

## **EXPRESSIVE ACTIVITY AT CORNELL**

Report of the Cornell Committee on Expressive Activity, December 18, 2024

### **SECTION 1: Introduction**

The Cornell Committee on Expressive Activity (CCEA) was established by then-President Martha Pollack and charged with writing a report to evaluate and recommend changes to the existing expressive activity policies for Cornell University. The committee established the following framework to guide this work:

- ⇒ First, open inquiry and freedom of expression are among Cornell's core values, and they are vital for any institution of higher learning. Expressive activities like public protests are an indispensable part of the pursuit of knowledge that Cornell exists to promote.
- ⇒ Second, Cornell also has a fundamental responsibility to ensure the safety of all community members and to protect the ability of students to learn, faculty to teach and conduct research, health care providers to treat patients, and staff members to deliver critical services. Cornell can and must protect all Cornellians' equal membership in our community. Restrictions on conduct—including expressive activity—are sometimes necessary to protect other community members' freedoms and the university's essential operations. To allow the greatest room for freedom of expression, content-neutral time, place, and manner restrictions should be narrowly tailored to the interests they protect, and they should leave open adequate alternate channels for expression.
- ⇒ Third, there are very few circumstances justifying regulation of expressive activity as such. Rather, policies governing non-expressive activities also generally apply to expressive activities that pose the same or comparable benefits or risks. For example, restrictions on destruction of property apply to an expressive rally in the same way that they apply to a party. Moreover, because of the centrality of free expression to the university mission, the application of any rules or regulations that restrict freedom of expression should be construed and applied as narrowly as possible and closely tailored to the harms they are designed to prevent. Accordingly, those provisions currently housed in Cornell's interim expressive activity policy that are not special to expressive activity but pertain to all activities on campus do not belong in an expressive activities policy.

Free expression has special resonance at Cornell University, which was established through the aspiration of Ezra Cornell to "found an institution where any person can find instruction in any study." The concept of "any person" means that people from all walks of life, income levels, races, ethnicities, religions, and genders can attend and fully participate in the life of Cornell. In parallel, "any study" emphasizes the freedom of students to explore and pursue their academic interests without limitation. For over 150 years, Cornell has attracted exceptional students from a wide array of backgrounds, reflecting the diversity of humanity, and it has provided them with a unique, world-class educational experience. Founded with the intention of cultivating critical thinking skills and responsible citizenship, Cornell has always pursued a civic mission that remains profoundly relevant today.

Today, Cornell has almost 16,000 undergraduate students, over 10,000 graduate students, and 11,300 faculty and staff in Ithaca, New York City, Geneva, Cornell Tech, and across our land grant extension field operations; and over 13,000 faculty and staff, and approximately 1,700 medical and graduate students at Weill Cornell Medicine (including the Qatar campus). Every member of the Cornell community is equally entitled to participate in the life of the university, and this means that Cornell's students, staff, and faculty should be able to engage in their work and campus life without significant disruption, harassment, intimidation, or concerns for their safety.

Likewise, it is inherent to the learning mission of the university that individuals can express themselves freely and without significant interference. It is through the open exchange of ideas and vigorous debate

that we undertake intellectual exploration. Such debate should strive to be civil, but calls for civility can, at times, serve to protect leaders from scrutiny and critique. As an institution dedicated to learning, Cornell is committed to supporting those who question and challenge what they perceive as unjust uses of power. As educators, we have a responsibility to guide our students to recognize that both speech and action are forms of power and to equip them with the understanding of how to exercise those capacities thoughtfully and with a sense of accountability. The committee carefully deliberated about how challenges to and exercises of power through speech and action should be managed and encouraged within a learning community committed to fostering a sense of belonging, and it considered how instances of abuse should be addressed.

While the purpose of an expressive activity policy is to establish formal guidelines and clear expectations for expressive activities across Cornell's campuses, it is not a substitute for the fundamental responsibility of all Cornell community members to cultivate a safe environment, promote mutual respect, and nurture a culture of inclusion. Furthermore, as members of a community often working on diverse teams in professional settings, we should endeavor to avoid engaging in expressive activity in a manner that hinders other members' responsibility to work successfully in collaboration with each other.

This report is organized in the following manner. In Section 2, we describe briefly our committee's process and work timeline. In Section 3, we propose six principles related to free expression at Cornell. Section 4 offers some key definitions. In Section 5, we discuss our recommendations related to time, place, and manner rules. In Section 6, we recommend settings on our campuses that require a special approach to expressive activity, including, in some cases, either completely prohibiting or substantially limiting it. In Section 7, we outline our recommendations for handling violations. In Section 8, we make recommendations related to policy implementation. Finally, in Section 9, we note some follow-on efforts for the university to consider undertaking; these suggestions pertain to expressive activity but fall outside our committee's charge. While this consensus report and the attached policy are recommendations from our committee, and shall be referred hereafter as such, they are not supported by full agreement from every committee member on every issue.

Appendix 1 includes a proposed expressive activity policy. Appendices 2, 3, and 4 provide the charge to our committee, roster of committee members, and a list of the peer university policies we reviewed, respectively.

## **SECTION 2: Committee process**

On April 29, 2024, then-President Martha Pollack invited us to serve on the Cornell Committee on Expressive Activity. This committee includes 19 faculty, staff, and students from the Ithaca, Weill Cornell Medicine, and Cornell Tech campuses. The full charge to our committee is included as Appendix 2. The final paragraph of the charge is noted here:

*This committee is charged with gathering feedback on the interim policy from the university community, reviewing the policies of peer universities for insights, and issuing a report recommending the implementation of a final policy early in the fall 2024 semester. The report should address three main objectives. First, the committee should recommend an Expressive Activity Policy that is legally compliant and advances the university's core values. Second, the committee should recommend a framework for accountability measures for individuals and groups whose policy violations undermine the policy's objectives. Third, the committee should propose a strategy for educating faculty, staff, and students about the critical importance of content neutral time, place, and manner rules.*

Our policy does not pertain to speech and expression within individual classrooms and other instructional settings (e.g., studios), which remain the purview of individual faculty members. Guidance on Cornell policies relating to academic freedom and speech in the classroom context may be found [here](#).

Our committee held its initial meeting on May 7, 2024, met biweekly through the summer, and then weekly through the fall semester. We reviewed written feedback dating back to January 2024 following the release of the interim expressive activity policy and solicited and collected additional written feedback from the Cornell community via email ([cceafeedback@cornell.edu](mailto:cceafeedback@cornell.edu)) and through an anonymous [survey link](#). We met with partners in a law firm with expertise in free expression and Titles VI and VII (parts of the federal Civil Rights Act of 1964 that prohibit discrimination against protected groups in programs receiving federal financial assistance and in employment, respectively). Our committee also met with: Interim President Michael Kotlikoff; Interim Provost John Siliciano; Vice President and University Counsel Donica Thomas Varner; Vice President for Student and Campus Life Ryan Lombardi; Dean of Students Marla Love; and Senior Associate Dean of Students and Director of the Office of Student Conduct and Community Standards Christina Liang.

