place for his or her hearing, the board shall either suspend the accused person temporarily, pending his or her appearance, or hear evidence and proceed to a judgment in the absence of the accused.

10. The Hearing Board shall proceed to decision as expeditiously as possible and shall notify the president and the accused of its decision without delay.
11. The Hearing Board may adopt additional procedures not inconsistent herewith and consistent with fairness and justice.

C. University Review Board
1. The panel for cases arising under these regulations shall consist of four members: Three members shall be elected by the University Assembly, as follows: one student, one member of the faculty recommended by the dean of faculty, and one nonfaculty employee. The president shall appoint a nonvoting senior member of the faculty, not a member of the university administration, to serve as chair.

2. The decision of the Hearing Board shall be affirmed unless found to be (1) against the weight of the evidence produced before the Hearing Board, or (2) the result of substantial error, including a mistaken interpretation or application of these regulations.

3. The Review Board may also appoint an independent legal adviser who shall advise the board on all matters relating to the performance of its responsibilities hereunder, and who may be present at any time during hearings and, at the invitation of the board, during deliberations.

D. Appeal Procedure
1. Any person against whom a penalty has been imposed by the Hearing Board shall have the right to appeal the decision provided he or she serves upon the president or a designated representative a written notice of appeal. Similarly, the president or a designated representative may appeal a Hearing Board determination, on the grounds specified by section C.2 above, by service of written notice of appeal upon respondent and the chair of the Review Board. Such notice shall be served not more than five days following the date of the decision of the Hearing Board.

2. The appeal hearing shall be scheduled within 10 days after the notice of appeal has been served. The appellant and respondent shall be served with written notice not less than five days in advance of the time and place for such hearing.

3. A faculty member upon whom the penalty of dismissal has been imposed may elect to have his or
her case reviewed by a hearing board as provided in the Faculty Dismissal Procedure established by the University Board of Trustees on April 28, 1951, in lieu of appealing to the University Review Board, by giving similar written notice to the president or a designee within 10 days after the Hearing Board’s decision.

4. Any penalty imposed on nonfaculty employees is subject to review either pursuant to applicable grievance procedures or by appeal to the University Review Board, as the employee may elect.

5. The university shall be represented before the University Review Board by a representative designated by the president.

6. The Review Board shall determine whether its hearings shall be conducted in public or in private; however, all deliberations of the Review Board shall be in private.

7. Decisions of the Review Board shall be rendered by a majority vote of board members present. The majority of members shall constitute a quorum for any hearing.

8. The University Review Board shall have the power to affirm, reverse, or modify a decision. A penalty shall not be increased. A penalty may not be decreased unless the Review Board concludes that such measure is necessary and appropriate in the interests of justice. Its decisions shall be final. No new evidence may be introduced into the record on appeal. Otherwise, the Review Board may adopt additional procedures not inconsistent herewith and consistent with fairness and justice, which procedures may include remand of the case to the Hearing Board to hear any evidence newly discovered after the hearing before the Hearing Board.

E. Service
1. Service of any notice under these regulations shall be sufficient if accomplished by delivery of the notice to the person to be served or to his or her last known address as contained in the official records of the university or by mailing by registered or certified mail to his or her last known address as contained in the official records of the university.
2. In the case of service of a notice of appeal upon the president or a designated representative, delivery to the office of the president or designee shall constitute sufficient service.

F. These regulations may be amended by the Board of Trustees upon the recommendation of or after consultation with the University Assembly or its successor.

IV. Hearing and Review Boards under Title Three (Regulations for the Maintenance of the Educational Environment)

A. Hearing Panels for Title Three Cases
1. In cases involving a complaint against a student, a Hearing Panel shall be composed of three students, one faculty member, and one employee, all from the Hearing Board.

2. In cases involving a complaint against a member of the faculty, a Hearing Panel shall be composed of three faculty members, one student, and one employee, all from the Hearing Board.

3. In cases involving a complaint against an employee, a Hearing Panel shall be composed of three employees, one student, and one faculty member, all from the Hearing Board.

4. The president shall name one member, a senior member of the faculty, not a member of the university administration, who shall be the Hearing Board chair and who shall have no vote.

5. Random selection of the Hearing Panels shall be made by the administrative chair of the Hearing Board.

B. The University Review Board
1. The University Review Board shall consist of three voting members: one student, one faculty member recommended by the dean of the university faculty, and one other employee. The president shall name one member, a senior faculty member recommended by the dean of the university faculty, not a member of the university administration, who shall chair and who shall have no vote. The members of the University Review Board shall be selected in the same manner as the members of the University Hearing Board.
a. The University Review Board also shall consist of three alternates: one student, one faculty member recommended by the dean of the university faculty, and one other employee. The alternate members of the University Review Board shall be selected in the same manner as the members of the University Hearing Board.

b. In the event that a University Review Board member disqualifies him or herself, is disqualified, or is otherwise unavailable for a particular case, the alternate University Review Board member from the same constituency as the absent member shall sit in his or her place for the particular hearing.

c. In cases identified in Title Four IV.B.1.b above, where the alternate University Review Board member either has not been appointed by the University Assembly or is otherwise unavailable, the Executive Committee of the University Assembly, on recommendation of the Codes and Judicial Committee of the University Assembly, may appoint a present member of the University Hearing Board to sit in place of the absent Review Board member. This appointment shall be made by random selection. The appointment shall be only for a single case for which the Review Board member is absent. The University Hearing Board appointee shall be from the same constituency as that of the absent Review Board member and must not have sat on any panel that heard the case below.

2. The chair shall have the right to convene the University Review Board.

3. The Review Board may appoint an independent legal adviser who shall advise the board on all matters relating to the performance of its responsibilities hereunder, and who may be present at any time during hearings and, at the invitation of the board, during deliberations.

V. Judicial Offices

A. Office of Judicial Administrator

1. The Office of the Judicial Administrator receives and investigates complaints that allege violations of the Campus Code of Conduct. Anyone can initiate an
investigation regarding violations of the Campus Code. If the office has reason to believe that a violation of the code has occurred, charges may be filed with the University Hearing Board or, with the accused person's and complainant's consent, the case may be summarily settled before the judicial administrator. Sanctions for violations range from a written reprimand and community service to probation, suspension, or dismissal from the university. Questions or complaints can be directed to the Office of the Judicial Administrator.

2. All individuals who are involved in the complaint reporting, investigation, and adjudication process are obliged to maintain confidentiality of the proceedings. The university will take reasonable measures to ensure the confidentiality of the testimony and records produced in the procedures under this code; however, the university cannot and does not guarantee that confidentiality can always be maintained. The university may disclose otherwise confidential information when required by law, when necessary to protect the safety or well-being of the university community, or to preserve the integrity of proceedings under this code.

3. The judicial administrator shall not be a member of the University or Employee Assemblies or any of their committees or boards, or of either judicial board. In October of the year preceding the expiration of the term of the judicial administrator, or upon the chair's receipt of notice of the judicial administrator's resignation, the chair shall convene a six-member search committee, to include two members appointed by the president and four members appointed by the University Assembly to propose two or more nominees to the president. The president shall appoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the associate judicial administrator shall be appointed by the president, with the concurrence of the University Assembly, to serve until a permanent judicial administrator is approved.

4. The judicial administrator shall be appointed for a two-year term; a judicial administrator can be renominated by the president for additional terms.
5. The Office of the Judicial Administrator shall be independent. He or she shall be subject to removal during the term of office only by action of the Board of Trustees.

6. The judicial administrator shall be solely responsible for the Office of the Judicial Administrator.

B. Office of the Judicial Codes Counselor

1. The Office of the Judicial Codes Counselor provides free assistance and representation within the campus system to those charged with violations of the Campus Code of Conduct and to students charged with violations of the Code of Academic Integrity. Although the person holding the position traditionally has had some legal training and is frequently a law school student, the services are not meant to be a substitute for professional legal advice or for the legal assistance provided by an attorney. The judicial codes counselor primarily explains how the campus judicial system works, and assists the accused person in the selection of counsel or an adviser. With the consent of the judicial codes counselor, an accused person may choose the Office of the Judicial Codes Counselor as his/her adviser or representative.

2. The judicial codes counselor shall be appointed by the president of the university with the concurrence of the University Assembly according to the procedures for the appointment of the judicial administrator. The judicial codes counselor shall not be a member of the University, Student, or Employee Assemblies, or any of their committees or boards, or of either judicial board.

3. The judicial codes counselor shall be appointed for a two-year term; a judicial codes counselor can be renominated by the president for additional terms.

4. The Office of the Judicial Codes Counselor shall be independent. He or she shall be subject to removal during the term of office only by action of the Board of Trustees.

5. The judicial codes counselor shall be solely responsible for the Office of the Judicial Codes Counselor.
VI. Other Parties to Judicial Proceedings

A. Complainant

1. In cases in which an investigation is initiated by the judicial administrator, the university community shall be designated as the complainant.

2. In cases in which the complaint is originated by an individual(s) in the university community, other than the judicial administrator, such individual(s) shall be designated as the complainant(s). However, in cases concerning violations described in Title Three, Article II, A through F and H or in cases involving injury to university property, “Cornell University” (the corporation) may be named as complainant.

B. Defense Counsel

1. When he or she appears before the judicial administrator, the University Hearing Board, the University Review Board or other university officials acting in a judicial capacity, an accused person has the right of counsel by an individual of his or her choice.

2. The counsel for the accused person may be selected from any member of the Cornell community or general public.

3. The accused person has the option of seeking assistance from the Office of the Judicial Codes Counselor in the selection of counsel. Any information which the accused person reveals to the judicial codes counselor shall be confidential, to the extent permitted by law, unless the accused person expressly requests that the information in question be referred to another party.

4. The accused person shall have the right of acting as his or her own counsel.

VII. Procedures under Title Three
(Regulations for the Maintenance of the Educational Environment)

A. Investigation

1. The judicial administrator shall promptly cause an investigation to be made:

   a. Upon receiving a complaint alleging a non-job-related violation of the Campus Code of Conduct, or any
other document enforceable by the campus judiciary system pursuant to the University Assembly or Trustee legislation; or

b. Upon determining that a complaint referred to him or her by a supervisor or department head or through jurisdictional appeal is non-job-related; or

c. Upon receiving information that a non-job-related violation may have occurred when no complaint has been made.

2. During the course of an investigation, the judicial administrator, before preferring formal charges, may interview the parties involved. Prior to this interview the judicial administrator shall, in writing, inform the parties of:

a. The matter to be discussed and the party's alleged relationship to it.

b. The services of the Office of the Judicial Codes Counselor.

3. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the judicial administrator, after making a reasonable effort to meet with the accused, may issue a Temporary Order of Protection.

a. The Office of the Judicial Administrator shall have on file the exact terms of the Temporary Order of Protection and these shall be made available to the accused as soon as the Temporary Order of Protection is issued. The Temporary Order of Protection shall not require the accused to withdraw from a class or to change his/her place of residence.

b. In the event the judicial administrator is notified of a violation of the terms of the Temporary Order of Protection, the accused shall be provided with an opportunity to review the matter with the judicial administrator within two business days. If the judicial administrator determines, based upon the information available, that the Temporary Order of Protection has been violated he/she may suspend the accused pending determination of the underlying charges.
c. In the case of the suspension pursuant to paragraph b, the accused may petition the University Hearing Board for a review of the decision to suspend. The Hearing Board would meet as soon as possible, but no later than five business days after the petition is filed, to review the petition. If the University Hearing Board determines that the Temporary Order of Protection was not violated it shall lift the suspension immediately.

d. The judicial administrator may, in his/her judgment, rescind the Temporary Order of Protection or lift a suspension should he/she determine the circumstances no longer require such action.

e. A suspension hereunder shall remain in effect until expiration or lifting of the Temporary Order of Protection or suspension by the University Hearing Board pursuant to paragraph c or by the judicial administrator pursuant to paragraph d.

f. In the event that the judicial administrator issues a Temporary Order of Protection against the accused, the Temporary Order of Protection alone shall not create a disciplinary record.

B. Summary Decision

1. The judicial administrator and the accused person may agree, in writing, to a summary decision before formal charges are filed, subject to the limitations outlined in this legislation. If a summary decision is reached, the judicial administrator shall send a notice of the formal accusation and of the provisions of the summary decision to the accused person.

2. The judicial administrator shall determine, without undue delay, whether to refer the matter to the University Hearing Board or to offer a summary decision.

3. In the event that the summary procedure is employed:

   a. All sanctions and remedies listed in Title Three, Articles III.A and III.B may be assessed via summary decision except for dismissal and suspension unless the suspension results from a violation of probation.

   b. A summary decision shall not become final and
binding (subject to the provisions of Article VII.C.1 (a) of this title) until two business days after agree-
ment.

c. The judicial codes counselor shall be notified of each summary decision as soon as possible where the accused person has previously sought the assistance of the judicial codes counselor.

d. Notice of a summary decision shall be given to a complainant no more than two business days after the summary decision becomes final.

C. Hearing

1. Circumstances under which referral may be made to the Hearing Board:

   a. If a complainant is dissatisfied with the decision of the judicial administrator not to prefer charges or with a summary decision which has been accepted by the accused person, he or she may request in writing a review of the decision by a five-per-
son panel of the University Hearing Board. This request must be received by the judicial adminis-
trator within three calendar days after the date of the judicial administrator's notice to complainant required by Title Four, Article VII.B.3.d;

   b. If the accused person or an accused organization requests a hearing;

   c. If the judicial administrator requests a hearing under circumstances described below in Title Four, Article VII.C.2.a; or

   d. If an accused person or an accused organization seeks review of his/her/its temporary suspension.

2. Notification

   a. If, as a result of an investigation, the judicial administrator determines that there is reasonable cause to believe that a violation has been commit-
ted, and a summary decision has not already been reached, then the case shall be referred to a panel of the University Hearing Board. The judicial administrator shall

      (1) file charges immediately following the determi-
nation of reasonable cause.
(2) make a good faith effort to serve notice of the charges within seven calendar days of the filing of charges, not including the date of receipt but including the date of the filing.

(a) By personal service, or if after diligent effort, personal notice is impossible to effect, or

(b) By certified mail, return receipt requested, and with notice placed under the door, to the accused person’s last local address of record with the university.

b. In cases where no summary decision has been reached, notice of the charges shall contain

(1) the formal accusation.

(2) instructions to contact the judicial administrator within four business days of his or her receipt of notice, not including the date of receipt but including the date contact is to be made so that the time of an appearance of the accused before the judicial administrator may be agreed upon by both parties. If the accused fails to respond within the time specified or to agree to appear within a reasonable time, the judicial administrator may, at his or her discretion, forward the case to the University Hearing Board.

(3) notice of the nature of the evidence to be used against the accused.

(4) a brief summary of the services and location of the Office of the Judicial Codes Counselor.

c. Names and written statements of witnesses to be called at a hearing by the judicial administrator or the accused, if known at the time, shall be exchanged no later than three business days prior to the hearing, except where a witness requests anonymity for reasons of personal protection. In the latter case anonymity will be granted on the condition that the expectation of possible harm is reasonable, though the witness must still supply a written statement to the opposing party. The Hearing Board, in its discretion, may exclude a witness when it determines that the judicial
administrator or the accused has failed to comply with this provision.

d. In the appearance specified in Article VII.C.2.b (2) of this title, the accused shall be again informed of his or her right to access to the Office of the Judicial Codes Counselor, and shall be referred to the Campus Code of Conduct and supplementary information, so that he or she might be made aware of

(1) the procedures of the Office of the Judicial Administrator and the procedures of the judicial boards.

(2) the alternative procedures provided for in job-related cases.

(3) the right to be accompanied by an adviser or counselor of his or her choice.

(4) other rights and options that may be available to an accused person.

e. When a case is referred to the Hearing Board, the judicial administrator shall

(1) make a good faith effort to ensure that the accused person and complainant know of the hearing at least seven business days in advance of the hour set for the hearing, not including the date of imparting the information, but including the date of the hearing (unless a shorter time is agreed upon by the accused). If the judicial administrator has been notified that an accused person has consulted the judicial codes counselor, the judicial administrator shall promptly notify the judicial codes counselor of the hearing by telephone or campus mail.

