



University Assembly - Codes and Judicial Committee R. 1: Resolution to Clarify Responsible Free Expression in the Campus Code of Conduct

*Sponsor: Randy Wayne
Propose on April 2nd, 2013*

1 WHEREAS the Campus Code of Conduct states that the principle of freedom with
2 responsibility is central to Cornell University; and that the freedoms to teach and to learn, to
3 express oneself and to be heard, and to assemble and to protest peacefully and lawfully are
4 essential to academic freedom and the continuing function of the University as an educational
5 institution; and

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7 WHEREAS Cornell University students will be among the ones who will have to make the
8 principles of American democracy, including the freedom of speech and freedom of peaceable
9 assembly, work; and

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11 WHEREAS the students and student groups of Cornell University must learn how to
12 responsibly and effectively exercise the principles of freedom of speech and freedom of
13 peaceable assembly; and

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15 WHEREAS the faculty of Cornell University must encourage and teach the students and
16 student groups how to responsibly and effectively exercise the principles of freedom of speech
17 and freedom of peaceable assembly; and

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19 WHEREAS two demonstrations took place on Ho Plaza on November 19th 2012 where the
20 rights of free expression were questioned; and

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22 WHEREAS on December 12, 2012, the Faculty Senate passed a Resolution on Investigation
23 Concerning Free Expression that requested the that President Skorton issue a public written
24 report of his findings concerning whether the rights of free expression, academic freedom or
25 freedom of assembly were violated on November 19, 2012; and

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27 WHEREAS on December 12, 2012, the Faculty Senate also passed an Alternative Resolution
28 on Investigation concerning Freedom of Expression that requested that the Dean of Faculty
29 and the University Faculty Committee form an ad hoc committee to investigate any interference
30 with freedom of expression, academic freedom, and freedom of peaceable assembly during
31 the events of November 19, 2012; and that the ad hoc committee report back to the Faculty
32 Senate the committee's recommendations to ensure that freedom of expression, academic
33 freedom, and freedom of peaceable assembly be upheld at Cornell, including, rescinding
34 administrative policies that are inconsistent with the campus code's presumption that permits
35 are not required for outdoor events involving freedom of expression, academic freedom, and
36 freedom of peaceable assembly; and

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38 WHEREAS on January 30, 2012, the President issued a report known as the Mingle Report

1 that found that there is a lack of clarity as to what policies govern outdoor rallies and
2 demonstrations on university premises; and

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4 WHEREAS The Mingle Report also found that the Campus Code, in Article I C, sets forth a
5 general right of free expression, and that the Code also permits the University to “impose
6 reasonable time, place, and manner restrictions” on expressive conduct (Campus Code Article
7 III B.1); and

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9 WHEREAS according to Article III of the Charter of the University Assembly, the University
10 Assembly has authority over the Campus Code of Conduct

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12 BE IT RESOLVED that the following changes (insertions in bold, deletions in italic) be made to
13 Article III.B.3. of Title One of the Campus Code of Conduct so as to clearly establish the right
14 of free expression and to give conditions where the University may impose reasonable time,
15 place, and manner restrictions:

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17 Because outdoor picketing, marches, rallies, and other demonstrations generally pose no
18 threat of long-lasting exclusive use of University grounds or property, there *appears to
19 be* ****is**** no need for a mandatory permit procedure for such outdoor activities ****as long as**
20 those activities are in compliance with Title Four Article IIA, and consistent with the following
21 guidelines describing the use of university property that allow the University to impose
22 reasonable time, place and manner restrictions:******

23
24 ****A Use of University Property Form (UUP) must be filled out for events with food and/or**
25 **alcohol, events expected to attract 200 or more people, events where speakers use**
26 **amplification, and any event involving the use of university property by a non-Cornell group or**
27 **individual.****