In addition, we held 28 listening sessions in units across our campuses, including in Architecture, Art, and Planning, Bowers College of Computing and Information Science, the Brooks School of Public Policy, the College of Arts and Sciences, the College of Engineering, the College of Human Ecology, the College of Veterinary Medicine, the School of Industrial and Labor Relations, the Cornell Law School, the SC Johnson College of Business, and Weill Cornell Medicine. We also held listening sessions with the Division of Public Safety and Cornell University Police Department, Student and Campus Life, the Cornell University Library, Academic Deans and Vice Provosts, the House Deans, the University Assemblies, the University Faculty Committee, the Faculty Senate, the Cornell University Financial Forum, and Academic and Events Scheduling.

On October 30, 2024, we circulated a preliminary draft report and draft policy to all Cornell staff, students, and faculty with a request for written feedback. This open comment period ran until December 9, 2024. We received and considered 492 written comments, letters, and reports from members of the Cornell community in response. We met with eight shared governance bodies at Cornell to seek input, including the University Assembly, the Employee Assembly, the Graduate and Professional Student Assembly, the Student Assembly, the Faculty Senate, the Weill Cornell Medicine Executive Faculty Council, the Weill Cornell Medicine General Faculty Council, and the Weill Cornell Medicine Student Leaders Council. We also held an additional campus-wide listening session in Willard Straight Hall and via Zoom on December 3, 2024. This final report and proposed policy (Appendix 1) were submitted to university leadership for consideration on December 18, 2024. We thus failed to complete our work by 'early in the fall 2024 semester,' but the committee concluded it was more important to undertake a time-consuming, broadly consultative process than to meet an arbitrary deadline.

### **SECTION 3: Principles of freedom of expression connected to Cornell's learning mission**

Given Cornell's central purpose to serve as a learning community, any limits placed on expressive activity should be carefully considered and publicly grounded in a set of core principles.

**Principle 1:** Open inquiry and freedom of expression are [core values](#) of Cornell. They are central to our academic mission and are essential parts of our learning environment.

**Principle 2:** Freedom of expression is not limitless and may come into tension with another of Cornell's core values: to foster a community of belonging. It may also be limited by serious concerns for health and safety, to protect against significant property damage, and to safeguard the university's core operations. Conduct and expression that prevent others from participating fully in the Cornell community or contribute to the creation of a hostile environment, including harassment, intimidation, shutting down

events, and threats of violence, are unacceptable, inconsistent with our university values, potentially illegal, and amount to grave disrespect for the dignity of others.

**Principle 3:** To the greatest extent possible, Cornell should not single out expression for special treatment. Policies governing non-expressive activities also generally apply to expressive activities that pose the same or comparable benefits or risks. Because of the centrality of free expression to the university mission, the application of any rules or regulations that restrict freedom of expression should be construed and applied as narrowly as possible and should be closely tailored to the harms they are designed to prevent.

**Principle 4:** There are a few special settings on the university's campuses where disruptive activities (including some expressive activities) that are tolerable or encouraged elsewhere should be prohibited completely or limited due to the special purposes of these spaces.

**Principle 5:** Input from within the Cornell community can help support university leaders in balancing freedom of expression with other university values and objectives.

**Principle 6:** Neutrality with respect to the content and viewpoint of expression is essential in implementing time, place, and manner rules to ensure that the university administration does not prefer one set of views or voices over others. Neutrality in the regulation of individual expression does not prevent the university administration or other community members from disagreeing, even in the strongest terms, with the content of that speech.

## **SECTION 4: Definitions**

*What is freedom of expression?*

Freedom of expression is the freedom to debate and deliberate about ideas, to participate in democratic self-governance, and to engage in self-realization. This includes one's own ability to express thoughts, as well as to engage with and respond to others' opinions. Freedom of expression allows for discussion, exploration, discovery, and growth beyond the academic offerings within traditional learning environments. The university's commitment to [freedom of expression as a core value](#) is related to but distinct from its equally fundamental commitment to academic freedom, as reflected in Cornell's [Faculty Statement on Academic Freedom and Responsibility](#) adopted by the University Faculty on May 11, 1960.

*What are examples of expressive activities?*

Expressive activities as used in this document include demonstrations, marches, protests, counter-protests, rallies, picketing, distribution of literature or flyers, art installations, performing arts, speeches, and other forms of expression that aim at the public or particular individuals, regardless of whether they have expressed interest in receiving communications from the persons engaged in the activities. Expressive activities are distinctive because they are communicative and public facing.

*What obligations does Cornell have to prevent harassment?*

Cornell must comply with antidiscrimination law, including Titles VI, VII, and IX of the federal Civil Rights Act, which forbid discrimination based on race, color, national origin, and sex. The legal obligation includes preventing harassment, defined by applicable legal precedents to include the creation of a hostile environment on any of the forbidden grounds. [According to the Office of Civil Rights \(OCR\) of the federal Department of Education](#), a hostile environment exists when, "based on the totality of the circumstances," "unwelcome conduct" is: "subjectively and objectively offensive; and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the educational program or activity." The unwelcome conduct that creates a hostile environment "may include verbal abuse, graphic or written statements, physical assault, or other conduct that may be threatening, harmful, or humiliating." "Harassing conduct need not always be targeted at a particular person to create a hostile environment."

Because Cornell is committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff, the university forbids more forms of discrimination and harassment than required by federal law.

*What is content-neutral administration of time, place, and manner rules?*

Content-neutral administration of time, place, and manner rules refers to university regulations that limit when, where, and how expressive activity can occur on campus, but do so without discriminating based on the content or message of the expression itself.

*Who are Cornell community members?*

Cornell community members include all students, staff, and faculty. Alumni, parents, prospective students, visitors, formally affiliated entities, and other third parties are not Cornell community members, and Cornell's expressive activity policy would not apply to non-Cornell community members on Cornell property. In rare circumstances, Cornell community members may be barred from Cornell campuses, having lost the privilege to be in our spaces and facilities.

*How do we define university resources?*

University resources refer to: Cornell facilities and other properties owned or controlled by the university; funds; branding (e.g., name or marks of the university or any of its colleges or subunits); or other resources owned or administered by Cornell.

## **SECTION 5: Recommendations related to time, place, and manner rules**

Our aim in making recommendations on time, place, and manner rules is to affirm the critical importance of free expression in Cornell's learning environment. This includes recognition of the university's legitimate interest in ensuring the safety of all community members and the ability of students to learn, faculty to teach and conduct scholarly research, health care providers to treat patients, and staff members to deliver critical services. Time, place, and manner rules are designed to protect against conduct and expression that prevent others from participating fully in the Cornell community.

Reflecting on these aims, we discuss our recommendations related to time, place, and manner rules, highlighting where our proposed approach departs from that of the interim expressive activity policy and describe the rationale behind these proposed changes.