(2) notify the accused person by

(a) personal service, or if after diligent effort, personal notice is impossible to effect.

(b) certified mail, return receipt requested, and with notice placed under the door, to the accused person’s last local address of record with the university.
(3) notify the complainant by regular United States Mail.

(4) set forth in the notice
   (a) the time and place of the hearing.
   (b) specification of the charges against the accused person.
   (c) the accused person’s right to be accompanied by an adviser or counsel of his or her choice, to hear the evidence against him or her, to question witnesses, and to give evidence in his or her own behalf.

(5) work with the Department of Campus Life in cases in which the victim and the accused person live in the same residence hall and there is a substantial danger of future harm or misconduct, to determine whether the Department of Campus Life should relocate the victim or the accused person to another residence hall.

3. University Hearing Board

a. Parties to the Hearing
   (1) The Hearing Board chair shall have the right to convene the University Hearing Board or any panel thereof.

   (2) The board may appoint an independent legal adviser to the board who shall advise the board on all legal matters relating to the performance of its responsibilities hereunder, and who may be present during hearings and, upon the invitation of the board, during deliberations.

   (3) At least four members of a five-person hearing panel must sit for a given case and at least three votes shall be required for a finding of a violation.

b. Procedures
   (1) The University Hearing Board shall meet to hear a complainant’s appeal of a summary decision within 21 calendar days of receipt by the judicial administrator of a written request for review.
(2) A hearing panel of the University Hearing Board shall hold a hearing within 21 calendar days of receipt of charges by the Hearing Board chair, unless the same be adjourned by the Hearing Board chair for good cause shown.

(3) At any hearing, the charges shall be presented by the judicial administrator in the name of the complainant.

(a) A victim and a complainant shall have the right to be accompanied at every stage by a personal adviser, who shall not be a witness and shall not participate in a hearing in a representative capacity.

(b) A victim and a complainant shall have the right to be present at a relevant hearing, whether or not the victim is a member of the Cornell community.

(c) Members of the board may question witnesses and adduce evidence. This shall not preclude parties to the hearing from questioning witnesses.

(d) Strict rules of evidence shall not apply and the board shall receive relevant information that is reasonably reliable. The board shall have the power to establish its own rules of evidence, and need not accept as evidence reports of the accused person’s testimony at the summary hearing by the judicial administrator.

(e) The board shall endeavor to evaluate all the relevant facts of a given case.

(4) Knowledge of the events at issue shall not disqualify a member of the Hearing Board, unless he or she has a personal knowledge of the events at issue, has been directly involved in the events at issue, or is an interested party with regard to the outcome of the hearing.

(5) The hearing panel chair shall conduct all hearings.
(a) He or she shall make such procedural rulings as, in his or her discretion, may be necessary to assure fairness and to avoid undue delay.

(b) He or she shall apply the procedures of the board, as developed by the board, and the University Assembly so as to assure fairness and to avoid undue delay.

(c) All procedural rulings of the hearing panel chair shall be subject to the approval and concurrence of the hearing panel as a whole. The hearing panel may overrule the procedural rulings of its chair by majority vote.

(d) Evidence of a victim's sexual conduct shall not be admissible unless fairness to the accused person requires consideration of such evidence.

(6) All hearings shall be private unless the accused person notifies the Office of the Judicial Administrator that he or she wishes a public hearing two business days before the hearing is held. All hearings in cases of sexual harassment, abuse or assault, or of rape shall be private and the accused person shall not have the option of requesting an open hearing. Witnesses shall be excluded except for the period of their questioning in all hearings. In cases of harassment, abuse, assault, or rape, if either the accused, complainant, or judicial administrator requests that the proceedings be conducted in such a fashion that the accused and the complainant are never in the same room together, the nonvoting chair of the proceedings, after determining the appropriateness, shall make suitable arrangements to accomplish this purpose.

(a) The hearing panel shall maintain order in the hearing room.

(b) All deliberations by the Hearing Board or its panels shall be in private.

8See Section 60.42 of the New York Penal Law for guidance as to the application of this provision.
(7) The unexcused failure of the accused person or organization to appear at the time and place designated for his or her appearance before the judicial administrator or the University Hearing Board, or one of its panels, shall be grounds for the University Hearing Board, or one of its panels, to impose a temporary suspension. In the alternative, the University Hearing Board, or one of its panels, may find the accused person in violation and impose appropriate sanctions and/or remedies. The University Hearing Board may make a finding of violation and impose sanctions and/or remedies only if the judicial administrator shows that the accused person or organization received notice of the hearing or that the procedures for notifying the accused person were followed, and submits information sufficient to establish the allegations in the charge. The judicial administrator, the University Hearing Board, or one of its panels, respectively, may excuse the failure to appear for good cause shown.

(8) Failure of the complainant to appear, unless excused for good cause shown as determined by the panel, shall result in a loss of his or her right to the assessment of a remedy in his or her favor by the panel.

(9) Should the accused person be excused from appearing at a given time he or she shall have the option of having the case heard in absentia, with the privilege of submitting written evidence, or of having a new date set for a hearing.

(10) The hearing panel of the University Hearing Board or the board itself, as applicable, shall proceed to a decision as expeditiously as possible.

(11) The judicial administrator shall serve written notice of the decision of the board or panel to the accused person and complainant within five business days of the judicial administrator's receipt of the written decision. The accused shall be provided with a full copy of the decision. The complainant shall be pro-
vided a copy of the decision with names of individuals and other identifying information redacted.

(12) Records

(a) A verbatim record shall be kept of all proceedings, but not of deliberations, and made available to the complainant within the allotted time for appeal, and to the accused person at any time.

(b) All decisions of the judicial boards must be in writing, including rationale and dissenting opinions.

(c) The Office of the Judicial Administrator shall maintain as public records a brief summary of all decisions of the judicial boards that includes the nature of the case and disposition.

(13) Confidentiality. Subject to the qualifications set forth in Articles V.A and VI.B of this title, the judicial administrator and the judicial codes counselor shall protect the confidentiality of all judicial records except those records specifically named in Article VII.C.3.b (12) (b) of this title.

c. Suspension of an individual pending hearing under Title Three violations

(1) In extraordinary circumstances and for the purpose of assuring public order and safety, the president or a designated representative shall have discretionary power to suspend the accused person temporarily pending the hearing of charges against him or her by the University Hearing Board.

(2) The judicial administrator may accept from the president this power to temporarily suspend pending hearing, but only if the judicial administrator may exercise the power at his or her own discretion.

(3) When the president or a designee exercises the above-outlined power to suspend a person from his university-related status pending a hearing, these procedures shall be followed:
(a) As soon as possible, not to exceed five calendar days, after any person is suspended, the University Hearing Board shall meet to determine whether good cause has been shown for the exercise of the president's suspension power.

(b) If the University Hearing Board determines that (a) good cause has not been shown for the suspension, or (b) that circumstances have changed so that suspension is no longer necessary, the suspension shall be lifted immediately.

(c) If the suspension remains in effect after the University Hearing Board's initial meeting, upon motion by any member of the board or upon the request of any suspended person, the board may decide to reconvene to determine whether circumstances no longer require suspension.

d. Suspension of the activities of a registered organization pending hearing under Title Three violations

(1) In extraordinary circumstances and for the purpose of assuring public order and safety, the president or a designated representative, after consulting with the Office of the Dean of Students and/or other offices as deemed appropriate, shall have discretionary power to suspend the activities of a registered organization pending completion of an investigation of a formal complaint.

(2) The judicial administrator may accept from the president this power to temporarily suspend pending hearing, but only if the judicial administrator may exercise the power at his or her own discretion after consulting with the Office of the Dean of Students and/or other offices as deemed appropriate.

(3) When the president or a designee exercises the above-outlined power to suspend the activities of a registered organization from their university-related status pending a hearing, these procedures shall be followed:
(a) As soon as possible, not to exceed five calendar days, after any registered organization is suspended, the University Hearing Board shall meet to determine whether good cause has been shown for the exercise of the president’s suspension power.

(b) If the University Hearing Board determined that (a) good cause has not been shown for the suspension or (b) that circumstances have changed so that suspension is no longer necessary, the suspension shall be lifted immediately.

(c) If the suspension remains in effect after the University Hearing Board’s initial meeting, upon motion by any member of the board or upon the request of any suspended registered organization, the board may decide to reconvene to determine whether circumstances no longer require suspension.

4. University Review Board
   a. Hearing Panels
      (1) All members of the University Review Board shall be scheduled to sit for a given case.
      (2) Decision of the Review Board shall be rendered by a majority vote of the members present. The majority shall constitute a quorum for any hearing.

   b. All accused persons have the right to appeal to the University Review Board.

   c. Appeals shall be initiated as follows:
      (1) An accused person against whom a sanction has been imposed or a remedy assessed shall have the right to appeal a decision of a hearing panel to the University Review Board. He or she shall file notice of the appeal with the judicial administrator within 10 business days of his or her receipt of the notice of the decision.
      (2) Any complainant, other than the university community as defined in Title Four, Article VI.A.1, shall have the right to appeal the decision of the panel to the University Review
Board, but only in cases where remedies are sought.

d. Appeals may be based upon

(1) any violation by the Hearing Board, or any of its panels, in the fair application of the procedures established by University Assembly, or Trustee legislation, or the internal procedures adopted by the Hearing Board members, if such violation may have had a prejudicial effect upon the outcome of the hearing.

(2) the discovery of additional evidence after the hearing which may have an effect upon the outcome of the hearing.

(3) the accused person’s belief that the sanction and/or remedy imposed upon him or her is unjust.

(4) the complainant’s belief that the remedy awarded him or her is not commensurate with the injury.

e. Notification

(1) The appellant shall file notice of appeal with the judicial administrator within 10 business days of his or her receipt of the notice of the decision.

(2) The appellant and respondent (if there is one other than the judicial administrator) shall be notified of the time of the hearing no later than seven calendar days after notice of appeal is filed, and no less than seven calendar days in advance of the hearing.

(3) The board shall meet to hear an appeal within 21 calendar days of the date that the notice of appeal is filed, unless a postponement, for a good cause shown, is granted by the chair on request.

f. Disposition of Appeals

(1) Any decision of the University Review Board shall be based solely on the record of the hearing, and/or in appropriate cases, upon a showing of new evidence. The board shall remand a case to the hearing panel from which it
originated on a showing that new evidence has been discovered after the hearing which could affect the outcome of the hearing process.

(2) The University Review Board may
(a) uphold the hearing panel decision.
(b) reverse a finding of violation.
(c) reduce a sanction.
(d) modify a remedy.
(e) remand a case to the hearing panel from which it originated for a new hearing.
(f) remand a case to a newly composed hearing panel in appeals of procedural violations.

D. General Provisions

1. Limitations. Any charge of a violation of Title Three of the Campus Code of Conduct must be initiated by the bringing of charges by the judicial administrator within one calendar year of the date of the alleged violation. Exceptions to this policy which extend the period beyond one year are:

   a. In cases where the charge is fraud, the period shall be one calendar year from the alleged fraud or 60 calendar days from the discovery of the fraud, whichever is longer, but in any event no more than three calendar years from the alleged fraud.

   b. In cases where the individual to be charged is absent from the university due to either

      (1) a leave of absence,
      (2) termination of employment, or
      (3) a withdrawal as a student,

     a charge may be brought within one calendar year of the date of the alleged violation or within 60 calendar days of his or her return to the jurisdiction of the university judicial system, whichever is later.

   c. In cases where the individual to be charged is also facing pending criminal prosecution involving the same matters, a charge may be brought within 60 calendar days of the final disposition of such criminal prosecution. Should it appear that the individual will leave the university before such a
time, the president or the president’s designee may cause the individual’s degree to be withheld. Any such action shall remain in effect for the period of time in which the university may file charges.

d. The University Hearing Board may extend any period by up to an additional six calendar months upon a petition from the judicial administrator and a showing of special or unique circumstances justifying such an extension provided that such petition is made to the Hearing Board prior to the initial expiration of the period.

2. No final decision of the campus judicial system shall be reviewed by any other authority within the university.

3. Additional Rights. A person accused of a violation under Regulation for the Maintenance of the Educational Environment shall have the following rights:

a. No person shall be denied the opportunity to question witnesses or to confront his or her accusers. In cases where the University Hearing Board determines that a complainant or victim is unable to testify due to compelling reasons, the accused person’s inability to confront his or her accuser(s) shall not, in and of itself, constitute grounds for dismissing the complaint. The case shall proceed and the Hearing Board shall base its decision on whether the remaining evidence establishes a clear and convincing violation of the code.

b. No person shall be compelled to testify against him or herself.

c. Confidential relationships currently protected under federal and state law shall be protected under this system.

d. No person shall endure cruel and unusual punishment.

e. No person shall be denied the right to present evidence and witnesses in his or her own behalf.

4. The judicial administrator, any University Hearing Board panel, or the University Review Board may grant transactional immunity from prosecution within the judicial system to witnesses.
5. Violations, sanctions, and remedies shall be recorded in the Office of the Judicial Administrator and/or director of Cornell University Police in all cases arising under the university judicial system. Subject to the qualifications set forth in Articles V.A and VI.B of this title, copies of such records shall not be released to outside sources without written consent of the subject of such record.9

6. Notifications of violations, sanctions, and remedies concerning the accused person shall be sent as directed by the Hearing Board to the university officials necessary to make the sanctions and remedies as effective and to other persons who might provide counseling assistance to the accused person.9

7. The judicial boards shall be responsible for establishing their own internal rules and procedures not specified elsewhere.10

   a. Such rules and procedures must be published in the *Cornell Chronicle* before going into effect.

   b. Any future changes in rules and procedures must be published in the *Chronicle* at least 30 days before taking effect.

8. The judicial administrator shall annually report to the University Assembly on the operation of the office and the judicial system as a whole.

9. The judicial boards shall report upon request to the University Assembly Codes and Judicial Committee.

10. The judicial administrator and other parties to the hearings must make good-faith efforts to meet the deadlines for conducting hearings outlined by the code. If the timelines cannot be met, however, the hearings must be held as soon as practicable.

### VIII. Jurisdiction

#### A. Jurisdiction of the Judicial System

All violations of the Campus Code of Conduct by a student, faculty member, or university employee shall be processed through the judicial system, consistent with

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9See also Article VII.C.3.b (12) and (13) of this title in this publication and Policy on Access to and Release of Student Education Records.

10Copies are available in the Offices of the Judicial Administrator and of the Judicial Codes Counselor.
the principles at Title One, Article II, except as provided at F below.

While the Campus Code of Conduct establishes standards of conduct applicable to all students, faculty members, or university employees, the term “student” as used herein shall be interpreted to mean any person currently registered with the university as a degree candidate in any of Cornell’s undergraduate or graduate divisions, a special student in the undergraduate divisions, or a nondegree candidate in the graduate school.

Persons not officially registered shall be considered students if they are

• currently enrolled in or taking classes; or

• in connection with academic activities, currently using university facilities or property or the property of a university-related residential organization.

B. Jurisdiction of the Judicial Administrator
The judicial administrator shall

1. receive and investigate complaints concerning alleged violations of the Campus Code of Conduct and such other documents as the University Assembly may direct.

2. initiate investigation of possible violations of these documents where there have been no formal complaints.

3. prefer charges alleging such violations.

4. inform accused persons of such charges in writing.

5. ensure that accused person is aware of: all the rights and options available to him or her; the procedures of the Office of Judicial Administrator and judicial boards; the alternative procedures described in F below; has right to counsel; and his or her right of access to the Office of the Judicial Codes Counselor.

6. on request of university officials, the judicial codes counselor, committees, boards, or other judicial mechanisms as hereafter described, to provide a copy of charges made against the accused person.

7. research a summary decision acceptable to the accused person; or refer the case to the University Hearing Board for adjudication.
C. Jurisdiction of the University Hearing Board

1. a. A five-person panel of the University Hearing Board shall hear cases involving alleged violations of Title Three, and shall review decisions of the Office of the Judicial Administrator as provided for in Article VIII.B above.

b. An eight-person panel of the University Hearing Board shall hear cases involving alleged violations of Title Two (Regulations for the Maintenance of Public Order) of the Campus Code of Conduct.

c. A five-person panel of the University Hearing Board shall review any temporary suspension imposed under Title Three by the president of the university or a designee, pending a hearing on the merits of the charges by the University Hearing Board.

