



Cornell University

Roadmap for Proposed Revisions to Student Code of Conduct

General

- Clean up spacing and font consistencies throughout document
- Update multi-level lists based on finalized provision order (i.e. numbering and lettering)
- Additional language underscoring the commitment to freedom of expression

Specific

- Assault and Endangerment
 - Change to Assault *or* Endangerment to more accurately reflect the combination of behaviors that may fall under the provision
- Bribery
 - Defines the provision more precisely to better inform individuals what may fall within this provision (i.e. defines bribery without using the word “bribe”)
- Collusion
 - Add “or Complicity” to the list of Prohibited Conduct to match the description of the provision.
 - Update the definition to include language that describes both collusion and complicity, and make grammatical corrections to the definition.
- Drug-Related Behavior
 - Split this provision into two separate provisions that differentiates severity between cannabis and marijuana-related behavior compared to behavior involving other controlled substances
 - Behavior Related to Controlled Substances, Excluding Marijuana and Cannabis
 - Cannabis and Marijuana-Related Behavior

- Cannabis and Marijuana are both included in these provisions to reflect language used in federal and state regulations.
 - This change reflects the evolving landscape and legalization including decriminalization and legalization of cannabis/marijuana in off-campus environments.
- Obstruction with Code of Conduct Investigation and Adjudication Process
 - Change to Obstruction with Student Conduct Process to make clear that the obstruction of non-Formal Complaint resolutions in the student conduct process are also prohibited
- Unauthorized Entry or Use of Space
 - Currently, one of the examples was embedded in the preamble. Numbering the language makes clear this is one of the examples of unauthorized entry or use of space, and not the umbrella definition for the following examples.
- New provision: Retaliation
 - Creates new provision that prohibits retaliation against individuals who interfere with individuals who report behavior that violates the Student Code of Conduct
 - Remove subsection 6 from current provision O:
 - O. Obstruction with Code of Conduct Investigation and Adjudication Process
 -6. Retaliating against another person for participating in the Code process;

Roadmap for Proposed Revisions to Student Code of Conduct Procedures

General

- The following terms were changed in all instances within the Procedures to promote the use of simplified language, move away from using legalese, better differentiate concepts with similar names, and to make the document overall more user-friendly for students:
 - Nonfaculty employee changed to staff
 - Counsel/advisor changed to advisor
 - Removed all references to legal counsel
 - Testimony changed to participate in questioning
 - File changed to submit
 - Alternate Resolution to Negotiated Resolution
 - Alternative Dispute Resolution to Collaborative Resolution

Specific

- Section II ADMINISTRATION OF THE CODE AND PROCEDURES
 - Subsection E: The Review Panel Chair
 - Currently, the Procedures state, “Each June, the faculty members of the Hearing and review Board shall select one of themselves to serve as Review Panel Chair for a one-year term.” Changing “faculty” to “employee” will increase the pool of Hearing Panel members eligible to serve as Review Panel Chair so appeals can be heard more quickly.
- Section III DESIGNATION AS COMPLAINANT AND RESPONDENT
 - Currently, the Procedures state, “a Report or Complaint”. Adding the word, Formal before Complaint clarifies that “Complaint” is referencing “Formal Complaint,” which has a specific meaning in these Procedures.
- Section IV EFFECTIVE DATE OF THESE PROCEDURES
 - Currently, the Procedures state the Process “apply in all cases where a Report or Formal Complaint...is made”. Replacing “Report or Formal Complaint” with “any reports” simplifies language to make clear that any report (formal and informal) constitutes making a report of an alleged

Student Code of Conduct violation and makes the process more accessible and user-friendly.