1. **Acts of violence, destruction of property, trespassing, and individual or group harassment.** These are illegal activities or violations of university harassment policy (Policy 6.4). Community members are presumed to be on notice that engagement in these activities will come with consequences.
2. **Blocking building entrances, corridors, stairways, or doorways; impeding access to or from university property or campus roads; violating occupancy limits, fire codes, or otherwise endangering the safety of others.** All activities that threaten the safety and wellbeing of Cornell community members are prohibited. Such violations are not specific to expressive activity but rather pertain to all activities on our campuses.
3. **Weapons.** The prohibition of weapons on campus extends to the context of expressive activity. Weapons are prohibited for expressive activities just as they are prohibited for all other campus activities. The committee's proposed policy does not include language prohibiting sticks because sticks are commonly used in protest activities (e.g., picket signs). If a stick or other object is wielded as a weapon in any context on campus, that activity would be subject to sanction.

4. **Use of university space and scheduling.** Pre-event scheduling is recommended but not required. Scheduling an event can further the objectives of expressive activity by enabling the university to better support the event through advance planning. With notice, the university can allocate resources to address any health and safety concerns and to reduce the potential for unintended conflict with or displacement of other scheduled activities. The university may, consistent with its mission, prioritize some events over others for the scheduling of university spaces, and these decisions may in some cases relate to content and format, including but not limited to, prioritizing academic classes over other events, or prioritizing co-curricular activities with academic content (such as a lecture, panel, symposium, or conference) over co-curricular activities without substantial academic content (such as a party). However, in making such content-based determinations, it is imperative that the relevant university officials refrain from discriminating based on political, ideological, or academic viewpoint. If a request to use university space for expressive activity is denied by either the university events team or academic events team, then assistance should be provided to identify adequate alternative opportunities for that expressive activity.
5. **Candlelight vigils.** Outdoor expressive activity vigils with open flame should follow the [fire safety code policies](#), including completion of a candle use permit form. We understand that filling out this form is straightforward and would not require the extended lead time associated with the regular scheduling process. Following Cornell fire code policy, the use of candles and other open flame decorative devices is prohibited within all Cornell University buildings and tents. LED candles are recommended as an alternative in those spaces. Pre-scheduling candlelight vigils through 25Live is encouraged but not required.
6. **Significant disruptive sound including amplified sound.** Our committee notes that significant disruptive sound (i.e., more than brief chanting) might take forms other than amplified sound. The committee views the interim expressive activity policy allowing such sound on the Ithaca campus on Ho Plaza and the area in front of Day Hall from 12 to 1 p.m. only without prior approval (and not permitted at any other time or location without prior written approval) as overly narrow. Numerous peer university policies allow for significant disruptive sound including amplified sound outdoors between 5 p.m. and 9 p.m., evening hours when classes are less likely to be offered. In addition to 12-1 p.m. on Ho Plaza and in front of Day Hall, we recommend allowing significant disruptive sound, including amplified sound, for any activities (not just expressive activities) after 5 p.m. on the Ithaca and Cornell Tech campuses.

We recommend creating a list of places and times where significant disruptive sound including amplified sound is prohibited entirely, including in proximity to patient or animal care settings at Weill Cornell Medicine and College of Veterinary Medicine campuses given 24-hour patient care needs, after 9 p.m. in the proximity of residence halls on all campuses, and in the near proximity of performance venues during performance hours. The Weill Cornell Medicine and Cornell Tech campuses may suggest additional locations where significant disruptive sound should be prohibited with an explanation of a strong rationale. The committee also recommends prohibiting significant disruptive sound including amplified sound in proximity to classrooms if it prevents or severely disrupts an instructor's ability to teach.

7. **Large gatherings.** While many of our peers' policies have specific provisions for expressive activity at large university gatherings such as graduation and convocation, our committee considers the advance planning approach generally used for large gatherings to be reasonable also for large gatherings involving expressive activity. Cornell's experience with non-violent protest and disruption of limited duration during the Spring 2024 graduation in Ithaca informs our thinking on this recommendation.
8. **Use of university space and financial resources for expressive activity.** While Cornell is a private university, our campuses are not gated and welcome visitors. Use of university spaces for activities,



including expressive activities, is a right reserved for members of the Cornell campus community. Like other campus activities, expressive activities that involve financial resources are under the purview of the sponsoring campus unit. It is the responsibility of Cornell community members hosting an event or activity with outside groups to be present during the event or activity and to ensure that their guests abide by university policies protecting the health and physical safety of community members and university operations.

9. **Postering, signs and chalking.** We recommend no changes to the interim expressive activity policy on chalking. On postering and signage, we agree with the basic approach that each facility on our campuses should designate locations appropriate for postering and signage related to any type of campus activity (including but not limited to expressive activity). Postering areas in each facility should not be designated in an overly limited fashion, and specific size limits should be determined at the individual facility level because norms for postering expression in one part of campus might reasonably look different from norms in another (e.g., Architecture, Art, and Planning versus Veterinary Medicine). We recommend a comprehensive review by the Vice President of Facilities and Campus Services in collaboration with academic deans and other unit leaders to ensure that facilities and grounds on all Cornell campuses have designated locations for postering. This review should include an assessment of whether additional outdoor postering locations are needed to support expression on campus. Transparent communication about designated postering locations in buildings and outdoor grounds is essential.

Including the name of the sponsoring organization or individual on a poster is recommended but not required. Posters and signage within designated areas follow the regular maintenance procedures within buildings and on campus grounds to make room for others' use. Official personnel may remove posters and signs from non-designated locations on campus. Other Cornell community members should not remove anyone else's posters themselves. Posters and signs should use adhesives or tacks that are easily removed and that do not damage campus surfaces.

10. **Installations.** Our committee recommends a general rule that an installation of any kind must be approved in advance by the relevant university events team to ensure that it does not pose a physical danger (i.e., that it be in compliance with fire and safety code, as well as non-obstructing), that the installer be clearly identified, and that the installation's host signs a statement accepting responsibility for safe removal. Another specific concern with an installation warranting a requirement of advanced approval relates to use of space for a defined period that may block others from using the space.
11. **Camping.** Regulations of camping on campus should focus on health, physical safety, and competing use of space. The committee recommends requiring prior registration for camping on campus grounds to help ensure that camping is limited to Cornell community members and to set a durational limit on camping to avoid blocking others' uses of space.
12. **Masking.** The committee recommends the policy clarify that wearing masks or face coverings is permitted on Cornell's campuses, subject only to a lawful demand to briefly unmask in order to verify a person's identity by authorized university personnel.

## **SECTION 6: Considerations for special settings on campus**

Cornell's campuses are places of work and study where many of us live, learn, dine, receive health care and other services, and socialize. This diversity of settings requires a suitably encompassing definition of operations. University operations include all faculty, staff, and student functions, whether or not there is a direct connection to the educational enterprise. Students' ability to attend university functions (including

classes), as well as reasonable quiet times in the residence hall to facilitate studying or sleep, are included in university operations.

Across our Cornell campuses, there are certain settings where we recommend expressive activity that is significantly visible or audible to non-participants (i.e., excluding personal conversations) should be either prohibited completely, limited, or given special consideration. We outline the rationale and recommendations for each setting below. Importantly, disruptions related to expressive activity and disruptions associated with other types of activities should be handled in similar ways. The exception might be if expressive activity raises harassment and/or discrimination concerns and, if so, it should be dealt with under the relevant Cornell policies.