2. A five-person panel of the University Hearing Board consisting of at least one each, faculty, staff, and student, shall review instances in which the complainant is dissatisfied with the action taken by the judicial administrator on the complaint.

a. The University Hearing Board, a majority concurring, can

   (1) uphold the decision of the judicial administrator;

   (2) order the judicial administrator to reopen the investigation; or

   (3) order the judicial administrator to prefer formal charges so that the case can be adjudicated by a panel of the University Hearing Board.

b. The nonvoting chair appointed by the president under Article IV.A.4 shall preside over these proceedings.

3. The University Hearing Board shall upon adjudication find the accused person did not violate the code and dismiss the case, or find the accused person violated the code and impose a sanction and/or a remedy.

D. Jurisdiction of the University Review Board

The University Review Board shall hear appeals of cases decided by hearing panels of the University Hearing Board.
E. Jurisdiction Over Faculty and Staff

1. Should any complaint of such a violation\(^\text{11}\) be made to a supervisor, department head, dean, or the judicial administrator, or should a supervisor, department head, or dean accuse an employee or faculty member of a violation which involves conduct clearly arising in the course of employment, determination of whether there was a code violation shall be made by the appropriate university administrative authority or department head or dean who shall also assess sanctions and/or remedies where appropriate. The procedures of the Campus Code of Conduct shall not apply to faculty members or staff who are accused of employment-related misconduct.

a. The accused may make a jurisdictional appeal; i.e., a question whether the alleged conduct arose in the course of employment and calling for rechanneling into the judicial system, to the judicial administrator. Such appeal shall be successful only in the event that the judicial administrator finds the conduct to be non-job-related upon consultation with the dean of faculty or vice president of human resources (as appropriate).

b. The accused may make an appeal on the merits of administrative action through the employee grievance procedure or appropriate faculty channels but not through the judicial system.

2. If a complaint comes to a supervisor or department head or dean about the conduct of an employee or faculty member not arising in the course of employment or about which there is uncertainty, the complaint shall be referred to the judicial administrator for channeling into the administrative action process or the judicial system. The criterion on which the judicial administrator shall channel in the foregoing cases as well as in cases where the complaint is made to the judicial administrator is whether or not the conduct of the accused is job-related. In reaching such a decision the judicial administrator shall consult with the dean of faculty if the case involves a faculty member or the vice president of human resources if the case involves an employee other than a faculty member. The judicial administrator shall make his or her own decision after such consultation.

\(^{11}\)A violation of the Campus Code of Conduct.
3. Upon imposition of a sanction of dismissal or suspension upon a faculty member by the University Hearing Board, such faculty member may choose to appeal to an arbitration committee (as described in Trustee legislation of April 28, 1951, titled Faculty Dismissal Procedure) in lieu of appeal through the University Review Board. Similarly, any sanction imposed on nonfaculty employees is subject to review either pursuant to applicable grievance procedures or by appeal to the University Review Board as the employee may elect.

IX. Interpretation and Modification

A. The Regulations for the Maintenance of Public Order constituting Title Two and Article IV of Title Four hereof are adopted by the Board of Trustees and may be amended only by action of the Board of Trustees. Therefore, no term of any other article or provision of the Campus Code of Conduct shall be interpreted to amend, supplement, or modify, in any manner, any provision of the Regulations for the Maintenance of Public Order.

B. Nothing contained in these regulations shall impair the right of the university to take such action as may be necessary or appropriate for the purposes of construction and repair of facilities, of regulating vehicular and pedestrian traffic, and of maintaining order and safety.

C. All titles of the Campus Code of Conduct except Title Two and Title Four, Article III may be amended by the University Assembly subject to the approval of the president.


E. The rights, duties, and liabilities of any complainant and accused person remain unextinguished except as modified by this legislation, which is a consolidation of existing legislation with amendments.

F. This legislation shall become effective as of midnight on May 30, 1987.
Title Five: Responsible Speech and Expression

Purpose: The principle of freedom with responsibility is central to Cornell University. Freedom to teach and to learn, to express oneself and to be heard, and freedom to assemble and lawfully protest 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. 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. These time, place, and manner restrictions delineate lawful speech from prohibited forms of expression.

I. Public Speaking Events on Campus

A. Arrangements

1. Any recognized campus organization is free to invite a speaker to address its own membership in a private, closed meeting under ground rules set by the inviting organization.

Commentary. A closed meeting can serve many legitimate purposes, including creation of a more informal atmosphere, maximizing the opportunity of organization members to ask questions, allowing the speaker to talk “off the record,” and ensuring a particular kind of discussion because of advance preparation of the organization’s membership. If a speaker is likely to attract widespread interest among nonmembers, however, the group would often be wise to open the meeting to nonmembers, including those with views contrary to those of the speaker. Nevertheless, the university will not insist that the group do so.

2. If the group chooses to open the event to the campus public, it should seek to arrange adequate space to accommodate the reasonably expected audience.

Commentary. In such a public event the inviting group may also decide whether there is to be a question and answer period, and if so, its length and general format. The speaker or moderator should also be allowed reasonable discretion in requiring questioners to be concise, not to abuse the speaker,
and not to monopolize the proceedings or otherwise interfere with their purpose. If a question and answer period is held, however, neither the speaker nor the moderator should be allowed in recognizing speakers to discriminate on such grounds as race, gender, religion, national origin, sexual orientation or affectational preference, political persuasion, or other suspect or invidious categories. By the same token, at a public event, the sponsoring organization should not be allowed to bar attendance or give preferred seating on the basis of these same or similar suspect or invidious categories.

B. Disruption of Invited Speakers

1. Freedom of speech, within commonly accepted limits of civility and safety, is a paramount value in a university community.

Commentary. In a university community, as in society as a whole, freedom of speech cannot be absolute. Speech that is libelous, or that incites a crowd to riot, deserves no protection. Perhaps no one, in real life, has ever falsely shouted “Fire!” in a crowded theater, but surely no one has a right to do so. Within such commonly accepted limits, freedom of speech should be the paramount value in a university community.

Because it is a special kind of community, whose purpose is the discovery of truth through the practice of free inquiry, the university has an essential dependence on a commitment to the values of unintimidated speech. To curb speech on the grounds that an invited speaker is noxious, that a cause is evil, or that such ideas will offend some listeners, is therefore inconsistent with a university’s purpose. One may argue against inviting a speaker on the grounds that the speaker has nothing of importance to say. But once members of the university community extend an invitation, others may not disrupt the speech on the grounds that they find it stupid, immoral, or dangerous.

Those who dislike what an invited speaker is saying also have rights. They include distributing leaflets outside the meeting room, picketing peacefully, boycotting the speech, walking out, asking pointed questions,
and, within limits set by the moderator, expressing displeasure with evasive answers. Those who oppose a speaker may thus make their views known, so long as they do not thereby interfere with the speaker's ability to be heard or the right of others to listen.

The American conception of academic freedom includes the principle that professors may participate in political demonstrations and speak out on controversial issues without jeopardizing their employment. In a campus setting, however, academic freedom carries with it certain responsibilities. Scholars should not only respect the professional demands of their discipline and the pedagogical requirements of the teacher-student relationship, but they should not encourage efforts to abridge the free expression of controversial viewpoints. As citizens, professors may or may not be especially solicitous about freedom of speech; as scholars, they are morally bound to defend it. Professors trucate their calling any deliberate action demonstrating contempt for freedom of speech. Civility is a fragile virtue, but one upon which a university ultimately depends. Name-calling and the shouting of obscenities, even when they are not carried so far as to abridge freedom of speech, are nevertheless deplorable in a community devoted to rational persuasion and articulate controversy.

2. Civil disobedience is not a ground for exonerating one from sanctions for violating the rules of conduct regarding free expression, nor should it be a circumstance mitigating the sanction.

Commentary. Although nonviolent civil disobedience can be an honorable way of expressing moral outrage, in a university community where the free flow of ideas is paramount, it is contradictory and misguided to employ it to deny that very right of expression to another.
II. Symbolic Expression

A. Protected Expressive Conduct in General

1. The university administration will treat as within the basic protection of a right to free expression such lawful* conduct as satisfies the following tests. The conduct should (i) be intended for expressive purposes, (ii) be reasonably understood as such by the campus community, and (iii) comply with such reasonable time, place, and manner restrictions consistent with the other provisions of this title, as may be authorized from time to time by the president.

Commentary. Even in regard to conduct that is intentionally expressive and perceived as such, the university should impose reasonable time, place, and manner restrictions on that conduct to preserve other important values and interests of the university community.

2. All protection and regulation of symbolic expression should be content neutral. A group’s persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group’s symbolic expression.

B. Symbolic Structures

1. Symbolic structures will be allowed in accordance with an express permit issued by the vice president for student and academic affairs or other presidential designee. Such structures must be temporary and must conform to the conditions contained in the permit. In regulating by permit the duration, size, location, and other features of symbolic structures, the administration will be guided by attention to the following, or similar, kinds of campus community interests that such structures could infringe upon

   a. protecting health and safety.
   b. preventing damage or risk of damage to university property.
   c. preserving unimpeded mobility on pathways and streets, entrance to and departure from buildings, and unimpeded mobility within buildings.
   d. providing for competing uses of campus grounds.
   e. avoiding interference with other university activities.

*That is, not a violation of state or federal law.
f. reasonably limiting costs to the university of increased campus police protection, potential university liability, insurance coverage, and cleanup and repair after an event.

2. Limits on the duration, size, and location of symbolic structures may also be based legitimately upon the desire to preserve campus aesthetic values. In addition to limits on the duration, size, and specific location of symbolic structures, other restrictions may also be imposed. For example, depending on experience and context, the president may impose any of the following restrictions: requiring portability so that structures do not remain overnight; prohibiting overnight sleeping in structures; and requiring continued daytime physical presence of persons responsible for the expressive activity.

3. It will be a punishable violation of campus conduct rules for anyone to build a structure on the campus without a permit or in violation of the conditions of a permit, and to refuse to dismantle it, or discontinue the nonconforming feature, upon the direction of an authorized university official.

C. Protest and Dissent Not Involving Structures

1. Picketing, marches, rallies, and demonstrations are traditional and legitimate forms of self-expression on campus. The limiting principle for such activities is that demonstrators must not disrupt other university functions, including, without limitation, regular and special curricular activities, extracurricular activities, academic processions or events, and employment interviews. The right to free expression here, as in other contexts, requires respect for the rights of others.

Commentary. Because outdoor picketing, marches, rallies, and demonstrations generally pose no threat of long-lasting exclusive use of university grounds or property, there appears to be no need for a mandatory permit procedure for all such activities. In some circumstances when a student organization sponsors a public event, whether for expression of views or other purposes, the activity may fall within the jurisdiction of the Organizations and Activities Review Committee (OARC) established by the Student Assembly. OARC uses its approval procedure
primarily to avoid scheduling conflicts and to arrange for appropriate facilitative services, for example, the assistance of campus security personnel. Reassuringly, an OARC guideline states: “No event may be refused scheduling because of its controversial nature.” We view these procedures as reasonable even if the event has a primarily expressive purpose.

D. Protests, Demonstrations, and Sit-Ins in and Around University Buildings

1. Within the scope of these understandings, the president may authorize regulations permitting the use of specific portions of university buildings for indoor demonstrations provided that such regulations shall not permit the occupation or disruption of offices, classrooms, libraries, laboratories, or living units and which shall ensure the continuing conduct of university business. No such use shall be permitted beyond 5:00 p.m. or the close of normal business hours.

Commentary. Owners of private property, and even the administrators of public property, are not required to permit the occupation of buildings by those who are not present to transact the business or pursue the other purposes which the offices in the building are intended to serve. See the decision of the United States Court of Appeals in Sword v. Fox, 446 F.2d 1091 (1971). The law of trespass and the right of free speech are not mutually exclusive and, indeed, have always coexisted in our legal system.

As pointed out elsewhere in this resolution, university rooms set aside for the purpose of gatherings involving speech and expression should not be licensed in a manner to deny access to groups sponsoring an unpopular point of view. However, libraries, classrooms, laboratories, living units, and faculty or administrative offices are dedicated to specific purposes which the university must be free to pursue without disruption.

2. Deans, directors, or other heads of each college, school, or other academic unit described at Article I, Section 7, of the University Bylaws may submit proposals to the president or designee for the promulgation of such regulations for the use of university buildings assigned to the use of such college, school, or division. No such
regulation shall take effect or continue in effect without the approval of the president.

3. The president or designee may promulgate regulations governing the use of Day Hall or any other university building not otherwise governed by such regulations.

**Commentary.** As a practical matter, protests, demonstrations, or sit-ins inside virtually any university building would be disruptive. The working space within Day Hall is very compact. Almost any assemblage of demonstrators inside the building could be disruptive to Day Hall staff and to others, especially students, seeking access to a Day Hall office for normal business purposes.

**E. Disruption of Recruiters**

1. As long as a recruiter is on campus in accordance with ordinary university processes, a demonstration or protest that intentionally disrupts recruitment activity should be and is a violation of campus rules of conduct and should not be tolerated.

**Commentary.** The right to express one’s views should not extend so far as to infringe upon another community member’s right to participate in a recruitment interview or information session with a recruiter who is on campus in accordance with ordinary university processes.

**III. Standing Committee on Free Expression**

The president is authorized and encouraged to appoint a standing committee to study and report to the president on significant policy issues concerning the protection of freedom of expression on campus.

**Commentary.** The committee should study any issue presented to it by the president. It should also receive petitions or inquiries from members of the campus community but should limit its attention to issues which involve important matters of a policy nature and significance. Thus, the committee could study an individual’s charge that university officials are not adequately enforcing the policy against disrupting public speakers or that they are imposing unreasonable constraints upon the right to protest or demonstrate peacefully and lawfully on campus.
The committee should not function as an adjudicatory body or receive any complaint or continue considering any issue growing out of a campus incident when a disciplinary proceeding growing out of that incident and involving the same or similar issues has been filed, until any such disciplinary proceeding has been completed. Any report issued by the committee should go to the president and should be available thereafter to the campus community. The report would be advisory only.

IV. Crisis Consultation Group
The president may consult with the Executive Committee of the University Assembly or appoint an ad hoc committee to advise the president concerning appropriate administrative policy in the face of protest and dissent.

V. Defense
A Defendant may assert as a defense that he or she has complied with the time, place, and manner restrictions set forth herein or promulgated pursuant to the provisions of Article II.D.

VI. Miscellaneous
The commentary sections shall be interpreted as substantive to the extent necessary to implement the regulations.
Code of Academic Integrity and Acknowledging the Work of Others

Prepared by the Office of the Dean of Faculty, Cornell University, February 2000

Code of Academic Integrity

Principle: Absolute integrity is expected of every Cornell student in all academic undertakings. Integrity entails a firm adherence to a set of values, and the values most essential to an academic community are grounded on the concept of honesty with respect to the intellectual efforts of oneself and others. Academic integrity is expected not only in formal course work situations but in all university relationships and interactions connected to the educational process, including the use of university resources. While both students and faculty of Cornell assume the responsibility of maintaining and furthering these values, this document is concerned specifically with the conduct of students.

A Cornell student’s submission of work for academic credit indicates that the work is the student’s own. All outside assistance should be acknowledged, and the student’s academic position truthfully reported at all times. In addition, Cornell students have a right to expect academic integrity from each of their peers.
I. Guidelines for Students

A. General Responsibilities
1. A student shall in no way misrepresent his or her work.
2. A student shall in no way fraudulently or unfairly advance his or her academic position.
3. A student shall refuse to be a party to another student's failure to maintain academic integrity.
4. A student shall not in any other manner violate the principle of academic integrity.

B. Examples of Violations
The following actions are examples of activities that violate the Code of Academic Integrity and subject their actors to proceedings under the code. This is not a definitive list.

1. Knowingly representing the work of others as one's own.
2. Using, obtaining, or providing unauthorized assistance on examinations, papers, or any other academic work.
3. Fabricating data in support of laboratory or field work.
4. Forging a signature to certify completion of a course assignment or a recommendation to graduate school.
5. Unfairly advancing one's academic position by hoarding or damaging library materials.
6. Misrepresenting one's academic accomplishments.