- Section VI COMPUTATION OF DEADLINES
 - Fixed the spelling error in the heading from deadines to deadlines
- Section VIII. INTERIM MEASURES AND EMERGENCY SUSPENSIONS (new section)
 - The term, “temporary suspension” is now “emergency suspension,” to emphasize it is only to be used in extraordinary circumstances.
 - Subsection A. Interim Measures
 - Outlines Interim Measures, including when they should be used, their purpose, how long they should be in place, and a non-exhaustive list of examples.
 - Subsection B. Requested Review of Interim Measures
 - Outlines the steps to the process for parties to request a review to modify or remove Interim Measures.
 - Subsection C. Emergency Suspension Pending Resolution
 - Includes the following proposed revision to the current emergency suspension subsection:
 - Strictly limiting emergency suspensions to be used only in extraordinary circumstances where all University privileges and services are withdrawn.
 - Includes a separate definition of an emergency suspension of a student organization.
 - Creates distinct lists of factors to be considered in imposing an emergency suspension—one for students and one for student organizations Respondents—in acknowledgement of their unique differences.
 - Incorporates more factors to include concerns around public safety, ongoing threats, and physical violence.
 - Formalizes the current practice of sharing written determination letters, and other relevant materials with Respondents.
 - Subsection D. Ongoing Assessment by the Issuing Official
 - Creates a new section that expands the ongoing assessment of an emergency suspension, including automatic time-specific reviews in considering modifications.
 - Subsection E. Review of Emergency Suspension of Students

- Restructures the emergency suspension review process for individual student Respondents, including the introduction of a three-person panel.
 - This section includes language that provides clarity and new expectations for timing (for both the student Respondent and the Review Panel) of emergency suspension reviews.
 - Introduction of panel changes to one level of review.
- Section X NOTICE OF PARTIES OF A FORMAL COMPLAINT
 - Update counsel/advisor to advisor as advisors do not need to be counsel. This change also does not emphasize the need for a student to use an attorney in the student conduct process and will make the Procedures less legalistic.
- Section XI COUNSELORS/ADVISORS AND SUPPORT PERSONS
 - Remove counselor from Section XI's heading because the term, advisor encompasses Codes Counselors. Remaining references to Counselors in this section will not be changed as it is discussing the Complainants' Code Counselor and Respondents' Code Counselor resource that is available to the parties.
- Section XV ALTERNATE RESOLUTION OF A FORMAL COMPLAINT
 - Currently, the Procedures require the investigation to be paused during Alternate Resolution. This change from "will" to "may," will no longer mandate the pause of an investigation, but instead include specific factors to be considered when assessing whether to pause the investigation.
- Section XVIII INVESTIGATION OF A FORMAL COMPLAINT
 - Subsection G: Draft Investigative Record and the Parties' Review
 - Currently, the investigator is responsible for putting together an investigative record (compilation of all information gathered in the investigation) and an investigation report (summary of information gathered). The Procedures state the parties may review and comment on the investigative report. Changing the references to report to record corrects the scrivener's error to make clear that parties may only comment on the draft investigative record, not the investigative report.
- Section XVIII INVESTIGATION OF A FORMAL COMPLAINT
 - Subsection G: Draft Investigative Record and the Parties' Review
 - Currently, the Procedures state the general scope of the parties' review of the draft investigative record. Clarifying language has

been added to subsection a. regarding the scope of the review of the draft investigative record by including more specific guidelines.

- Section XX HEARINGS
 - Subsection H: Hearing Process and Format:
 - Currently, the Procedures state the parties may submit their impact/mitigation statement “up until the end of a hearing”. Changing the language to “at the end of the hearing,” clarifies the specific moment in a hearing for when a party submits its written impact/mitigation statement
- Section XX HEARINGS
 - Subsection J: Sanctions and Remedies
 - Currently, the Procedures include a process for a party to request a stay of sanctions imposed by a Hearing Panel pending appeal (see Section XXII below). If Section XXII of the Procedures is removed, new language will be added to the end of subsection J of Section XX to make clear that sanctions and remedies will be effective at the conclusion of an appeal, or at ten business days after the Hearing panel decision, if neither of the parties appeal.
- Section XXII REQUEST FOR A STAY PENDING APPEAL
 - Currently, the Procedures include a process for a party to request a stay of sanctions imposed by a Hearing Panel pending appeal. Removing and replacing this section with clearer language (see Section XX above) regarding when sanctions and remedies will be effective, simplifies the process for all parties.