These special settings include:

- Settings providing community services (i.e., patient care, animal care and housing, legal clinics)
- Living spaces
- Libraries
- Research spaces and offices
- Dining halls

**Settings providing community services.** Cornell aims to create a welcoming environment for non-Cornellians seeking services on our campuses, including medical care for patients, veterinary care for animals, and legal services for law clinic clients. In addition, there are safety concerns associated with obstructing access to acute medical care services, disturbing sleep in hospital rooms, and other patient safety-related priorities.

In all settings providing clinical services, including Cornell Health, the College of Veterinary Medicine, the Law School, Weill Cornell Medicine including New York Presbyterian Hospital and Weill Cornell Medicine satellite clinics, we recommend expressive activity be prohibited directly outside and inside these settings and locations where patients or clients transit, including entrances and exits to clinical buildings, corridors, stairways, and parking areas. We recommend that each patient care and clinic setting determine an appropriate building perimeter for expressive activity and also identify a prominent location that is designated for expressive activity.

It should also be noted that faculty, staff, and students may take classes, teach, or work at affiliated organizations and entities (e.g., New York-Presbyterian Hospital) and are required to abide by separate policies of these external institutions. Similarly, the concept of professionalism is paramount when providing clinical care to patients and clients. The WCM student code of conduct, for example, highlights competency in domains including relationships with patients and with healthcare teams and systems. A key component is “putting the patient’s needs above one’s own.” Thus, where professionalism norms apply, expressive activity must be balanced with the imperative of providing unbiased, selfless service to patients in their most vulnerable state.

**Living spaces.** Residential halls are students’ homes on campus. These are locations where students sleep, study, socialize, and find respite from the demands of campus life. Students are entitled to a peaceful and private home environment. We recommend that living spaces be locations where even modestly disruptive expressive activity is curtailed, including: at entrances and exits to residential halls, common hallways, social spaces, and other areas that residents must walk through to get to their rooms. We do not recommend special restrictions on students’ ability to post material on bulletin boards in residence halls, although we urge the development of programs to promote awareness of and sensitivity towards how public-facing expression might impact other students and community members in living spaces.



Special consideration is needed for the ‘learn where you live’ residential halls on the Ithaca campus and hotels located on all three campuses. Because expressive activity on a university campus is part of a robust learning environment, ‘learn where you live’ residential halls are likely to involve expressive activity with some frequency. We encourage House Deans, Faculty-in-Residence, and other residence hall staff to identify designated areas appropriate for expressive activity while preserving a peaceful and private home environment in areas where students live, consistent with the approaches that are taken for other activities.

Hotels on our campuses (the Graduate at Cornell Tech, the Statler in Ithaca, and the Helmsley Tower at Weill Cornell Medicine) are multi-purpose facilities that include living spaces. An expectation of a peaceful and private home environment for hotel rooms for campus visitors and long-term residences should be the same within these living spaces.

**Libraries.** Our committee recommends that the Cornell University Library (including Samuel J. Wood Library at Weill Cornell Medicine) be maintained as a place for quiet reading and study, and that *spontaneous* disruptive activities be prohibited. The Cornell University Library may opt to develop and implement an equitable process for all recognized groups to pre-schedule or host disruptive activities of limited duration. Peaceful expressive activities including civil disobedience (e.g., sit ins) and other types of nondisruptive activities should be allowed in library settings as long as they do not displace others from shared spaces or prevent the library from providing its core services such as providing access to collections or service points (e.g., reference desks). Classrooms in libraries should be managed like other classrooms, which remain the purview of instructors.

**Research spaces and offices.** Cornell includes numerous research spaces and offices where work (e.g., time-sensitive lab experiments) could be compromised by noise or other disturbance. We recommend that disruptive activity in research spaces and offices be prohibited.

**Dining halls.** The committee recommends that expressive activity of limited time duration and frequency (i.e., so that it does not displace other activities or disrupt university operations) be permitted in dining halls.

## **SECTION 7: Recommendations for progressive measures for time, place, and manner violations**

Our committee recommends that time, place, and manner restrictions on freedom of expression be construed and applied as narrowly as possible, and that they be supported by a strong rationale for their use and enforcement. The measures used to address time, place, and manner violations should follow the disciplinary structures already in place for students, faculty, and staff. On the Ithaca and Cornell Tech campuses, all alleged student conduct violations are handled under the [Student Code of Conduct](#) and its [procedures](#) within the Cornell Office of Student Conduct and Community Standards (OSCCS). At Weill Cornell Medicine, student code of conduct policies exist for the [medical school](#), the [graduate school](#), and the [physician assistant program](#). For faculty, alleged conduct violations are handled by the relevant college in consultation with the Provost’s office and the associated academic human resources offices. For staff, alleged conduct violations are handled by the relevant units in consultation with central human resources.

During listening sessions, our committee heard concerns that time, place, and manner rules were being used in an overly restrictive manner. It is in the interest of the university as a place of learning that time, place, and manner rules be applied and interpreted narrowly and neutrally. We describe the approaches our committee discussed and recommends below.

**Non-violent responses to violations.** When time, place, and manner violations occur, the university should focus on non-violent approaches aimed at ending the violation. The only exception to this should

be if violence is imminent or occurring, and even then, campus police should use the least amount of force necessary to end the threat.

**Range of violations of time, place, and manner restrictions.** We recommend dividing violations into several tiers for disciplinary purposes and clearly communicating the lines between them. Generally, more serious measures should be imposed only after less serious ones have been imposed without cessation of the prohibited conduct. As discussed in detail below, the university should communicate and engage in discussions to make Cornell community members aware of the disciplinary consequences of continuing in a prohibited course of conduct.

1. *Peaceful Assembly.* The right to peaceful assembly is guaranteed by the Constitution and on Cornell campuses in accordance with our values. That right includes holding peaceful meetings, rallies, and protests. Cornell supports all expressive activity that is peaceful, nondisruptive, and follows relevant time, place, and manner rules established by the university. Peaceful expressive activities that comply with the university's time, place, and manner rules are explicitly allowed and should not be a basis for disciplinary action.
2. *Civil disobedience.* We define civil disobedience as a knowing violation of the university's time, place, and manner rules in a way that remains safe and nondisruptive, while expressing positions on matters of public concern. We encourage the university to be tolerant of such violations as much as possible while maintaining the safety and operations of the university and its constituents, ensuring that the activities of one group do not displace the activities of other groups.
3. *Disruptions.* Disruption occurs when members of the Cornell community are inhibited in their ability to teach, conduct research, study, provide health care or other critical university services, or access or make use of university facilities. Disruption also occurs when the administrative or operational functions of the university are impeded. The university should actively monitor activities causing disruption of university operations and should identify participants for disciplinary action. Disruptions should result in progressive disciplinary sanctions, with the goal of bringing the disruption to a conclusion. The severity of sanctions should depend on the severity of disruption, present and threatened.
4. *Property damage.* Property damage should result in disciplinary sanctions. The university should impose more serious measures if damage does not cease. The university should clearly distinguish between temporary disciplinary sanctions (designed to halt violations) and regular disciplinary sanctions (designed to punish following the normal due process). The severity of sanctions should depend on the severity of the property damage.
5. *Threats, violence, property destruction.* In circumstances seriously affecting the health or physical safety of any person, where physical safety is threatened, property destroyed, or where the ability of the university to carry out its essential operations is seriously threatened or impaired, the university may summarily suspend, dismiss, or bar any person from the university. In all such cases, actions taken should be reviewed promptly, typically within one week, by the appropriate university authority.