C. Specific Guidelines for Courses
1. Examinations. During in-class examinations no student may use, give, or receive any assistance or information not given in the examination or by the proctor. No student may take an examination for another student. Between the time a take-home examination is distributed and the time it is submitted by the student for grading, the student may not consult with any persons other than the course professor and teaching assistants regarding the examination. The student is responsible for understanding the conditions under which the examination will be taken.
2. **Course Assignments.** Students are encouraged to discuss the content of a course among themselves and to help each other to master it, but no student should receive help in doing a course assignment that is meant to test what he or she can do without help from others. Representing another's work as one's own is plagiarism and a violation of this code. If materials are taken from published sources the student must clearly and completely cite the source of such materials. Work submitted by a student and used by a faculty member in the determination of a grade in a course may not be submitted by that student in a second course, unless such submission is approved in advance by the faculty member in the second course. If a student is submitting all or part of the same work simultaneously for the determination of a grade in two or more different courses, all faculty members in the courses involved must approve such submissions.

3. **Academic Misconduct.** A faculty member may impose a grade penalty for any misconduct. Students are not authorized to replicate, reproduce, copy, or transmit lecture and course materials, or “derivative” materials including class notes, presented for sale or general distribution to others without the written consent of the faculty or academic staff member or class participant who is the original source of such materials. Other examples of academic misconduct include, but are not limited to, talking during an examination, bringing unauthorized materials into the examination room, and disruptive behavior in the classroom.

a. The faculty member must promptly notify the student of the reason for the imposition of a penalty for academic misconduct and the degree to which his or her grade will be affected.

b. Academic misconduct is not a violation of academic integrity. The student may, however, seek review by the Academic Integrity Hearing Board on the basis either that the finding of guilt is arbitrary and capricious or that the penalty for academic misconduct is excessive or inappropriate to the circumstances involved. (“Arbitrary and capricious”
describes actions which have no sound basis in law, fact, or reason or are grounded solely in bad faith or personal desires. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.)

D. 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, is inappropriate.

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.

E. Variances
A faculty member is responsible for informing his or her students and teaching assistants of variances from this code that apply to work in his or her course. These variances should be clearly stated in writing at the beginning of the course or activity to which they apply.

F. Jurisdiction and Penalties
The authority to determine whether a specific action shall be treated as a violation of the Code of Academic Integrity lies with the Academic Integrity Hearing Board. Those who violate the Code of Academic Integrity will be subject to penalties under this code.
and may also be subject to penalties under state and federal laws.

II. Organization and Procedure
A. Students and staff members discovering an apparent violation should report the matter to the faculty member in charge of the course or to the chairperson of the appropriate Hearing Board. The chairperson is responsible for ensuring that all members of the school or college know to whom the report should be made.

B. Primary Hearing
1. **Primary hearings** are to be held by the faculty member unless the penalties available to him or her are inadequate, in which case she or he may refer the case directly to the Hearing Board.

2. **Notification.** If, after investigation, possibly including discussion with the student, a faculty member believes that a student has violated the Code of Academic Integrity, the faculty member shall present the student with the charge. The charge shall include notification of a primary hearing to be held as soon as practical after the alleged infraction has come to the attention of the faculty member, but with at least one week’s notice to the student. This notification period may be shortened by the agreement of both parties. The charge shall also include notice of the availability of the judicial codes counselor.

3. **Composition.** At the primary hearing the following shall be present: the faculty member concerned, the student in question, and a third-party independent witness. The independent witness shall be a faculty member or a student appointed by the hearing board chairperson or the chairperson of the faculty member’s department. The student may also bring to the hearing an adviser and additional witnesses to testify to his or her innocence.

4. **Procedure**
   a. At the primary hearing, the faculty member shall present evidence in support of the charge against the student. The student shall be given the opportunity to respond and, if she or he wishes, to present evidence refuting the charge.
b. The function of the independent witness is to observe the proceedings impartially, and in the event of an appeal from the judgment of the faculty member, be prepared to testify as to the procedures followed.

c. After hearing the student, the faculty member may either dismiss the charge or, if there is clear and convincing evidence that the student has violated this code, find the student guilty. (“Clear and convincing” as a standard of proof refers to a quantum of evidence beyond a mere preponderance but below that characterized as “beyond a reasonable doubt” and such that it will produce in the mind of the trier of fact a firm belief as to the facts sought to be established.) If the student is found guilty, the faculty member may impose any suitable grade punishment including failure in the course.

d. A student wishing to seek review of the decision may bring the case before the Academic Integrity Hearing Board of the faculty member’s college.

e. A faculty member who gives a penalty for a violation of academic integrity shall immediately report this action and the nature of the violation in writing to the student and to the record keeper of the faculty member’s Academic Integrity Hearing Board. This record keeper shall then be responsible for its communication to the record keeper in the student’s college.

f. If the student fails to attend the primary hearing without a compelling excuse, the hearing may proceed in his or her absence.

C. College Academic Integrity Hearing Boards

1. Composition. Each college and school in the university, including the Graduate School and the School of Continuing Education and Summer Sessions, shall establish its own Academic Integrity Hearing Board. A model hearing board consists of the following:

a. A chairperson who is a member of the faculty and, preferably, an experienced board member, appointed by the dean of the college for a two-year term.

b. Three faculty members elected for three-year terms by the faculty of the college, except that in the case of the School of Continuing Education and
Summer Sessions, the faculty members shall be appointed by the dean.

c. Three students elected by the student body of the college or appointed by the dean of the college for at least one year, and preferably two-year terms. When possible, student terms should be staggered.

d. A nonvoting record keeper responsible for keeping clear and complete records of the proceedings.

2. Jurisdiction

a. The student may seek review of the decision of the primary hearing if

   (1) he or she believes the procedure was improper or unfair.

   (2) she or he contests the finding of the faculty member.

   (3) he or she believes the penalty was too strict considering the offense.

b. After holding a primary hearing, the faculty member may bring the case to the hearing board if she or he believes a failing grade is too lenient considering the offense.

c. A student found guilty of more than one violation of the code may be summoned before the college hearing board by the dean of his or her college. The hearing board may impose an additional penalty for such repeated offenses.

d. The dean of a student’s college who receives a report that a student has committed a violation of academic integrity while attending another academic institution or while enrolled in a Cornell-sponsored off-campus program may, if she or he feels the situation warrants, summon the student to appear before the college hearing board. The hearing board may impose any penalty, including an additional penalty, it feels appropriate for the violation involved.

e. The Academic Integrity Hearing Board shall hear all cases that come before it de novo. While the hearing board may recommend an increase in any penalty imposed at the primary hearing, it should
consider raising the penalty, if it is the student seeking review, only in the exceptional case.

f. The individual seeking review shall notify the chairperson of the hearing board of the faculty member's college within ten working days of the primary hearing. An exception to this deadline may be granted at the discretion of the chairperson of the hearing board on a showing of good cause.

3. Procedures
   a. Each board shall conform to procedures established by the Faculty Senate.* Any college or school wishing to adopt a board or procedures varying from this model must receive prior approval from the dean of the faculty.

   b. The Academic Integrity Hearing Board shall convene as soon as practical after notification of a request for review, although seven days' notice should be given to all parties if possible. If a grade for the student in the course must be submitted before a case can be decided, the faculty member shall record a grade of incomplete, pending a decision by the Hearing Board.

   c. Those present at the hearing shall be

      (1) the student, who has the right to be accompanied by an adviser and/or relevant witnesses.

      (2) the faculty member, who has the right to bring relevant witnesses.

      (3) the third-party independent witness, if a primary hearing was held.

      (4) any other person called by the chairperson.

   d. Should the student or faculty member fail to appear before the hearing board, the board shall have full authority to proceed in his or her absence.

   e. The board members shall hear all available parties to the dispute and examine all the evidence presented. The board may solicit outside advice at the discretion of the chairperson. The chairperson shall preside over the hearing to ensure that no

* Reflects change in nomenclature from Faculty Council of Representatives to Faculty Senate.
party threatens, intimidates, or coerces any of the participants.

f. The student shall have the right to present his or her case and to challenge the charges or the evidence. The student's adviser may assist the student in the presentation and questioning.

g. At least two-thirds of the voting board members shall be present at every hearing, including two students and two faculty members. Both parties may agree in writing to waive this quorum. Of those present, a simple majority shall decide the issue. The chairperson shall vote only in the case of a tie vote. The board shall find the student guilty only if there is clear and convincing (see the definition at section II.B.4.c) evidence indicating that the student has violated this code.

h. The chairperson shall notify each party to the dispute, in writing, of the board's decision and, if appropriate, the penalty imposed. If the judgment of the faculty member is affirmed by the board, or if the board decides a different penalty is warranted, the dean of the faculty member's college and the dean of the student's college shall also receive the report.

i. If the student's college is different from the faculty member's, the chairperson shall alter the composition of the board hearing the case by substituting or adding one faculty member and one student from the hearing board of the student's college.

4. The board may act in one or more of the following ways:
   a. Find the student innocent of the charge.
   b. Find the student guilty of the charge and
      (1) recommend to the faculty member that he or she reduce the penalty given.
      (2) affirm the faculty member's decision.
      (3) recommend that the faculty member record a failing grade for the course or for some portion of it.
      (4) recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent).
(5) recommend to the dean of the student’s college that the student be suspended from the university for a period of time.

(6) recommend to the dean of the student’s college that the words “declared guilty of violation of the Code of Academic Integrity” be recorded on the student’s transcript. The hearing board may set a date after which the student may petition the board to have these words deleted from the transcript.

(7) recommend to the dean of the student’s college that the student be expelled from the university.

(8) recommend to the dean of the student’s college any other suitable action, including counseling, community service, or reprimand.

c. The dean of the student’s college shall be notified of the decision of the college Hearing Board within seven (7) days. Unless an appeal is filed under the guidelines established below, the dean of the student’s college shall ensure that the decision of the Hearing Board is carried out and shall notify all parties of the implementation and the decision.

5. **Review of Decision.** The student may appeal a decision of the Hearing Board. The appeal must be directed to the dean of the student’s college, in writing, and shall be constructed according to one or both of the guidelines established below. The appeal shall normally be submitted within four (4) weeks of notification of the board’s decision, but exceptions to this deadline may be granted by the dean on showing of good cause. If the board’s decision involves students from more than one college, the deans involved shall consult with each other.

a. Appeal of a finding of guilt. A student who has received a finding of guilt from the board, or whose finding of guilt in a primary hearing was upheld by the board, may appeal on one or both of the following grounds:

(1) Additional evidence which might have affected the outcome of the hearing became available following the hearing.
(2) A violation of procedure by the hearing board that might have prejudiced the outcome of the hearing. The dean may deny the appeal or send the case back to the hearing board for reconsideration.

b. Appeal of a penalty. The student may appeal the findings of the hearing board regarding penalties. The appeal shall specify the reasons why the student believes the penalty is inappropriate. After consultation with the hearing board, the dean may take one of the following actions:

(1) If a grade penalty has been exacted (II.C.4.b.i–iii), the dean may recommend to the faculty member that the grade penalty be reduced.

(2) If another penalty has been exacted (II.C.4.b.iv–viii), the dean may modify or decline to carry out the recommended penalty.

In all but the most unusual circumstances, it is the expectation that the findings and recommendations of the hearing board will be upheld by the dean. The dean’s decision cannot be appealed.

6. Annual Reports. Each college Academic Integrity Hearing Board shall submit a summary report of its proceedings (without identifying any particular student) to the dean of the faculty at the end of the academic year. The names of the members of the board and any significant departures in procedure should be reported as well.

7. Honor Codes. The existing school honor codes as in the College of Veterinary Medicine and the Law School are not governed by the foregoing legislation, but current versions of these honor codes must be kept on file with the Office of the Dean of the Faculty. In the case of allegations against a student enrolled in a course subject to a school honor code but registered in another college, all actions beyond the primary hearing revert to the hearing board of the student’s college.

8. Records of Action. If the student is found guilty, a record of the outcome of the case and the nature of the violation shall be kept by the hearing board,
and copies shall be sent to the record keeper in the student's college, if different from the college in which the violation occurred. The record keeper shall disclose this record to hearing boards considering other charges against the same student, to deans or associate deans of colleges in furtherance of legitimate educational interests, to the registrar for notation on the transcript when provided by the decision of the hearing board and the dean, but to no one else unless specifically directed by the student.

If the student is found not guilty by the Hearing Board, all records of the case, including the report of the primary hearing, shall be expunged from the files of the record keeper.

**Examples of Violations of the Code of Academic Integrity**

Examples of activities that may violate the code include, but are not limited to, the following:

**In Exams**
- Using “crib sheets” or other unauthorized materials during exams.
- Having other students “pinch hit” for the student—having someone other than the student take his or her exam.
- Looking at other students’ exam papers to obtain answers.
- Collaborating with students or other unauthorized persons to obtain answers in take-home exams.
- Giving unauthorized assistance to another student taking an exam.

**On Papers**
- Having someone other than the student write his or her paper.
- Plagiarizing, or representing someone else’s written work as one’s own without acknowledgment or with insufficient, or improper acknowledgment. (For more information on plagiarism, see Acknowledging the Work of Others, page 81.)

• Receiving unauthorized help in writing the paper, including deciding on paper topic, drawing conclusions, analyzing data, etc., or not giving credit to another for these contributions.

• Using the same paper for two courses without explicit permission having been given by faculty in both courses.

• Giving unauthorized assistance to another student writing a paper.

In Research
• Fabricating data in support of laboratory or field work.

• Sabotaging other students’ research.

• Stealing other students’ research ideas.

• Taking credit for work not done by oneself, or not giving credit to those who have assisted in one’s work.

• Hoarding materials or equipment to advance one’s own research at the expense of others.

• Using unauthorized materials or equipment.

In the Library
• Stealing materials from the library.

• Not returning materials promptly when asked to do so.

• Hoarding scarce copies of materials needed by others in order to advance one’s own position.

• Deliberately damaging library materials, e.g., cutting pages out of books or magazines.

• Helping another student steal, hoard, and/or damage library materials.

In Academic Records
• Forging signatures on petitions to add/drop a course after the final date.

• Falsifying letters of recommendation to graduate schools.

• Forging signatures on certifications of completed course work.

• Misrepresenting one’s academic accomplishments.
In Using Computers or Network Systems (for supporting voice or data communications systems)

- Accessing or attempting to access another individual’s or entity’s data or information without proper authorization regardless of the means by which this is accomplished. It is also a violation to give another individual the means with which to access such data or information.

- Supplying, or attempting to supply, false or misleading information or identification in order to access computers or network systems, or to access data or information stored in or transmitted across computers or network systems.

- Improperly obtaining another’s password; or improperly obtaining or using another’s password to access computers or network systems, or to access data or information stored in or transmitted across computers or network systems.

- Inspecting, modifying, distributing, or copying proprietary data or software without proper authorization. It is also a violation to give another individual the means by which to inspect, modify, distribute, or copy proprietary data or software.

- Subverting or obstructing, or attempting to subvert or obstruct, the operation of any computer or network system such as by introducing a virus, worm, or other rogue program into the system; or modifying, altering, or otherwise tampering with the system’s hardware or software; or hoarding computer or network resources in ways that interfere with the operation of the system.

- Initiating or encouraging the promulgation of chain letters and other types of electronic broadcast messages.

- Tapping phone lines or other network cables; fraudulently or otherwise illegally obtaining phone services; altering wire, phone sets, or associated equipment for any purpose; using campus phones or associated equipment for fraudulent or otherwise illegal purposes.
Acknowledging the Work of Others

Education at its best, whether conducted in seminar, laboratory, or lecture hall, is a dialogue between teacher and pupil in which questions and answers can be sought and evaluated. If this dialogue is to flourish, students who enter the university must assume certain responsibilities. Among them is the responsibility to make clear what knowledge is theirs and what is someone else’s. Teachers must know whose words they are reading or listening to, for no useful dialogue can occur between a teacher and an echo or ghost.

