

Cornell University

David J. Skorton
President

May 15, 2007

Julianna Marwell, Undergraduate Chair
Jim Glenn, Graduate Chair
Martin Hatch, Acting Faculty Chair
University Assembly
109 Day Hall

RE: Campus Code of Conduct

Dear Julianna, Jim and Marty:

Now that I have received all of the individual Assembly resolutions, I am prepared to respond to the University Assembly's Interim Report on the Campus Code of Conduct.

First, let me thank the UA and the members of its Code and Judiciary Committee (CJC) for the extensive effort they have devoted to the review of the Campus Code and the 2006 Report and Recommendations prepared by then Senior Advisor to the President (and former Judicial Administrator) Barbara Krause.

The Code is a comprehensive and consequential university policy document that had not undergone a thorough review for twenty years. As President Rawlings, the Dean of Students, and Dean of Faculty determined in commissioning this project in November 2005, it is a timely and worthy task that deserves to be completed in as thoughtful a fashion as it was commenced. So, I am glad to accept the UA recommendation that the task of reviewing and suggesting revisions to the Code be extended into the coming academic year.

In continuing the review, I agree that the UA should focus on the following principal issues:

- (1) Unnecessary complexity: President Rawlings' November 29, 2005 letter underscores that the Code is far more complex and legalistic than it needs to be. And in the same vein, the UA Interim Report notes that: "Everyone agrees that large sections of the Code need to be rewritten and condensed for clarity and brevity." It is critical that the Code be more straightforward and comprehensible (including the consolidation of Titles

Two and Three), and I urge that this be an overarching objective of the continued review.

(2) Procedural issues: The degree of complexity of the Code is influenced, of course, by the elaborate extent of legal process provided for even the most minor infraction. Thus, understanding the prevailing sentiment of respondents to the CJC that procedural “rights” be preserved, the CJC should examine the adoption of an approach whereby the amount of process matches the severity of the likely disciplinary sanction. Under this intermediate approach, charges of misconduct that could lead to suspension or dismissal could entail more extensive process, while instances that lead to lesser penalties should command less process. I ask that this or other sensible approaches be examined.

(3) Appropriateness of penalties: The UA Interim Report thoughtfully concludes that the Code should “reflect the campus view that there is no tolerance for violence in the Cornell community” and recommends that it should be rewritten to provide “clear definitions of violations and appropriateness of penalties.” I wholeheartedly agree. An effective campus disciplinary code is one that is designed and functions to prevent injurious behavior and to hold individuals accountable for conduct that violates the norms of the campus community. However, the statistics of disciplinary cases over the past several years appear to show a striking disparity between the number of misconduct charges involving personal injury, theft, and property damage each year (in the hundreds) and the number of serious penalties meted out (less than a handful). Whether this disturbing disparity is due to the Code’s undue complexity or to the extraordinarily legalistic procedures – or to other causes – I defer to the UA to determine. But I fully concur that the “appropriateness of the penalties” is an important individual and institutional accountability issue that must be seriously addressed.

(4) Off campus misconduct: Whether the Code should reach misconduct that occurs off-campus, and how to do so, admittedly pose nettlesome policy issues. But should violent or threatening behavior a member of the university community commits off campus be treated differently from disciplinary action on campus simply because it transpired beyond the physical boundaries of the campus? These issues deserve to be examined further, and I endorse the UA’s disposition to do so.

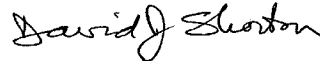
Finally, I appreciate the UA Interim Report’s recommendations that the Code continue to apply to students, faculty and staff; that the Office of Judicial Administrator remain independent; and that the UA retain oversight over the

Code. I believe it prudent to defer final judgment on these recommendations until the entire review is completed and all recommendations are submitted.

In completing the review, I defer to the UA whether the CJC or a subcommittee should undertake the responsibility. In any event, I ask that the UA's continued review be completed by the end of the calendar year, which by then will be about two years from the date (November 2005) which President Rawlings commenced the review. The UA assigned committee or group should feel free to seek the advice of those administrative officials whose informed experience about the Code's workings could assist in formulating a compelling report and recommended changes.

Thank you once again, and I look forward to receiving the UA's final report.

Best regards,

A handwritten signature in cursive script, reading "David J. Skorton".

David J. Skorton
President