**Warnings.** Listening sessions raised questions about use of warnings both at the time a violation is occurring and following a breach of campus rules as a part of a disciplinary process. For the former, use of an oral or written warning may be helpful in circumstances where Cornell community members could be unaware that a campus policy was being violated (e.g., an outdoor demonstration that severely disrupted or prevented an instructor's ability to teach) and when an individual committing a violation can be identified (e.g., an oral announcement that continued activity is a violation of university policy and will be subject to disciplinary measures). Cornell community members are presumed to be on notice that

engagement in violations such as property damage, property destruction, threats, and violence will come with consequences. As a disciplinary option for lower-tier violations (see above), the use of an initial warning rather than a full disciplinary process may be a useful step. It is our understanding that this is already an option within disciplinary processes for students, staff, and faculty at Cornell.

**Communication and notice.** As noted directly above, we recommend that the university provide as much guidance as possible for Cornell community members to understand where their activities fall on this range of expressive activities. Individuals or groups who wish to engage in peaceful activities or civil disobedience should have confidence that they are not engaged in a more serious violation than they think they are. Notice in the context of disciplinary proceedings should generally include a statement of what prohibited conduct is alleged, a statement of the rule that the alleged conduct violates, where appropriate, a statement of the nature of disruption or damage that the conduct is causing, and notice of the possible consequences of continued violation. In a case where there is a possibility of good-faith misunderstanding, no formal disciplinary sanctions should be imposed unless participants persisted in their conduct after having been given clear notice that it violates Cornell rules. Any individual under investigation by the university should receive written notice that they are under investigation.

**Modifying the Student Code of Conduct Procedures regarding temporary suspension.** Cornell's current policy on the use of a temporary suspension for students is contained in Section VIII of the Student Code of Conduct Procedures for the Ithaca and Cornell Tech campuses. The committee heard disturbing accounts of severe temporary suspensions being issued to students for non-violent conduct, without adequate due process. The committee has not conducted an independent investigation of these accounts, but regardless of what has been the practice in the past, going forward the committee proposes additional guidelines for the use of temporary suspensions.

The committee is not proposing a new or separate conduct process for expressive activity. Rather, we are recommending consideration of changes to the existing Student Code of Conduct procedures with the understanding that some or all proposed changes may require a code revision process managed by the office of the Vice President for Student and Campus Life. Additionally, we recommend that the university and appropriate collective bargaining units consider adopting analogous principles for staff and faculty and for the relevant conduct code for students at Weill Cornell Medicine.

1. *Clarifying the purpose of a temporary suspension.* The committee is concerned that the purposes of temporary suspension can become blurred between two rationales: (1) non-punitive protection of other community members from imminent harms or avoidance of substantial property damage, and (2) coercive discipline used to deter, retaliate, or compel immediate compliance with Cornell policies. The committee has concerns about temporary suspensions being used punitively. We recommend that Cornell make clear that the primary purpose of a temporary suspension is protective and not punitive, that it may be imposed only when immediate action is required for the protection of others or to avoid substantial property damage, and that it ceases when the risk of harm has ceased.
2. *Narrowing when temporary suspensions are used.* Section VIII.A of the Student Code of Conduct Procedures currently states that temporary suspensions can be imposed "where immediate action is necessary to protect the Complainant or the University community," "only when available less restrictive measures are reasonably deemed insufficient to protect the Complainant or the University community," and that they must be "the least restrictive option that reasonably affords the necessary protections." While these are appropriate general principles, the committee recommends that they be narrowed and clarified.

A temporary suspension process should only be used to prevent or stop threats seriously and immediately affecting health, physical safety, or Cornellians' participation in the life of the university, including individual or group harassment or intimidation. In other circumstances, the existing normal

disciplinary processes, with their full due process protections, should be followed (i.e., the Student Code of Conduct Procedures for students and the relevant Human Resources conduct processes for staff and faculty).

We recommend that temporary suspension should be used only in two circumstances where the normal deliberative disciplinary processes are inadequate:

(1) When a university member's conduct poses an imminent risk of violence, physical harm, substantial property damage, or individualized harassment or intimidation.

(2) When a university member is engaged in a course of conduct that is significantly disruptive to other Cornellians' participation in campus life or to essential university operations. For example, if a student repeatedly enters a library and blows an airhorn several days in a row, the threat of continued disruption to other students' ability to study and learn may justify a temporary suspension.

3. *Sharing evidence.* The evidence that supports a temporary suspension should be shared with the student as it would be in a normal disciplinary process. Oral summaries or redactions may be used when there is a compelling reason (such as the physical safety of a witness), and no more information should be withheld than is necessary considering that reason.
4. *Considering hardships to suspended community members.* VIII.A.1 of the Student Code of Conduct Procedures currently requires the "Issuing Official" to consider a list of factors when deciding whether to impose a temporary suspension. The committee recommends that the harms that a community member might suffer from the imposition of a temporary suspension be added to that list. For example, if a suspension would result in a change in a student's visa status such that they would be compelled to return to a place where they are at risk of persecution, this would be a factor weighing against suspension and in favor of other measures. Likewise, consideration should be given to whether temporary measures are likely to become de facto permanent ones. For example, a mid-semester temporary suspension of a community member with teaching responsibilities would often mean that they are unable to resume teaching their classes before the semester ends.
5. *Clarifying and publicizing the appeal process for a temporary suspension.* Section VIII.B of the Student Code of Conduct Procedures currently describes a two-stage appeal process for students subject to a temporary suspension. First, the Vice President for Student and Campus Life (VP SCL) is to lift the suspension if they find "good cause for the Temporary Suspension is inadequate or absent, that other less restrictive alternatives are available, or that circumstances have changed so that the suspension is no longer necessary." Second, in cases of full academic suspension, there is a second appeal to the Provost.

First, we recommend that the Student Code of Conduct Procedures spell out how the evidence that may be considered and the factors to be applied differ, if at all, in an appeal to the VP SCL versus a subsequent appeal to the Provost. Second, we recommend that the standards setting forth the criteria and evidence relevant to appeals to the VP SCL and the Provost, where applicable, be clearly communicated to students. Because the burden is on the student to show that the suspension is unjustified or no longer appropriate, it is essential that they be informed in a timely manner of the evidence or arguments they can present to make this showing. Third, we recommend that additional requests for review to the VP SCL be allowed at any time when the student shows that changed circumstances make a temporary suspension no longer necessary.