Students who submit written work in the university must, therefore, be the authors of their own papers. Students who use facts or ideas originating with others must plainly distinguish what is theirs from what is not. To misrepresent one’s work knowingly is to commit an act of theft. To misrepresent one’s work ignorantly is to show oneself unprepared to assume the responsibility presupposed by work on the college level. It should be obvious that none of this prohibits making use of the discoveries or ideas of others. What is prohibited is simply improper, unacknowledged use (commonly known as “plagiarism”).

The computer program is a form of written work, and, although composed in a formal rather than a natural language, it possesses many of the attributes of the essay. The guidelines for acknowledging the help of others in written work should be used for acknowledging help in writing computer programs as well.

When writing a program assignment, a student may discuss general strategies to be employed and perhaps receive some help in learning how to test the program to find errors, but unless closer cooperation is expressly permitted on the assignment, the actual writing of the program and its detailed testing must be the work of the individual student. Any other assistance should be expressly acknowledged.

In the area of architecture and the arts, incorporating existing graphic images into one’s work without acknowledging the source is also a form of plagiarism.

To acknowledge the work of others, observe the following conventions:

1. If you adopt someone else’s language, provide quotation marks and a reference to the source, either in

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the text or in a footnote, as prescribed by such publications as *Format, The MLA Style Sheet*, or the manual of style recommended by the course instructor.

Footnote form varies from discipline to discipline. In some fields, writers group references to a number of sources under a single footnote number, which appears at the end of a sentence or even of a paragraph. In other fields, writers use a separate footnote for each reference, even if this means creating two or three footnotes for a single sentence. It seems pointless, indeed counterproductive, to make the mechanics of footnoting unnecessarily complicated. If in a short, informal paper you cite a passage from a work all the members of your class are reading in the same edition, it may be entirely sufficient simply to cite page numbers (and if necessary the title of the text) parenthetically within your own sentences: “Hobbes suggests that life outside civil society is likely to be ‘solitary, poor, nasty, brutish, and short’ (*Leviathan*, p. 53).”

To ascertain what form to follow in these matters, ask your instructor.

2. If you adopt someone else’s ideas but you cannot place them between quotation marks because they are not reproduced verbatim, then not only provide a footnoted reference to the source but also insert in the text a phrase like one of the following: “I agree with Blank,” “as Blank has argued,” “according to some critics”; or embody in the footnote a statement of indebtedness, like one of these: “This explanation is a close paraphrase of Blank (pp. ___),” “I have used the examples discussed by Blank,” “The main steps in my discussion were suggested by Blank’s treatment of the problem,” “Although the examples are my own, my categories are derived from Blank.”

A simple footnote does no more than identify the source from which the writer has derived material. A footnote alone does not indicate whether the language, the arrangement of fact, the sequence of argument, or the choice of examples is taken from the source. To indicate indebtedness to a source for such features as these, the writer must use quotation
marks or provide an explanation in his or her text or in the footnote.

3. If some section of the paper is the product of a discussion, or if the line of argument adopted is such a product, and if acknowledgment within the text or footnote seems inappropriate, then furnish in a prefatory note or a footnote an appropriate acknowledgment of the exact nature of the assistance you have received. Scholarship is, after all, cumulative, and prefatory acknowledgments of assistance are common. For example: “...wish to express my appreciation to Dr. Harlow Shapley of the Harvard Observatory, who read the original manuscript and made valuable suggestions and criticisms, with particular reference to the sections dealing with astronomy” (Lincoln Barnett, *The Universe and Dr. Einstein* [New York: New American Library, 1958]).

A similar form of acknowledgment is appropriate when students confer about papers they are writing. It is often fruitful for students to assist each other with drafts of papers, and many instructors encourage such collaboration in class and out. All students need to do to avoid misunderstandings is to acknowledge such help explicitly, in a footnote.

The examples and discussion of improper use of a source excerpted from a book by Harold C. Martin (*The Logic and Rhetoric of Exposition*, New York: Rinehart and Co., 1958, pp. 179–82) and reprinted with his permission, should answer most questions concerning the proper use of sources. For further advice, students should consult their instructors.
The importance of the Second Treatise of Government printed in this volume is such that without it we should miss some of the familiar features of our own government. It is safe to assert that the much criticized branch known as the Supreme Court obtained its being as a result of Locke’s insistence upon the separation of powers; and that the combination of many powers in the hands of the executive under the New Deal has still to encounter opposition because it is contrary to the principles enunciated therein, the effect of which is not spent, though the relationship may not be consciously traced. Again we see the crystallizing force of Locke’s writing. It renders explicit and adapts to the British politics of his day the trend and aim of writers from Languet and Bodin through Hooker and Grotius, to say nothing of the distant ancients, Aristotle and the Stoic school of natural law. It sums up magistrally the arguments used through the ages to attack authority vested in a single individual, but it does so from the particular point of view engendered by the Revolution of 1688 and is in harmony with the British scene and mental climate of the growing bourgeoisie of that age. Montesquieu and Rousseau, the framers of our own Declaration of Independence, and the statesmen (or should we say merchants and speculators?) who drew up the Constitution have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. In the hands of these it has been the quarry of liberal doctrines; and that it has served the Socialist theory of property based on labor is final proof of its breadth of view.


Example 1: Word-for-word plagiarizing

It is not hard to see the importance of the Second Treatise of Government to our own democracy. Without it we should miss some of the most familiar features of our own government. It is safe to assert that the much criticized branch known as the Supreme Court obtained its being as a result of Locke’s insistence upon the separation of powers; and that the combination
of many powers in the hands of the executive under the New Deal has still to encounter opposition because it is contrary to the principles enunciated therein, the effect of which is not spent, though the relationship may not be consciously traced. The framers of our own Declaration of Independence and the statesmen who drew up the Constitution have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. All these are marks of the influence of Locke's Second Treatise on our own way of life.

In this example, after composing half of a first sentence, the writer copies exactly what is in the original text, leaving out the center section of the paragraph and omitting the names of Montesquieu and Rousseau where he [or she] takes up the text again. The last sentence is also the writer’s own.

If the writer had enclosed all the copied text in quotation marks and had identified the source in a footnote, he [or she] would not have been liable to the charge of plagiarism; a reader might justifiably have felt that the writer’s personal contribution to the discussion was not very significant, however.

**Example 2. The Mosaic**

The crystallizing force of Locke’s writing may be seen in the effect his Second Treatise of Government had in shaping some of the familiar features of our own government. That much criticized branch known as the Supreme Court and the combination of many powers in the hands of the executive under the New Deal are modern examples. But even the foundations of our state—the Declaration of Independence and the Constitution—have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. True, the influence of others is also marked in our Constitution—from the trend and aim of writers like Languet and Bodin, Hooker and Grotius, to say nothing of Aristotle and the Stoic school of natural law; but the fundamental influence is Locke’s Treatise, the very quarry of liberal doctrines.

Note how the following phrases have been lifted out of the original text and moved into new patterns:
crystallizing force of Locke's writing

some of the familiar features of our own government

much criticized branch known as the Supreme Court

combination of many powers in the hands of the executive under the New Deal

have re-echoed its claims for human liberty...property

from the trend and aim...Grotius

to say nothing of Aristotle and...natural law

quarry of liberal doctrines

As in the first example, there is really no way of legit-
imizing such a procedure.

To put every stolen phrase within quotation marks would produce an almost unreadable, and quite worth-
less, text.

Example 3. The Paraphrase

PARAPHRASE: One can safely say that the oft-censured

ORIGINAL: It is safe to assert that the much criticized

Supreme Court really owes its existence to the Lockeian

....Court obtained its being as a result of Locke’s demand that powers in government be kept sepa-
rate;

insistence upon the separation of powers;

equally one can say that the allocation of varied and

and that the combination of many widespread authority to the President during the era of

powers in the hands of the executive under the New Deal has still to encounter opposition because

the New Deal has still to encounter opposition because

it is contrary to the principles enunciated therein. it is contrary to the principles enunciated therein...

Once more it is possible to note the way in which

Again we see Locke’s writing clarified existing opinion.

the crystallizing force of Locke’s writing.
The foregoing interlinear presentation shows clearly how the writer has simply traveled along with the original text, substituting approximately equivalent terms except where his (or her) understanding fails him (or her), as it does with “crystallizing,” or where the ambiguity of the original is too great a tax on his (or her) ingenuity for him (or her) to proceed, as it is with “to encounter opposition... consciously traced” in the original.

Such a procedure as the one shown in this example has its uses; it is valuable for the student’s own understanding of the passage, for one thing; and it may be valuable for the reader as well. How, then, may it properly be used? The procedure is simple. The writer might begin the second sentence with: “As Sherman notes in the introduction to his edition of the Treatise, one can safely say...” and conclude the paraphrased passage with a footnote giving the additional identification necessary. Or he (or she) might indicate directly the exact nature of what he (or she) is doing, in this fashion: “To paraphrase Sherman’s comment...” and conclude that also with a footnote indicator.

In point of fact, the source here used does not particularly lend itself to honest paraphrase, with the exception of that one sentence which the paraphraser above copied without change except for abridgment. The purpose of paraphrase should be to simplify or to throw a new and significant light on a text; it requires much skill if it is to be honestly used and should rarely be resorted to by the student except for the purpose, as was suggested above, of his (or her) personal enlightenment.

Example 4. The “Apt” Term

The Second Treatise of Government is a veritable quarry of liberal doctrines. In it the crystallizing force of Locke’s writing is markedly apparent. The cause of human liberty, the principle of separation of powers, and the inviolability of private property—all three, major dogmas of American constitutionalism—owe their presence in our Constitution in large part to the remarkable Treatise which first appeared around 1685 and was destined to spark, within three years, a revolution in the land of its author’s birth and, ninety years later, another revolution against the land.

Here the writer has not been able to resist the appropriation of two striking terms: “quarry of liberal doc-
trines” and “crystallizing force”; a perfectly proper use of the terms would have required only the addition of a phrase: “The Second Treatise of Government is, to use Sherman’s suggestive expression, a ‘quarry of liberal doctrines.’ In it the ‘crystallizing force’ —the term again is Sherman’s—of Locke’s writing is markedly apparent...” Other phrases in the text above —“the cause of human liberty,” “the principle of separation of powers,” “the inviolability of private property”—are clearly drawn directly from the original source but are so much matters in the public domain, so to speak, that no one could reasonably object to their reuse in this fashion.
Alcohol and Other Drugs

The following is an abridged version of the university policy. The complete policy is available at www.univco.cornell.edu/Policy/ALC.for.html.

Policy Statement:
Cornell University will assist members of the university community in understanding the risks associated with consuming alcohol and the need to prevent the harm that results from its misuse and abuse. The university permits the purchase and use of alcoholic beverages under certain conditions but expects individuals to take specific measures to help prevent alcohol abuse in its community. The unlawful manufacture, distribution, dispensation, possession, use, and/or sale of controlled substances or other illegal drugs is prohibited.

Reason for Policy
The university is committed to upholding local, state, and federal law; requiring proper management of events where alcoholic beverages will be served; minimizing the misuse of alcoholic beverages; maintaining a drug-free workplace; and providing education on the risks associated with the use and abuse of alcohol and other drugs.

Entities Affected by This Policy
Endowed divisions and contract colleges of the university, excluding the Medical College

Who Should Read This Policy
- All members of the Cornell University community
- Anyone planning a campus event
- Anyone dispensing alcohol on university-owned or managed property
Excerpts from the Policy

Introduction
This comprehensive policy and the procedures set forth herein are intended to protect the learning environment, to promote the safety of the university community, and to reinforce the university’s missions of teaching, research, and public service. The university seeks to uphold federal, state, and local laws regarding the use of alcohol and controlled substances and to foster a collegial environment through compliance with the Campus Code of Conduct. The Campus Code of Conduct, which sets forth disciplinary procedures and sanctions for violations of this policy, has jurisdiction over activities and events that occur on university property, at any property or facility used by the university for educational purposes, or in university-related residences (e.g., residential fraternities and sororities on or off campus).

This policy is divided into three major categories:

“Overview”

“General Guidelines Regarding Alcohol and Other Drugs”

“Procedures for Events with Alcohol”

“General Guidelines Regarding Alcohol and Other Drugs” provides information about the university’s position on alcohol and other drugs and where to go for education and referral about their use. This section of the policy sets a minimum standard applicable to all university community members and anyone participating in events covered by this policy.

“Procedure for Events with Alcohol” states the prescribed method for registration and notification for events where alcohol will be served as well as procedures for the proper dispensing of alcoholic beverages at these events. These procedures must be followed by academic units, administrative units, campus organizations, departments, residence facilities, and anyone holding an event on university-controlled property.

Responsible Offices
Because of the serious implications of the use of alcohol and other drugs, and the need to foster a healthy social
environment based on individual responsibility, four offices of the university are designated as Responsible Offices, each playing a critical role in the administration of this policy:

1. **Risk Management and Insurance** for issues of risk, insurance, and catering, as well as other general policy clarification.

2. Within the Office of the Dean of Students, the **Office of Fraternity and Sorority Affairs** handles events sponsored by fraternities and sororities (including events held by groups or organizations renting or leasing fraternity or sorority houses), and the **Office of Student Activities** handles events sponsored by registered organizations, and the administration of the **Use of University Property Form**.

   • **Note:** The Office of Student Activities administers the Use of University Property Form for departments and units as well as for students.

3. **The Employee Assistance Program**, for issues of individual alcohol and drug use by faculty and staff, and associated education and referral.

4. **Gannett: Cornell University Health Services**, for issues of individual alcohol and drug use by students and associated education and referral.

**Responsibility for Compliance**
Responsibility for compliance with this policy, during all phases of an event, rests with the dean, department or unit head, or the highest-ranking individual or officer of the organization or group sponsoring the event. Additionally, during an event the responsible person bears certain responsibilities (see “Responsible Person”).

**Department and Unit Responsibility**
Departments and units may uphold more restrictive regulations than those set forth in this policy. In all instances, however, this policy is a minimum university standard, and departments and units are expected to provide any specific education and training that is necessary for adherence.

**Staff and Faculty Member Responsibility**
Staff or faculty members (including student employees)
are agents of the university. As such, they are expected to uphold the standard promulgated by this policy, through the maintenance of a workplace free of illegal drugs and alcohol abuse, and to behave in a responsible manner around these substances.

Organization Responsibility
All campus organizations (see “Definitions,” on the website) are expected to manage events according to the procedures set forth here. Those members of an organization who preside over its governance, or who have been granted internal authority to manage events, are held collectively and individually responsible for compliance with this policy.

• **Note:** The Office of Fraternity and Sorority Affairs maintains its own policies and procedures regarding alcohol and other drugs, consistent with and in support of University Policy 4.8, Alcohol and Other Drugs. For more information, contact the Office of Fraternity and Sorority Affairs.

Individual Responsibility
Throughout their association with Cornell University, members of the faculty or staff, students, volunteers, and visitors are expected to act in a way that demonstrates the principle of “freedom with responsibility.” In addition, each member of the university community shares responsibility for its members’ collective health and safety.

Use of Alcohol in Undergraduate Student Residence Facilities
Actions that take place in private residences, including apartments (whether or not university-owned) and private rooms within residence halls and cooperative or small living units, are governed by applicable laws and regulations and the terms and conditions of the residential contract. The procedures contained in the “Procedures for Events with Alcohol” section of this policy are applicable whenever the sale or service of alcoholic beverages takes place in any university shared area (including, but not limited to, a residence hall lounge, cooperative living room, or a communally shared space within a small living unit).

• **Note:** The terms and conditions of the residential contract, whether on or off campus, may be more restrictive than this policy. For example, consum-
tion of alcoholic beverages in the shared areas within undergraduate residence facilities is prohibited by the residential contract.

Use of Alcohol in Graduate and Professional Student Residence Facilities
Residents of graduate and professional student housing facilities who are 21 years of age or older are permitted to use alcohol in these residence facilities. In such circumstances, individuals are governed by applicable laws and regulations, and the terms and conditions of the residential contract. However, the procedures contained in the “Procedures for Events with Alcohol” section of this policy are applicable whenever an event includes the sale of alcoholic beverages.