6. *Independent review for appeals adjudication.* Under the Student Code of Conduct Procedures, determination of the need for temporary measures and appeal to the VP SCL occur within the same unit of the University. Additionally, adjudication of appeals (at both the initial stage and in case of

further appeal to the Provost) can require nuanced decision making. We propose requiring an independent review as a part of the student appeal process. The independent review members would receive the materials in the file, including anything supplied by the student, and would issue a recommendation that would be seen by both the student and the administrator making the decision. We recommend that this body be small (i.e., two to three members), independent of the regular administrative apparatus for suspension, and have specialized expertise and training. The independent review should be conducted rapidly (within two to three days). More broadly, we urge timely adjudication once a student files a written request to lift the temporary suspension, with a determination in a week or less.

7. *Voluntary cessation and suspended suspensions.* In some cases, the OSCCS has imposed temporary suspensions, suspended those suspensions when the students involved have promised to comply with Cornell rules, and then re-imposed suspensions based on alleged violations. The committee is concerned that these cases can appear to involve an unhealthy plea-bargaining dynamic, in which excessively harsh threats of punishment are used to compel “voluntary” agreement with inappropriate restrictions and waivers of future due process protections (such as short-circuiting the full deliberative disciplinary process). Accordingly, we recommend that provisions be added to the Student Code of Conduct Procedures to govern the use of suspended suspensions so that they remain protective rather than punitive.

First, temporary suspensions should be imposed only when they are required on their own merits. They should never be threatened in the expectation that a student would agree to conditions to which they would otherwise not be subject.

Second, temporary suspensions should be suspended when a community member can credibly promise to refrain from the conduct that makes a temporary sanction necessary.

Third, suspended suspensions should describe the conduct the student is expected to refrain from. This conduct should be the same as, or narrower than, the conduct that initially required the suspension. It should not be open-ended (e.g., “further violations of Cornell rules”), and it should not include conduct that itself is not in violation of Cornell rules or poses no threat of harm (e.g., “protest activity”).

Fourth, the basis for reimposition of a suspended suspension should be that the student's promise to refrain from the prohibited conduct is no longer credible. This could be because they have engaged in the conduct they specifically promised not to, or because they engaged in conduct that itself presents a serious imminent risk or is significantly disruptive, as described above, and which they knew or should have known was clearly prohibited by Cornell rules.

Fifth, the reimposition of a suspended suspension should provide the same process as its initial imposition. It should be based on the same threshold danger of disruption, damage, or harm to other community members; it should include the same weighing of factors, including harm to the suspended student; it should provide the same rights of appeal.

**Length of student disciplinary conduct process under the Student Code of Conduct.** The committee supports use of the normal Student Code of Conduct Procedures with full due process protections in all cases except when temporary suspensions are warranted as described above. However, we are dismayed to learn that the normal disciplinary process often takes four to six months or longer to complete. To avoid such prolonged uncertainty for students, we recommend the university and the OSCCS explore opportunities within current Student Code of Conduct Procedures to reduce significantly the time from initiation to completion, including the possible need for additional staffing resources. Alternatively, the

university could consider modifying the Student Code of Conduct Procedures to allow for full due process on a more efficient timeline to support timely adjudication for students.

**Consideration of a broader range of progressive measures.** Our committee recommends that the university consider a broader array of progressive measures. Possible approaches might include alternate informal sanctions (e.g., a dean’s warning or reprimand) for minor violations of rules of conduct that may be met with informal responses. Both a dean’s warning and a reprimand could be considered in judging the seriousness of any future violation. In the case of student violations, additional formal sanctions for more serious violations recorded on the student’s permanent record could be considered in judging the seriousness of subsequent infractions. For example, disciplinary probation, withholding of degree, suspension (not served), suspension, suspension with conditions, and expulsion. These measures could be accompanied by other approaches, such as community service, censure, loss of access to space, resources, and activities, requirement to participate in an educational program, and restitution.

**Progressive measures in special settings.** Our committee discussed whether the progressive nature of sanctions should be different in special settings where various forms of expressive activity are prohibited or limited. We recommend that the same approach to progressive measures be used in these settings. For example, a warning should be given whenever feasible. It should be dispensed with only in cases where the nature of the conduct is such that it should be obvious that it is prohibited and harmful, or when there is an immediate danger requiring immediate action. The approach used in these special settings may differ by what conduct violates the requirements of the setting (e.g., dorm rooms are private) and how important it is to move quickly to restore the ordinary functioning of the space (e.g., patient care spaces may require quicker action than academic spaces).

## **SECTION 8: Recommendations for policy implementation**

Our committee recognizes that even the most thoughtfully written expressive activity policy is only as good as its implementation. As we have read peer institution policies, we have noted various instances where the actions taken by universities departed from the letter of their policies, sometimes in clear-cut ways and other times in more nuanced ways. We recommend three approaches to support expressive activity policy implementation consistent with Cornell values.

- Free expression website
- Expressive activity standing committee
- Implementation guidance

1. **Free expression website.** Our committee recommends the creation of a free expression website to serve as a central repository where community members can find resources on engaging in expressive activity and where they can locate relevant time, place, and manner rules and policies. This website should be accessible to all campuses using a One Cornell approach. Several of our peer institutions have developed central web locations that are easily searchable for students, staff, and faculty that articulate the important role of expressive activity within a university dedicated to learning and that list university policies that may be relevant for engaging in expressive activity on campus. Having this central repository is critical given our principle that many policies that pertain to expressive activity should apply similarly to other types of activity. Importantly, a Cornell free expression website should be used for offering curated resources and educational materials about expressive activity, including readings, videos, guides, suggestions for class activities, etc. [Princeton](#), [Stanford](#), and the [University of Virginia](#) websites offer good models. This recommendation is also consistent with one aspect of the initial charge that our committee propose a strategy for educating the Cornell community about expressive activity and time, place, and manner rules. An advantage of a central website is that it can gather and coordinate university policies relevant to expressive activity in a manner that is transparent and accessible for all Cornell community members.



2. **Expressive activity standing committee.** Decisions related to determining when the risk of harm or disruption of university operations is sufficiently high to warrant limiting expressive activity can be difficult. We recommend a standing committee be formed comprised of faculty, staff, and students to serve as an ongoing resource to university leadership to support thoughtful decision making related to expressive activity on campus. This committee should be well-versed in the literature around free expression on university campuses, it should take a One Cornell approach, and it should include shared governance representation.
3. **Implementation of guidance.** Given the numerous recommendations in this report, we understand that full implementation will take time and effort. We suggest the creation of a small working group to engage across various parts of the university to provide guidance on implementing the recommendations in this report.

## **SECTION 9: Additional recommendations**

While outside our narrow charge, we developed five additional recommendations to better facilitate a campus environment supportive of expressive activity.

1. **Improved scheduling process on Cornell campuses.** Our committee recommends that the university examine approaches to improve its outdoor and indoor scheduling process. Ideally, scheduling of expressive activities would be managed through the same process as scheduling other campus activities, but currently the requirement of two to four weeks to pre-schedule is too delayed a process to support certain campus activities, including expressive activities. The committee strongly supports efforts to develop a rapid scheduling option and to integrate consistent and regular scheduler training across the University Event Team and the Academic Events Team.
2. **Social media and other online activity.** Through our listening sessions, we heard significant confusion and concern over permissible social media activity by members of the Cornell community. Staff members in particular raised concerns about their private political activity online being sanctioned and sought a better understanding of what counts as off-campus speech and how off-campus expression may interact with job responsibilities. While our committee acknowledges the complicated issues raised by off-campus, online expression, only rarely does it present the same risks of disruption, physical harm, or interference with competing uses as in-person, on-campus expressive activities and may be best addressed through a separate set of policies that apply Cornell's values in such settings. We recommend that the university develop more specific guidance and protections for staff and other community members related to limits on private social media and other online activity.
3. **Human resources clarity for staff.** One theme that came up repeatedly in listening sessions involved the need for better communication with staff on whether and to what extent academic freedom extended to staff and how professional conduct expectations mapped onto their expressive activity both inside and outside the work setting. We recommend additional clarity and information be given to staff at all levels to help them understand their rights and responsibilities.
4. **Assessment of the public safety approach on campus.** Our listening sessions suggest that there is an opportunity for better coordinating our public safety approach on campus and a concern about delays in fully implementing community response teams. We recommend an assessment of the university's unarmed community response team structure (focusing on such factors as optimal size, training, and goals), how the response team is deployed in conjunction with armed police, and how de-escalation tactics could contribute to the physical safety of the campus community.

5. **Institutional voice.** During our listening sessions, the topic of institutional voice came up often. While Interim President Kotlikoff and Interim Provost Siliciano made a commitment to refrain from opining on national or global events that do not directly impact the university in their August 26, 2024, letter, it is unclear whether this will be a short- or longer-term approach at Cornell. While the question of whether Cornell leadership should adopt an official position on institutional voice falls outside the scope of our committee's charge, we think it could be sensible for the university to assemble a group to provide background analysis and possible recommendations.

## **SECTION 10: Conclusion**

Open inquiry and freedom of expression are vital to our learning mission and an indispensable part of Cornell's core purpose in advancing democratic principles and values. We also seek to make good on our commitment to being a community for "any person" and to counter conduct and expression that prevent others from participating fully in the Cornell community. In this report, we suggest that to the greatest extent possible, Cornell should not single out expression for special treatment. Policies governing non-expressive activities also generally apply to expressive activities that pose the same or comparable benefits or risks. Finally, rules restricting freedom of expression should be construed and applied as narrowly as possible and closely tailored to the harms they are designed to prevent. We hope the recommendations in this report and the proposed policy are useful in guiding Cornell's approach to expressive activity in the years ahead.

## APPENDIX 1: Proposed Expressive Activity Policy

Ezra Cornell founded a university “where any person can find instruction in any study.” Cornell’s foundational commitment to welcoming “any person” means that the university is a community that is open to all people, regardless of identity or income. Cornell’s commitment to “any study” means that it guarantees the freedom to pursue ideas wherever they lead. Vindicating both principles, Cornell protects freedom of inquiry and expression as fully as possible, bounded only by the imperative to ensure the civil rights and equal membership of all Cornellians, the importance of protecting health and safety, and the responsibility to safeguard the university’s core operations.

While the university’s assurance of free speech is essential to academic freedom, it extends beyond guarantees afforded to faculty in scholarship and teaching. Cornell is committed to ensuring open discussion, exploration, discovery, and growth for all community members and not only in traditional learning environments.

Cornell community members will promote ideas that diverge, and the resulting conflict is healthy in a university devoted to the pursuit of knowledge. It is not the role of a university to shield members from ideas simply because they are seen as wrongheaded, disagreeable, immoral, or even deeply offensive. Although civility and mutual respect are highly valued at Cornell, they cannot, on their own, be used as justifications for closing off the free expression of ideas.

A zealous commitment to freedom of expression does not mean that anyone can say anything they like, whenever and however they like. Cornell’s commitment to “any person ... any study” itself may mean that the expression of some must be regulated to protect the ability of others to speak and be heard and otherwise participate in the university’s core functions. The university may restrict speech that constitutes harassment, intimidation, or a true threat, that unjustifiably invades privacy or compromises confidentiality, that is integral to violence or the destruction of property, that violates the law, or that occurs in a time, place, or manner that seriously threatens physical safety or that seriously or persistently disables essential operations necessary for the teaching, research, patient care, or residential campus missions of the university. In addition, Cornell may face situations where its core value of “free and open inquiry and expression” conflicts with its core value of constituting a “community of belonging.” However, these are narrow exceptions to freedom of expression, they should be enforced in consultation with Cornell community member feedback, and they should be implemented in conformity with rule-of-law values and strict viewpoint neutrality.

Disagreements about ideas should be resolved not by university regulation, but through debate and discussion among Cornellians. In fact, it is essential to the tenet of “any person ... any study” that conflict among community members be resolved by themselves, if possible, rather than by the university. A corollary is that each Cornellian must act in conformity with the principle of freedom of expression, and that each Cornellian must share in the responsibility to ensure equal membership in our university community.

Together, these two commitments to “any person” and to “any study” are foundational to Cornell’s success, and together they not only honor our traditions but also set the course for the university’s future.

Given Cornell’s central purpose to serve as a learning community, any limits placed on expressive activity should be carefully considered and publicly grounded in a set of core principles.

**Principle 1:** Open inquiry and freedom of expression are [core values](#) of Cornell. They are central to our academic mission and are essential parts of our learning environment.

**Principle 2:** Freedom of expression is not limitless and may come into tension with another of Cornell's core values: to foster a community of belonging. It may also be limited by serious concerns for health and safety, to protect against significant property damage, and to safeguard the university's core operations. Conduct and expression that prevent others from participating fully in the Cornell community or contribute to the creation of a hostile environment, including harassment, intimidation, shutting down events, and threats of violence are unacceptable, inconsistent with our university values, potentially illegal, and amount to grave disrespect for the dignity of others.

**Principle 3:** To the greatest extent possible, Cornell should not single out expression for special treatment. Policies governing non-expressive activities also generally apply to expressive activities that pose the same or comparable benefits or risks. Because of the centrality of free expression to the university mission, the application of any rules or regulations that restrict freedom of expression should be construed and applied as narrowly as possible and should be closely tailored to the harms they are designed to prevent.

**Principle 4:** There are a few special settings on the university's campuses where disruptive activities (including some expressive activities) that are tolerable or encouraged elsewhere should be prohibited completely or limited due to the special purposes of these spaces.

**Principle 5:** Input from within the Cornell community can help support university leaders in balancing freedom of expression with other university values and objectives.

**Principle 6:** Neutrality with respect to the content and viewpoint of expression is essential in implementing time, place, and manner rules to ensure that the university administration does not prefer one set of views or voices over others. Neutrality in the regulation of individual expression does not prevent the university administration or other community members from disagreeing, even in the strongest terms, with the content of that speech.