Failure to Comply and Liability
Failure to abide by the provisions of this policy may result in the denial of permission to use university property and/or funding for future events as well as other disciplinary and/or legal procedures as appropriate. For a staff or faculty member, this may include dismissal and/or criminal prosecution (see Appendix D, on the web site, for a description of sanctions related to the use and distribution of alcohol and other illegal drugs).

- **Caution:** Nothing contained in this policy will relieve any person or organization of civil or criminal liability or the responsibility to comply with any law, regulation, or statute.

General Guidelines Regarding Alcohol and Other Drugs

**General Restrictions**

**Possession of Alcohol**
It is illegal in New York State and prohibited by the university for any person under the age of 21 to possess any alcoholic beverage with the intent to consume the beverage; or for alcoholic beverages to be made available, by sale or otherwise, to anyone under 21 years of age or to anyone who is visibly intoxicated (see “Related Documents” and Appendix D, on the web site, for more information about applicable laws and a description of sanctions).
Other Drugs
It is illegal and prohibited by the university for an individual to manufacture, possess, use, dispense, sell, or distribute controlled substances or other illegal drugs (as defined by state and federal law). For more information on laws regarding illegal drugs or controlled substances, contact the Cornell Police or the judicial administrator (see “Related Documents” and Appendix D, on the web site, for more information about applicable laws and a description of sanctions).

False Identification
It is illegal and prohibited by the university for an individual to present any identification or evidence of age that is false, fraudulent, or not actually his or her own, for any purpose including that of obtaining or attempting to obtain an alcoholic beverage or controlled substance. Also prohibited is the presentation of such evidence for the purposes of being served an alcoholic beverage on campus or at any other university event (see “Related Documents” and Appendix D, on the web site, for more information about applicable laws and a description of sanctions).

Advertisements and Promotions
Alcohol Advertisement
Publications that receive some or all of their funding from university sources (including the Student Assembly Finance Commission and Graduate Student Assembly Finance Commission) must not accept advertising that promotes the consumption of alcoholic beverages.

Promotion of Events
Depictions of the following may not be used to promote events:

- all-you-can-drink activities
- drinking games
- price specials on alcohol
- promotions or prizes featuring alcohol
- complimentary alcoholic beverages
- free alcoholic beverage with purchase of ticket
- specific names of beverages containing alcohol, except wines or beers at Statler Hotel events
• **Note:** This list is not exhaustive; it is meant to provide examples of the types of activities that are considered by the university as promoting alcohol consumption. It is also not intended to cover alcohol consumption related to content of curriculum or research objectives.

**Use of Logo, Seal, Insignia, or Mascot**
University, college, unit, or office logos, seals, insignias, or mascots should not be used in conjunction with any materials that promote alcoholic beverages or that promote the use of alcohol or controlled substances.

**Athletic Events**
During certain Cornell athletic events, there are designated areas for gatherings, such as receptions, picnics, and tailgates, that may include the service of alcoholic beverages. For information on these departmental guidelines, contact the Department of Athletics.

**Purchasing Alcohol with University and Student Activity Fee Funds**
Alcoholic beverages may not be purchased with any state- or federal-appropriated funds. For more information, contact Sponsored Funds Accounting. Schools, colleges, departments, or units determine the permissibility of charging alcoholic beverages to university accounts. For more information, contact the department or unit’s administrative office.

**Undergraduate Student Organizations**
Student organizations that receive funding from the Student Assembly Finance Commission must get approval from that body for the purchase of any alcoholic beverages with funds it provides. For more information, contact the Student Assembly Finance Commission, Office of the Assemblies.

**Graduate Student Organizations**
Graduate and professional student organizations that receive funding from the Graduate and Professional Student Assembly Finance Commission (GPSAFC) must get approval from that body for the purchase of alcoholic beverages with funds it provides. For more information, contact the GPSAFC, Office of the Assemblies.
Procedures for Events with Alcohol

You will need to take certain steps if you are planning a university event with alcohol.\(^1\)

**What Events Are Covered**

These regulations apply to all university events (see “Definitions,” on the web site) where alcoholic beverages will be served. University events include, but are not limited to

- any events held on campus, including events sponsored by groups that lease or use university property.
- fraternity and sorority events.
- campus organization events.
- commencement events.
- department or unit events.
- events held by individuals, on behalf of the university, for members of the university community (whether on or off campus).

As you proceed through this document, you will learn what approval and/or registration or notification is required for your event.

**General Events Management**

Listed below are restrictions regarding events covered by this policy. Please read these paragraphs to assist you in planning your event. The service of alcoholic beverages (see “Definitions,” on the web site), including beer, wine, and liquor, is permitted only according to the principles set forth in this document and New York State Law. Please see Appendix A (on the web site) for general rules and suggestions for responsible management and use of alcoholic beverages at your event.

- **Caution:** Beer kegs and balls are allowed at university events only if an insured and licensed caterer is hired to serve the beer on a per-drink basis.

**Underage Participants**

If a substantial number of expected attendees at your on-campus event are underage, you will be required to complete a Use of University Property Form. In

\(^1\) Refer to the online version of this policy for a flow chart depicting these steps.
most cases, you will be required to hire an insured and licensed caterer for your event.

- **Note:** The expected attendance of underage individuals at your event may prohibit the service of alcohol.

**Events Where an Admission Fee Is Charged**

At events where an admission fee is charged, alcoholic beverages must be purchased and served on an individual basis only to those 21 years of age and over. The charge for alcoholic beverages must be separate from the charge for admission into the event.

**Events Where No Admission Fee Is Charged**

At events where no admission fee is charged and alcohol is provided at no charge, alcoholic beverages must be served on an individual basis only to those 21 years of age and over.

**Sale of Alcoholic Beverages**

The sale of alcoholic beverages (see “Definitions,” on the web site) at university events, including beer, wine, and liquor, is prohibited unless under the auspices of an insured and licensed caterer, who must post the appropriate New York State Liquor Authority permit (for more information, contact the Office of the Dean of Students, Student Activities).

The university licenses the following properties, and the stated caterer must be used at all times:

**Facility**
- Big Red Barn
- Robert Purcell Community Center
- Helen Newman Bowling Alley
- Statler Hall/Hotel

**Caterer**
- Cornell Catering
- Cornell Catering
- Athletic Department
- Statler Hotel

- **Note:** Events that take place at the above locations are sometimes exempt from event registration. See “Events at University-Licensed Properties” for more information.

**Concerts and Athletic Events**

Alcoholic beverages are not permitted at concerts or at athletic events. While waiting in line for these events, no person may possess or consume alcoholic beverages.

**Nonalcoholic Beverages and Food**

Sufficient quantities of nonalcoholic beverages and substantial food must be available at all times during an
event at which alcohol is served. A punch or beverage containing alcohol must be clearly labeled as such.

**Fraternity and Sorority Events**
The Office of Fraternity and Sorority Affairs maintains its own approval and registration process for events with alcohol, which is consistent with and in support of University Policy 4.8, Alcohol and Other Drugs. For more information, contact the Office of Fraternity and Sorority Affairs.

**Events at University-Licensed Properties**
The day-to-day service of alcohol at a university-licensed property does not require event registration or the completion of a Use of University Property Form. However, events held at university-licensed properties (i.e., the Statler Hotel, the Big Red Barn, Helen Newman Bowling Alley, and Robert Purcell Community Center) will be subject to the same registration procedures as events held in any other location.

- **Note:** An event with alcohol held at the Statler Hotel does not require the completion of a Use of University Property Form unless it involves a student organization (either graduate or undergraduate).

**On-Campus Versus Off-Campus Events**
University events with alcohol that are held on campus (see “Definitions,” on the web site) may require the completion of a Use of University Property Form (see “Forms,” on the web site). Although those held off campus do not require this form, they are subject to the provisions of this policy, including event notification (see “Off-Campus Events”).

**Open Events**

*On-campus Open Events*
If you are planning to serve alcohol at an on-campus open event, you must obtain permission from the building coordinator (or other individual responsible for making room reservations) in charge of the building where the event will take place. A list of building coordinators is available from the Customer Service Center, Facilities Management (see “Contacts,” on the web site). In addition, you must fill out a Use of University Property Form. You will be required to hire an insured and licensed caterer for your event.
**Off-campus Open Events**

If your university event will be an off-campus open event with alcohol, you must hire an insured and licensed caterer to control the service of alcohol.

**Use of University Property Form**

The following entities wishing to serve alcoholic beverages at any event that takes place on campus must complete a Use of University Property Form:

- a campus organization (see “Definitions,” on the web site)
- any individual not acting on behalf of an academic or administrative department (this applies to both members and nonmembers of the university community)
- anyone planning an open (public) event
- anyone planning an event at which a substantial number of expected attendees are under 21 years of age
- anyone planning an event at which the expected attendance is 50 people or greater

Electronic submission of the form begins a series of approvals and communications that will promote adherence to this policy and proper coverage during the event, such as by the Cornell Police. The Use of University Property Form will enable the proper parties to

- convey information to the Cornell Police or other offices about events at which alcohol is to be sold or served on campus.
- inform offices and campus organizations of the individuals who are responsible for such events.
- inform the individuals in charge about their responsibilities and the possible consequences of their actions.
- encourage increased communication within the groups or living units involved with events at which alcohol is to be served.

The Use of University Property Form should be completed as early as possible because turnaround time for approval can vary. Whenever possible, its submission should be at least 15 working days in advance of the
event and before the event is advertised. To register your event using this form, go to www.activities.cornell.edu/eventreg/.

• Note: When an individual or organization is planning a series of on-campus events with alcohol, it is sometimes permissible to complete a “multiple event registration” through the Use of Property process. For more information, contact Student Activities.

Off-Campus Events
An individual planning an off-campus event with alcohol on behalf of a department or unit (e.g., departmental party) must notify the head of the department or unit. Individuals and groups within academic or administrative departments and units are not required to register their off-campus events with alcohol. However, hiring an insured and licensed caterer to control the service of alcohol is recommended.

Additional Approval Procedures
Additional procedures or guidelines may be required by individual university departments or governing bodies. Organizations or event sponsors should check with the particular department to make sure all requirements are understood.

• Note: Permits for outdoor amplified sound must be obtained from the City of Ithaca at least three weeks in advance of the event. They are available from the City of Ithaca or from the Office of the Dean of Students, Student Activities.

Responsibility During Your Events
Every event, whether or not it is registered through the Use of University Property Form, must have both an “event sponsor” and a “responsible person.” The event sponsor is often a campus organization, department, or unit, and the responsible person is an individual (or, in some cases more than one individual) assigned to attend and oversee an event. Responsibility for compliance with this policy, during all phases of a university event with alcohol, whether it is registered or not, rests with the dean, department head, or highest-ranking officer of the organization sponsoring the event. During the event, the responsible person(s) also bears certain responsibilities (see “Responsible Person”).
• **Caution:** When the group sponsoring an event is governed by more than one person, each of these individuals shares this responsibility equally and fully.

**Event Sponsor**
The department, unit, or organization sponsoring an event must establish measures to prevent alcoholic beverages from being sold, distributed to, or possessed by people under 21 years of age or to people who appear intoxicated. Such measures must include, but are not limited to

- appointment of the responsible person.
- requiring proof of age of individuals who will be served.
- training of bartenders and others who supervise the dispensing of alcoholic beverages.

**Responsible Person**
The responsible person for the event will be listed on the Use of University Property Form (if one is required), have authority and oversight regarding the dispensation of alcoholic beverages, and have responsibility for coordination of the event if alcoholic beverages are either given away or sold. This individual should have a basic understanding of Alcoholic Beverage Control laws, service methods, and measures for service control; must be present throughout the event and its cleanup; and must be 21 years of age or older. In addition, it is expected that the responsible person will refrain from consuming alcoholic beverages at the event.

The responsible person should monitor the starting and ending times for the caterer's dispensation of beverages (if one is present). During the event registration process, information sessions and resource materials will be provided to the responsible person through the Office of the Dean of Students, Student Activities, University Health Services, Campus Life, and the Cornell Police.

**The Cornell Police**
Cornell Police officers or other security personnel may be required to attend events on university property. Costs associated with this requirement must be paid by the sponsoring organizations. At the time of the event registration, the decision will be made by the Cornell Police.
Police in consultation with the associate dean of students, Student Activities. This decision will be based on several factors, including

- the history of the event and the sponsoring group.
- the nature of the event.
- the anticipated attendance.
- other factors as appropriate.

Refer to the online version of this policy at www.univco.cornell.edu/policy/ALC.for.html for Appendix A: Guidelines for Responsible Management; Appendix B: Frequently Asked Questions; Appendix C: Effects of Drugs, and Appendix D: Summary of Laws and Sanctions.
The Cornell University policy “Care and Use of Animals in Research and Teaching” has been posted at www.univco.cornell.edu/policy/CURA.for.html. It is a university policy intended for anyone at the university who works with animals in research, teaching, or testing. It outlines policies and procedures that should be followed in the humane conduct of animal-based studies and provides links to obtain additional information.

The policy contains a statement about the use of animals in research, teaching, and testing at Cornell University and the necessity that animal facilities and programs be operated in accord with applicable federal, state, and local laws, regulations, and guidelines. Also included is information on the responsibilities of the institutional official, attending veterinarian, Cornell Center for Animal Resources and Education (CARE), and the Institutional Animal Care and Use Committee (IACUC). The composition of the IACUC has been defined, protocol review by the IACUC explained, and the procedures for the submission of a protocol form for the use of live vertebrates and approval of such work are detailed. Procedures for the reporting and investigation and resolution of violations of the policy are described, as are the requirements for record keeping.

The policy has recently been enhanced to include sections on review of animal-based research for scientific merit; occupational health and safety for animal users; the use of animals in instruction; the planning and design of animal facilities; and animal facility visitation.

Information, such as specific standard operating procedures (SOPs) and personnel contacts, is available on the CARE web site (www.research.cornell.edu/CARE). Information, such as the protocol form and IACUC policies, is available on the IACUC web site (www.research.cornell.edu/IACUC).
Equal Employment Opportunity Policy

Statement on Nondiscrimination

It is the policy of Cornell University actively to support equality of educational and employment opportunity. No person shall be denied admission to any educational program or activity or be denied employment on the basis of any legally prohibited discrimination involving, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, or disability. The university is committed to the maintenance of affirmative action programs that will assure the continuation of such equality of opportunity. Sexual harassment is an act of discrimination and, as such, will not be tolerated. Inquiries concerning the application of Title IX may be referred to the Office of Workforce Diversity, Equity, and Life Quality, Cornell University, 160 Day Hall, Ithaca, NY 14853-2081; phone: 607-255-3976.

Cornell University is committed to assisting those persons with disabilities who have special needs. A brochure describing services for persons with disabilities may be obtained by calling or writing to the Office of Workforce Diversity, Equity, and Life Quality, Cornell University, 160 Day Hall, Ithaca, NY 14853-2801; phone: 607-255-3976; telecommunications device for the deaf (TDD): 607-255-7066. Other questions or requests for special assistance may also be directed to that office.
University Policy 6.4: Sexual Harassment

Cornell University strives to provide an educational and working environment for all faculty, staff, and students that is free from sexual harassment. Sexual harassment in any form is unacceptable behavior and will not be tolerated.

Sexual harassment is demeaning, degrading, and illegal. It affects an individual’s self-esteem, and can have a negative impact on an individual’s work or academic performance. Sexually harassing behavior is prohibited throughout Cornell University. This policy addresses, and is limited to, sexual harassment in the working and education environments.

Cornell University’s Protocol for Responding to Bias Activity

Cornell University’s commitment to diversity and inclusiveness is expressed in its Open Doors/Open Hearts/Open Minds statement. Cornell University’s commitment to diversity and inclusiveness necessarily implies that our community will include members who differ in their experiences, backgrounds, race and ethnicity, sex/gender, religious beliefs, sexual orientations, political persuasion, social perspectives, and other important respects. Consistent with our simultaneous commitment to freedom of speech, Cornell University values and promotes the respect for differences that its commitment to diversity supposes and requires.

Behavior reflecting bias or discrimination may constitute a violation of Cornell University’s policies and Campus Code of Conduct, as well as local, state, and federal laws. The university has established review procedures to deal with such cases at both the college and university levels.

A. An individual who believes s/he is the victim of a crime should contact the Cornell Police and, if appropriate, other local police agencies immediately, so that the matter can be addressed and support services made available.

B. An individual who believes that s/he has been subjected to discrimination in violation of the University’s
Equal Employment and Educational Opportunity policy or who has been the target of activity that s/he believes constitutes a violation of the Campus Code of Conduct should bring this complaint to the attention of his or her college harassment advisor, the judicial administrator, the university ombudsman, or the director of the Office of Workforce Diversity, Equity, and Life Quality. These university officials will promptly (within 24 hours) review the allegations and determine if the information should more appropriately be referred for investigation to another university office, including to the Cornell Police.

C. Complaints involving allegations of discrimination and/or harassment that occur within the classroom or in the student-faculty context should be directed to existing college-based review procedures.

D. Response to Other Instances Involving Bias or Potential Bias

When individuals believe that they or other members of the university community have been adversely affected by instances involving bias on the basis of race, gender, sexual orientation, national origin, or any other protected condition and are not sure which of the complaint procedures to use (i.e., II. A, B, or C) or where the bias is not necessarily directed against a particular individual or individuals (e.g., graffiti, posting), they should report their concern to the Office of Workforce Diversity, Equity, and Life Quality. Within 24 hours, the office will forward a summary of the complaint to a pair of “response coordinators” (designated and trained staff and/or faculty members) who will be responsible for contacting the target(s) of the complained-of behavior within 24 hours and/or coordinating support services and/or referrals as appropriate under the circumstances.

Complaints made under Sections II. A, B, or C may also be referred to the Office of Workforce Diversity, Equity and Life Quality when the involvement of response coordinators may be helpful.
Human Subjects

Cornell University policies on the protection of humans in research are posted at www.osp.cornell.edu/Compliance/UCHS/homepageUCHS.htm. The policies apply to all faculty, staff, and students at the university who conduct research involving interaction with human subjects or identifiable data on living humans. The policies cover experimental, survey, questionnaire, observational, genetic, biomedical, clinical, epidemiological, and human factors research, including pilot and pretest studies. All faculty, staff, and students planning to conduct research involving human subjects or identifiable data on living humans must apply to the University Committee on Human Subjects (UCHS) and receive approval before beginning the study.

The site describes policies and procedures for assuring that human subjects research at Cornell is conducted at the highest ethical standards required by federal, state, and local regulations and guidance. The site contains an educational program that is required for all faculty, staff, and students who plan to conduct research involving human subjects or identifiable data on living humans. It provides UCHS application forms and links to seek additional information on the current guidance on applying federal, state, and local regulations to different types of research involving humans and identifiable data on living humans. The site describes detailed procedures for conducting human subjects research through undergraduate and graduate classes. The site also lists review procedures for protocols and the responsibilities of Cornell investigators for upholding human subjects protections, including prompt reporting of changes in study protocols and adverse events arising from research projects.

University faculty, staff, and students conducting human subjects research should consult the site frequently for updates on policies, guidance, and application procedures. Federal, state, and local regulations and guidance regarding the ethical conduct of research involving human subjects or identifiable data on living humans has been continuously changing for the past
several years. These changes are expected to accelerate in the next several years through the implementation of pending federal legislation that increases the protection of human subjects and identifiable data involving living humans in research. The site is updated continuously to reflect changes in regulations and guidance.
Identification Card Policy

Office of the University Registrar,
B-7 Day Hall, May 1997

The Cornell University identification card identifies you as a current member of the Cornell community. Depending on your relationship to the university and the services that you sign up for, your ID card can also be used as an electronic door key and to access a variety of functions and facilities on campus—including athletic events, Cornellcard charges, dining units, fitness centers, libraries, transportation services, and parking and vending machines.

The ID card is the property of the university, must be carried at all times, and is nontransferable. It may be used for such purposes as the university designates and may be revoked at any time. This card must be presented and/or surrendered upon demand by a university official; failure to do so, or lending this card to anyone, is considered misuse and may subject the holder to disciplinary action, under the Campus Code of Conduct.

Lost and stolen cards must be reported promptly to the Office of the University Registrar. The cost for a replacement student identification card is $25 per replacement. If the card is being replaced because of damage that is not the fault of the student, there is no charge.

No person shall possess more than one Cornell University identification card. All cards, not previously replaced, that have been turned in to the Office of the University Registrar are kept on file until the end of the semester to enable the person to claim the lost identification card. If the person has already replaced his/her identification card when the original one is turned in, the found identification card is destroyed. This action is noted on the card report/replacement form that was filled out when the card was lost.

Students with Cornellcard privileges are responsible for charges incurred by use of this card (up to $50 if reported lost or stolen). Refer to the Cornellcard contract for specific terms.

This card is void upon termination or interruption of enrollment and/or employment.

At present, there is no provision for a temporary identification card, whether it be for a visitor on campus or
a lost card, issued through the Office of the University Registrar.

For the most current information about Cornell identification cards, contact the Office of the University Registrar, B-7 Day Hall, or visit www.SAS.cornell.edu/OUR/general/idcards.html.
A leader in IT policy and information technology ethics education, Cornell regards its rules for the network road as an integral part of its overall teaching mission as well as a lesson in the meaning of citizenship in the academic community. The cornerstone of IT policies are those that spell out the obligations to users: Responsible Use of Electronic Communications and Security of Information Technology Resources.

The Responsible Use of Electronic Communications Policy (www.cit.cornell.edu/computer/responsible-use/) specifically addresses computer use at Cornell. The basic premise is that legitimate use of a computer or network does not extend to whatever an individual is capable of doing with it. Examples of computer policy violations include sharing your password (associated with your net ID) or using someone else’s password or unauthorized scanning of the network or access to data. Downloading songs, music, or videos for which you do not own the copyright or permission of the user or a legal defense may be a violation of federal law as well as university policy. Please know that if presented with a bona fide subpoena for the identity of a user alleged to have infringed copyright, the university will release your identity.

New IT security policies will also require that you take responsibility for the security of your computer, including maintaining up to date virus protection (provided by the university online), patches for Windows systems, and immediate remediation of computers infected with viruses or compromised by “hackers.” In other words, you have the obligations of a local support provider of the computer as well as the basic obligations as a user when you attach your personal computer or laptop to the network, including Cornell’s wireless system, Red Rover. For more information about these new, important
security policies, please see www.univco.cornell.edu/policy/SEC.for.html. Whether minor or major, Cornell addresses violations of all computer use policies. Of course, some computer violations, such as releasing a virus, worm, or other program that damages or otherwise harms a system or network, are extremely serious and will be dealt with in legal as well as policy terms.

The new network registry also requires that you register any device under your control on the Cornell University network (www.univco.cornell.edu/policy/NR.for.html). For students living in residence halls, this process is not difficult and an already established format for registration has long existed in Resnet. Please be aware, however, that under this policy it is a violation to knowingly mask a MAC (media access control) address or IP (Internet Protocol) address or fraudulently use another person's NetID (network identifier) for the purpose of evading this policy. A registration page should pop up when you attach your computer to the network for the first time. The page should automatically read your MAC and IP address; please enter in your NetID and registration should be complete.

Additional information about network connections and computer use may be obtained from the CIT Contact Center: helpdesk@cornell.edu. Questions about IT policy can be referred to IT-policy@cornell.edu.
Possession of Rifles, Shotguns, and Firearms on Campus

Proceedings of the Executive Committee of the Cornell University Board of Trustees, held September 4, 1969

The provost reported that both the New York Penal Law and the University Regulations for the Maintenance of Public Order prohibit the possession or carrying of BB guns, rifles, shotguns, or firearms* on university property, except as specifically authorized by the university.

Voted to adopt the following regulations to provide special permission for possession and/or carrying rifles, shotguns, and firearms in and upon university property and buildings, including all premises used by the university for housing students, faculty, and staff.

1. **Students.** Students shall be permitted to possess or maintain a rifle, shotgun, or firearm on university property only by depositing the same with the Cornell University Police for safekeeping. Appropriate permits may be issued to students allowing them to transport their weapons on university property for the purpose of depositing or withdrawing the same from the Cornell University Police and for no other purpose.

2. **Staff and Employees.** Individual and personal permits may be issued to members of the university’s academic and nonacademic staff whose official university duties involve the possession or use of a rifle, shotgun, or firearm on university property. Such permits shall specify the official university purpose for which the weapon is to be used and shall not permit its use for any other purpose.

*Note that, although the University Regulations for the Maintenance of Public Order did not, in 1969 or today, specifically refer to BB guns, over the years the policy has been construed to include them.*
3. **R.O.T.C.** Special permits shall be issued to the respective commanding officers of R.O.T.C. units at the university permitting groups of individuals to possess and/or carry rifles, shotguns, or firearms on university property; provided that, except when being transported or used in connection with training exercises away from the main campus, such weapons are disarmed by removal of the firing pin or by other means.

4. **Rifle and Pistol Teams and Clubs.** Permits may be issued by the director of the Cornell University Police to certified members of student rifle and/or pistol teams and certified members of rifle clubs for the possession and/or use of rifles, shotguns, and firearms on university property under appropriate regulation to assure that such weapons are used only at designated and controlled pistol ranges, and are otherwise secured against improper use.

5. **Special Permits.** The university controller or designee shall be responsible for authorizing and issuing special permits for the possession and/or use of rifles, shotguns, and firearms on university property in isolated instances.
Additions to the current Postering Policy (passed by Student Assembly on April 15, 1987). Revised and approved by Student Assembly on April 24, 1997; May 10, 1988; April 20, 2000

Guidelines

A. Campus Organizations/Individuals
The following policy is designed to allow organizations and individuals to advertise events on campus without causing damage to buildings, signage, and/or trees on or near campus. All posters must bear the name of the sponsoring organization.

1. There are currently two ways in which organizations may advertise outside:
   a. Banner space over the Campus Store, which can be reserved through 520 Willard Straight Hall. (This space is limited to organizations that register through the Student Activities Office and official university departments and units.)
   b. Chalking only on horizontal, concrete, or asphalt surfaces where the rain will wash away the residue, except in front of and beside Day Hall. Under no circumstances may groups or individuals advertise on an organic surface (grass/soil). Only water-soluble chalk may be used.

2. Organizations and individuals may poster inside campus buildings on approved bulletin boards using tacks only. If in doubt about whether a bulletin board is approved, please see the building manager for that building.

3. The following are prohibited:
   a. The use of masking tape or other adhesives (including paste or glue).
   b. The use of nails, heavy-gauge staples, or other metal fasteners.
   c. Attaching signs to or spray painting on woodwork, statues, walls or trees, telephone poles, doors, light poles, war memorials, walkways, roads, grassy areas, windows/transparent surfaces, bus stops, etc.
d. The attachment of flyers or posters to university signage, traffic or street signs, and trees.

e. Posters exceeding the dimensions of 11 inches by 17 inches or the equivalent in surface area (187 square inches).

f. Messages or symbols on grassy areas, especially Libe Slope, using spray paint, lime, flour, plaster of paris, shaving cream, and/or any other substance.

4. Each college, living unit, and administrative building has formulated procedures for posting publicity materials within its own confines. Procedures for classroom buildings vary from college to college. Consult the dean’s office of each college or the administrator in charge of each building. Note that these procedures may be more stringent than the general guidelines provided below. In that event, the college/living unit and/or administrative building procedures have priority over general guidelines. Building administrators or managers should post such procedures in a prominent place.

5. General posting guidelines: In buildings that do not have more stringent posting procedures, building administrators may remove materials that have not been posted according to the following general posting guidelines:

a. The following are general guidelines for posting:
   (1) General-purpose bulletin boards in each building should be used.
   (2) Posters should be affixed with thumbtacks, not staples or glue.
   (3) Posters should be limited to one but never more than three per bulletin board per event.
   (4) Bulletin boards that are labeled as “special purpose” are limited to that purpose, and nonrelated announcements will be removed.
   (5) Posters may not be placed on walls, doors, or statues either inside or outside of buildings.

b. For permission to put up posters in sorority or fraternity chapter houses, please contact the offices of each house.
c. Residence halls: Contact the Department of Campus Life for policy.

d. Organizations that receive funding from the Student Assembly Finance Commission (SAFC) or the Student Assembly will include the following statement on all posters advertising their activities: “Cosponsored by the Student Assembly.” Alternatively, they may include the Student Activity Fee logo, which is found at safc.assembly.cornell.edu.

6. Enforcement
   a. The outdoor areas will be checked periodically by the Grounds Department and student employees for materials not posted in accordance with this policy and for outdated materials. Indoor areas will be checked by the appropriate facility managers.

   b. Under the Campus Code of Conduct, the Office of the Judicial Administrator has the jurisdiction over complaints against any members or agencies of the university community who illegally destroy, deface, or remove posters on university bulletin boards or who attach posters to surfaces not intended to serve as bulletin boards.

7. Penalties for Violations (per calendar year dated July 1–June 30)

   **Organizations:**
   a. The cost of removal of any materials posted illegally, or of repair of damage caused, will be billed to the responsible organization.

   b. Upon the first violation of the Postering Policy, the registered organization will receive a warning from the Student Activities Office at the time of the first offense.

   c. Upon a second violation of the postering policy, the registered organization will be charged the cost for removal and will be fined 25 percent of the cost of the removal (a minimum fine of $25) and a maximum fine of $100 and notice of said violation will be placed in the organization file, Office of the Judicial Administrator, and the SAFC/GPSAFC if appropriate.
d. If the policy is violated a third time, the registered organization will be charged for the cost of removal, lose the right to use university property and facilities for its activities and will lose funding from the SAFC for one academic year, effective from the date on which the notification of punishment is mailed to the registered organization. The registered organization may also be referred to the judicial administrator, who may require the performance of community service or another sanction.

e. If poster fine is not paid within three weeks of date on notification letter, a second letter will be mailed. If the fine is not paid within two weeks of this second letter, the organization’s registration will be put on hold until the fine is paid. Fine will be carried over to the following academic year and the organization will not be allowed to register until payment is received.

**Individuals from the Cornell Community/Nonregistered Organizations:**

a. The cost of removal of any materials posted illegally, or of repair for damage caused, will be billed to the responsible individual.

b. Individuals who violate the postering policy will receive a warning from the Student Activities Office at the time of the first offense. Upon further violations(s) of the policy, the individual will be charged for the cost of removal and will be fined 25 percent of the cost of removal (a minimum fine of $25 and a maximum fine of $100) and may be referred to the judicial administrator.

c. Upon the first violation of the postering policy, the nonregistered organization will be charged the cost for removal and will be fined 25 percent of the cost of removal (a minimum fine of $25 and a maximum fine of $100). Upon further violation of the policy, nonregistered organizations will be treated the same as registered organizations.

d. Individuals and organizations have the right to appeal to the Student Assembly. Any posters displayed in violation of this policy will be removed regardless of content.
8. **Appeals.** Registered organizations can appeal these penalties to the Student Assembly and Penalty Appeals Group within two weeks following the payment of the fine and/or imposition of the penalty. Registered organizations can also appeal these penalties within two (2) weeks following the election of a new board of officers. Go to www.activities.cornell.edu/so/ for more information on the appeals process or call 255-4311.

**B. Off-Campus Vendors/Organizations**
The following policy applies to merchants/organizations that are not university related. The policy is designed to control the number of posters on bulletin boards as well as to ensure appropriate use of facilities and property. Off-campus companies/organizations may not poster on Cornell University property except as designated below:

1. **Postering on inside designated spaces.** These posters must be submitted to the building manager or responsible person and approved. Approval is indicated by signature and campus phone contact. Poster is placed by the manager.

2. **No postering is permitted outside the buildings or on external bulletin boards.** No taping or affixing of advertising materials is permitted on any structure, walkways, etc. (See first page for what is prohibited and general guidelines.)

3. **Violations** of the policy will result in the removal of illegal posters, and the offending organization/vendor will receive a letter from the assistant dean of students for student activities to that effect. Where damages occur, the offending organization/vendor may be billed for the cost of removal or repair. This action will be followed by a written communication from the assistant dean of students for student activities giving notice of the infraction. (Flagrant abuse can result in charges of private property or trespass violations, as determined by university officials.)
Sales Activities on Campus
This policy can also be found at www.univco.cornell.edu/policy/sac.html.

Policy Statement
Cornell University allows limited on-campus sales activities consistent with its educational mission and for the convenience of the Cornell community—faculty, staff, students, alumni, and visitors. Such activities are limited to designated areas and buildings, to specified periods of time, and are subject to prescribed procedures and approvals.

Reason for Policy
In furtherance of its fundamental educational mission, the university provides members of the campus community with ancillary services that support them in their daily activities. With respect to sales activities, the university: regulates the use of university property to maintain a safe, attractive environment for instruction, research, and public service; complies with all applicable federal, state, and local statutes and regulations, including those related to its status as a tax-exempt educational institution; facilitates opportunities for its faculty, students, and staff to engage in course-related sales experiences; encourages activities of the campus community in support of charitable endeavors; and helps promote the off-campus local and regional economy.

Who Should Read This Policy
- Assemblies officers
- Building coordinators
- Department and unit managers
- Officers and advisers of campus clubs and organizations
- Purchasing agents
- Student service managers
- Students
Related Documents

University Policies
Advertising Policy
Canvassing/Peddling Policy
Food Sales Policy
Poster Policy
Use of Cornell Names and Logos Policy
Use of University Property Policy
Vending Machine Policy

Contacts

Direct any general questions about the Sales Activities on Campus policy to your department’s administrative office. If you have specific questions, call the Community Relations Office at 255-4908.

Definitions

Cornell/Community Coordination Committee (4-C)
A standing committee composed of the following members: the vice presidents for administration, student and academic services, and university relations; vice provost for land grant affairs; associate vice president for business services; and the university counsel. It is responsible for approving policies and procedures that regulate and support sales activities focused on the university community.

Designated Outlet
An on-campus sales unit that is established and that is operated directly by the university

New Venture
Any undertaking by a designated outlet on campus that includes the sale of a product or service not already offered at the outlet

Use of University Property
University property includes the main campus at Ithaca, the Geneva and other agricultural experiment stations, outlying research sites, Cornell Plantations, and industrial/commercial sites owned or operated by the university. Cornell departments and programs located in nonowned facilities may be affected because of the tax-exempt status of the university. Therefore, it is always
appropriate to seek an informal opinion from the Office of Community Relations.

Procedures

Introduction

Items and services for sale on campus as of May 1992 may continue to be sold. Proposals for new sales activities must conform with the procedures in this document. Before making formal application, you are welcome to check the appropriateness of new sales ideas with the Office of Community Relations. The university reserves the right to withhold approval for the sale of any product or service and to terminate the sale of products not approved in advance.

Permitted Kinds of Sales Activities

Subject to the approval of the Office of Community Relations and/or the university’s Cornell/Community Coordination Committee (4-C) (see “Definitions”), the following types of sales activities, regulated by specific procedures that are outlined in this policy, will be permitted on university property. All proposals must be submitted to the Office of Community Relations in accordance with the deadlines prescribed in this document.

• Selling by designated retail outlets operated directly by the university—including but not limited to the Campus Store, Cornell Information Technologies, the Dairy Store, Cornell Dining, Cornell Orchards, Cornell Travel Office, Willard Straight Hall, and the Department of Athletics and Physical Education

• Sales and related fund-raising activities—by registered organizations and individuals—in support of charitable and other not-for-profit endeavors

• Sales and related activities by university departments and programs

• Occasional seasonal/thematic sales by university departments or members of the university community, or by external retailers at the invitation of an appropriate campus department or unit.

• Caution: It is essential to stress the limited nature of such activity, and that authorization will not be given for widespread commercial activity throughout the year.
**Designated Outlets**

1. If an established, on-campus sales unit wishes to embark on new ventures, it must gain approval from the university’s Cornell/Community Coordination Committee (4-C) at least 90 days in advance.

   **Caution:** Activities must be consistent with the university’s educational mission. See “Appendix” for a list of allowable activities in designated retail outlets.

2. If you wish to conduct special sales outside your designated facilities, you must apply to the Office of Community Relations 45 days in advance.

3. In all cases, you must observe applicable municipal and state permit and sales-tax requirements.

   As part of its deliberations when considering proposed new ventures, the 4-C will solicit comments from the local business community to attempt to avoid the sale of goods and services that are widely available from the general business community.

   • **Caution:** On-campus sales units will not take advantage of the university’s tax-exempt status for the purpose of competing unfairly with the private retail sector.

**In Support of Charity, Nonprofit, and Departmental Purposes**

In order to raise money for charity or other nonprofit ends, all university departments, registered campus organizations in good standing, or individuals pursuing course-related entrepreneurial activities must

1. submit a Use of University Property form (see “Forms”) via the web, at www.activities.cornell.edu/eventreg/ at least 15 days before the proposed sale.

2. observe applicable municipal and state permit and sales tax requirements.

3. obtain products and/or services offered for sale preferably from suppliers located in Tompkins County or as the result of a request-for-proposals process open to local merchants. (Items offered for sale should be purchased by the Cornell organization or individual
involved, as opposed to being a front for a commercial firm.) For sales by registered campus organizations or sales related to entrepreneurial course work, all participants and sales personnel must be members of the Cornell community.

4. include with the application either actual samples or detailed descriptions of all products and services to be offered for retail sale.

- **Caution:** Samples should be returned to the vendor who supplied them.

All net proceeds from such sales will be limited to the support of

- programs and services of a registered organization or university department, and/or
- a charitable organization shown to have approved the activity at the time the appropriate forms are submitted, and/or
- the individual whose sales activities are part of a defined academic program.

### Occasional/Seasonal Joint Venture Sales

With the prior approval of the Cornell/Community Coordination Committee (4-C), and subject to the approval of the appropriate forms by the Office of Community Relations (110 Day Hall), members of the university community and vendors not affiliated with the university may participate in limited seasonal or thematic sales. (Examples of such products include room decorations, shipping and equipment rental services, or the wares of local and regional artisans.) Applicants should contact the Office of Community Relations, which will arrange for the necessary 4-C review.

- **Caution:** It is essential to stress the limited nature of such activity, and that authorization will not be given for widespread commercial activity throughout the year.

Applicants must

1. submit a written request to the Office of Community Relations at least 45 calendar days before the proposed sale.
2. observe applicable municipal and state permit and sales-tax requirements.
3. obtain products and/or services for sale preferably from suppliers located in Tompkins County or as the result of a request-for-proposals process open to local merchants.

4. include with the application actual samples or detailed descriptions of all products and services to be offered for retail sale.
   
   • **Caution:** Samples should be returned to the vendor who supplied them.

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**Responsibilities**

The major responsibilities each party has in connection with the university’s Sales Activities on Campus policy are as follows:

**You**

- Read and understand the Sales Activities on Campus policy.

- Gain approval for your particular sale in advance, according to procedures established in this document.

- Observe municipal and state permit and sales-tax requirements.

- Obtain products and/or services for sale preferably from suppliers located in Tompkins County or as the result of a request-for-proposals process open to local merchants.

- Include with application actual samples or detailed descriptions of all products and services to be offered for sale.
University
Support the university’s educational mission by

• providing members of the campus community with ancillary services that support them in their daily activities.

• regulating the use of university property to maintain an attractive environment for instruction, research, and public service.

• complying with all applicable federal, state, and local statutes and regulations, including those related to its status as a tax-exempt educational institution.

Forms
When you seek approval to hold a particular sale of goods and/or services on campus, you must complete the form listed below. The form is available at www.activities.cornell.edu/eventreg/.

Form
Use of University Property

Use
Fill out when seeking approval to hold a charitable, nonprofit, departmental, or course-related entrepreneurial activity. In the case of an occasional seasonal/thematic sale, the Campus Activities Office will initiate the appropriate forms.
Appendix

Allowable, Ongoing Sales Products and Services

1. Textbooks, educational and recreational supplies, and equipment used in research, instruction, or sponsored recreation.

2. Merchandise that is related to the university’s special facilities and activities, including sports, cultural, educational, and entertainment events; merchandise that is generally purchased spontaneously or as a remembrance of the facility or event; and souvenir and emblematic items that bear the sponsor’s name or logo, or serve to stimulate enthusiasm for related programs.

3. Food and beverages, appropriate to university needs, including snacks offered at athletic events in Schoellkopf Field, Lynah Rink, Bartels Hall, and other facilities; at performances and/or events in the Schwartz Center for the Performing Arts; at exhibits at the Herbert F Johnson Museum of Art; and at similar operations.

4. Products offered by designated retail outlets operated directly by the university—including but not limited to the Cornell Store, Cornell Information Technologies, the Dairy Store, Cornell Dining, Cornell Orchards, Cornell Travel Office, Willard Straight Hall, and the Department of Athletics and Physical Education.

5. Permanent and seasonal snack-bar, vending-machine, cafeteria, and dining-room services that large employers normally provide for their employees, patrons, and guests.

- **Caution:** These services should be appropriate in style and scale for their setting.

6. In-house amenities and services appropriate for users of the facilities of the Statler Hotel and hospitality centers such as the Big Red Barn and Willard Straight Hall.
Student data and information are a vital and important university resource. Their use must be protected even when the data may not be confidential.

The Family Educational Right and Privacy Act of 1974 (FERPA, a/k/a Buckley Amendment) outlines federal mandates on the access to and distribution of information and data in educational records.

Cornell University also has its own policies, as required by law, regarding the access to student information (see Policy 4.5, “Access to Student Information”) and a more generic policy on data access (see Policy 4.10, “Data Access Policy”). Combined, these policies outline the university approach to both the access and use of this university resource. It is important to note that the university’s student data policies are restrictive in that no data identifiable to a person should be distributed outside of the university, even if it is “directory information.” Here are some general guidelines and parameters for colleges, departments, and administrative unit data users:

1. Data from the Student Data Marts (Admissions, Financials, and Records) and their subsections, Human Resource, Payroll, PEDL, Actuate Reporting, and other information systems, including data collected by departments or individual faculty and staff, are for internal university purposes only.

2. One’s role and function define the data resources that will be needed to carry out one’s official responsibilities. Through its data access policies the university makes information and data available based on those responsibilities.

3. Data directly identifying a student, such as name, address, telephone number, date(s) of attendance, majors, degrees, etc., may not be distributed in any form to outside persons or agencies, including all government agencies and surveys and other requests for data. All such requests are to be forwarded to the Office of the University Registrar for follow-up with authorized agents of the university.
4. Requests for student information from any courts, attorneys, etc., are handled by the Office of the University Counsel; colleges and departments should never respond to requests, even with a subpoena. All requests from law enforcement agencies (local police, New York State Police, Federal Bureau of Investigation, etc.) are to be forwarded to the Office of the University Registrar for response, including in-person requests for information.

5. At no time may student information, including that identified as “directory information,” be released to any outside entity for commercial, marketing, solicitation, or other purposes. This includes organizations and companies that may be acting as agents for the university or its departments.

6. Faculty, students, and staff doing research and seeking to survey students must submit a formal request, including the research questionnaire, to the Office of the University Registrar, Office of the Dean of Students, and the Faculty Committee on Human Subjects Research for approval before distribution of the research and/or survey questionnaire. Personally identifiable data and information (name, student ID number, address, telephone number, netID, and other identifiers) must be suppressed, and no data may be used for commercial, for-profit, or marketing purposes. Data must be used only for the approved purpose.

7. Institutional research, analysis and reporting functions, and external surveys—departmental, college-based, and university—should always suppress personally identifiable data, except where required by law or statute (e.g., some New York State reports). In those cases, reporting and distribution of those reports is to be completed by the Office of Institutional Research and Planning. All reports for the State University of New York (SUNY), the New York State Legislature, and federal agencies will be prepared and submitted by the Office of Institutional Research and Planning.

8. Electronic mail to established listservs (e.g., classes) is permitted. Other bulk electronic mailing (e.g., to all students) is restricted to emergency situa-
tions only, such as health emergency notification. All requests for bulk e-mailing of students must be submitted to the Office of the University Registrar. Listservs must be coordinated through Cornell Information Technologies, Mailing List Service (listmanager@cornell.edu).

9. Data mart users who repackage data for others in their unit must inform the recipients of the above data access issues. Repackagers are responsible for informing and instructing those to whom they disseminate data from the data mart.

Questions and inquiries should be directed to David S. Yeh, assistant vice president, Academic Support Services (dsy1@cornell.edu); Christopher P. Cox, associate university registrar (cpc8@cornell.edu); or Tracey L. Thompson, assistant university registrar (tlt3@cornell.edu).
Use of Cornell Name and Marks

General Guidelines

Cornell, like most major colleges and universities, has a licensing program that regulates the use of its marks (e.g., names, trademarks, insignia, logos, images, and the like) on items such as T-shirts, caps, key chains, mugs, and pens. This process helps prevent bootlegging, ensures that Cornell names and artwork are used appropriately only on products approved by the university, and that the products are manufactured under a code of conduct designed to reinforce fair labor practices and prohibit sweatshop conditions. All uses of university marks, including those of schools and colleges, departments, programs, and student organizations and projects that are identified with Cornell, must be approved before any item can be ordered and produced.

The Program

The Cornell Product Licensing Program is divided into two components: (1) reviews and approvals and (2) licensing.

Reviews and Approvals

All uses of Cornell marks must be approved before orders are placed for imprinted products.

Application

The “Application for Use of Cornell Names and Artwork” form must be completed and submitted along with a copy of the design for which approval is being sought to the Student Activities Office, 521 Willard Straight Hall. A copy of this form can be obtained from the Student Activities Office, 521 Willard Straight Hall, the Office of Community Relations, 110 Day Hall, or electronically as a PDF file at www.cornell.edu/identity/merchandise/index.html.
Review and Approval Process

Roxanne Edsall-Bebee in the Student Activities Office is responsible for management of the application, review, and approval process. In her absence, John Gutenberger in the Office of Community Relations is responsible. Either Ms. Edsall-Bebee’s or Mr. Gutenberger’s signature on the “Application for Use of Cornell Names and Artwork” represents a formal approval. With it, clients can proceed to order products through a licensed manufacturer. A listing of licensed manufacturers can be found at www.cornell.edu/identity/merchandise/index.html. A hard copy of this list is also available from the Student Activities Office, 521 Willard Straight Hall, or the Office of Community Relations, 110 Day Hall. Manufacturers not licensed are not authorized to produce items bearing Cornell’s name or marks. Ms. Edsall-Bebee’s address is Student Activities Office, 521 Willard Straight Hall, Cornell University, Ithaca, NY 14853; voice: 607-255-4169; fax: 607-255-1116; e-mail: rme4@cornell.edu. Questions or issues regarding the application process, reviews, or approvals should be directed to her attention.

Time Limits

Under the current process, an approved design will not require subsequent review and approval, provided there is no change in the design and a licensed manufacturer is used. When there is a change in a design, a new application accompanying the changed design must be submitted for review.

Order Quantities

Unless there are special circumstances, approvals will not place limits on the quantity of goods to be produced.

Licensing

While the review and approval process regulates appropriate usage, the licensing process seeks to assure that products are manufactured to specified standards, under appropriate conditions and, where applicable, royalties are paid. To manufacture or imprint products using any of Cornell’s marks, a business must be
licensed. Cornell’s licensing agent is the Collegiate Licensing Company (CLC), 290 Interstate North Parkway, Suite #200, Atlanta, GA 30339; phone: 770-956-0520; web: www.clc.com.

The Office of Government and Community Relations is responsible for licensing manufacturers. The address is Government and Community Relations, Cornell University, 110 Day Hall, Ithaca, NY 14853; voice: 607-255-4909; fax: 607-255-5396; e-mail: gjs28@cornell.edu. Questions or issues regarding licensing should be directed to his attention.

Request for a License or License Renewal
All requests for licensing should be directed to the Office of Government and Community Relations.

Code of Conduct
Along with other colleges and universities, Cornell subscribes to a labor code of conduct and requires all licensed manufacturers to adopt the code. One aspect of the code calls for full public disclosure of factory locations in the United States and overseas where Cornell products are manufactured. A copy of the code can be obtained from Government and Community Relations, Cornell University, 110 Day Hall, Ithaca, NY 14853.