**Freedom of expression.** Freedom of expression is defined as the freedom to debate and deliberate about ideas, to participate in democratic self-governance, and to engage in self-realization. This includes one's own ability to express thoughts, as well as to engage with and respond to others' opinions. Freedom of expression allows for discussion, exploration, discovery, and growth beyond the academic offerings within traditional learning environments. Expressive activities as used in this policy include demonstrations, marches, protests, counter-protests, rallies, picketing, distribution of literature or flyers, art installations, performing arts, speeches, and other forms of public-facing expression that aim at the public or particular individuals, regardless of whether they have expressed interest in receiving communications from the persons engaged in expressive activities. Expressive activities are distinctive because they are communicative and public facing.

**Content neutrality.** This policy will be administered in a content-neutral manner and without regard to the message or viewpoint being expressed.

**Classroom setting not applicable.** This policy does not pertain to speech and expression within individual classrooms and other instructional settings (e.g., studios), which remain the purview of individual faculty members. Guidance on Cornell policies relating to academic freedom and speech in the classroom context may be found [here](#).

**Professionalism policies.** Nothing in this policy supersedes the professional conduct policies of individual Cornell schools. Where professionalism is a component of an educational program, students must uphold the applicable standards of professional conduct, even while engaged in expressive activity.

**Responsibilities of expressive activity organizers.** Cornell expressive activity organizers are responsible for ensuring their activities comply with this policy and other university policies. Organizers should address the following considerations: protecting the health and physical safety of all members of the Cornell community; preventing damage to university grounds and property; preserving unimpeded mobility on pathways, streets, and within buildings, including entrance to and departure from buildings; and avoiding superseding other scheduled university activities.

**Time, place, and manner rules for expressive activity.** Time, place, and manner rules on a university campus are often not special to expressive activity but pertain to all activities on campus. They regulate a range of activities—such as making loud sounds and excluding others from shared space—that sometimes happen to be expressive. In many cases, the policies that will govern expressive activities on Cornell’s campuses also govern other activities. University scheduling process is an example: these resources for pre-scheduling space for planned events aim to avoid more than one planned event trying to use the same space at the same time, and those processes can be used for both expressive activities and other activities.

Cornell’s prohibitions on harmful activities apply to expressive activities. These include acts of violence; destruction of property; trespassing; harassment or intimidation; bringing weapons onto campus or wielding various implements as weapons; blocking building entrances, corridors, stairways, or doorways; impeding access to or from university property or campus roads; displacing other activities; violating occupancy limits, fire codes, or otherwise endangering the physical safety of others.

**Use of university space and scheduling.** Pre-scheduling expressive activities through 25Live is encouraged, but not required. Pre-scheduling can help reduce the potential for conflicts with other scheduled activities and address any health or safety needs through pre-event planning.

**Candlelight vigils.** Expressive activities involving open flame should follow the [fire safety code policies](#), including required completion of an outdoor candle use permit form and prohibited use of candles and other open flame devices within all Cornell University Buildings and within all tents. LED candles can be used for vigils within buildings and tents. Pre-scheduling candlelight vigils through 25Live is encouraged but not required.

**Significant disruptive sound including amplified sound.** On the Ithaca campus, significant disruptive sound including amplified sound is permitted on Ho Plaza and the area in front of Day Hall from 12 to 1 p.m. It is also permitted outdoors on the Ithaca and Cornell Tech campuses between the hours of 5 p.m. and 9 p.m. Significant disruptive sound including amplified sound in proximity to classrooms that prevents or severely disrupts an instructor from engaging in classroom teaching is prohibited. Significant disruptive sound including amplified sound is prohibited entirely in patient care and clinic settings at Weill Cornell Medicine, the College of Veterinary Medicine, and the Law School clinics. Campuses and colleges may suggest additional locations where significant disruptive sound should be prohibited with strong justification.

**Interruptions of speakers or events.** Prolonged interruptions of speakers or events, including via heckling or significant disruptive sound including amplified sound, that aim to silence the speech or expression of others is prohibited.

**Use of university space and financial resources.** While Cornell is a private university, our campuses are not gated and welcome visitors. However, use of university spaces for activities, including expressive activities, is limited to members of the Cornell campus community. Like other campus activities, expressive activities that involve financial resources are under the purview of the sponsoring campus unit. It is the responsibility of Cornell community members hosting an event or activity with outside

groups to be present during the event or activity and ensure that their guests abide by university policies protecting the health and physical safety of community members and university operations.

**Posting, signs, and chalking.** Each facility on Cornell's campuses should designate locations appropriate for posting and signage related to any type of campus activity (including, but not limited to expressive activity). Posting areas in each facility should not be designated in an overly limited fashion, and specific size limits should be determined at the facility level given that norms for posting expression in one part of campus might reasonably look different from norms in another. Community members are responsible for complying with designated locations for posting and signage in each building and on outdoor grounds where posting is allowed, and personnel are responsible for communicating transparently about these locations. Posting and signage are not permitted in non-designated areas on Cornell's campuses.

Within designated locations, listing of the name of the sponsoring Cornell organization or unit or individual is recommended, but not required. Scheduled removal of posters and signage within designated areas should follow the regular procedures within buildings and on campus grounds to make room for others' use. Personnel should promptly remove posters and signs from non-designated locations on campus. Cornell community members should not remove others' posters themselves. Posters and signs should use adhesives or tacks that are easily removed and that do not damage campus surfaces. Use of water-soluble chalk is allowed on all campus sidewalks. Use of spray chalk, spray paint or other forms of paint, or other similar media that may damage university property is prohibited. Chalking is not permitted on any vertical surface (i.e., sides of buildings).

**Installations.** An installation must be approved in advance by the university events teams on each campus to ensure that it does not pose a physical danger (i.e., that it be in compliance with fire and safety code, as well as non-obstructing), that the installer be clearly identified, and that installation host signs a statement accepting responsibility for safe removal. Advanced approval is also intended to ensure that use of space is for a designated period to avoid blocking others from using the space.

**Camping.** Prior registration for camping on campus grounds is required to help ensure that camping is limited to Cornell community members and to set a durational limit on camping to allow for others' uses of space.

**Masking.** Wearing masks or face coverings is permitted on Cornell's campuses, subject only to lawful demand to briefly unmask to verify a person's identity by authorized university personnel.

**Applicable law.** Federal, state, and local laws can sometimes be more restrictive than Cornell's rules, and Cornell does not have the ability to override these laws. For example, local fire codes may limit the maximum occupancy of a room. Compliance with this policy does not relieve participants from their other legal obligations.

**Considerations for special settings on campus.** Cornell's campuses are places of work and study, and places where some of us live, dine, receive health care and other services, and socialize. University operations include all faculty, staff, and student functions, whether or not there is a direct connection to the educational enterprise. Students' ability to attend university functions (including classes) and reasonable quiet times in the residence halls and libraries to facilitate studying or sleep are included in university operations.

Across our Cornell campuses, there are certain settings where expressive activity that is visually or audibly disruptive to non-participants (i.e., excluding one-on-one and group conversations) is either prohibited completely, limited, or given special consideration.



*Settings providing services to community members.* Cornell aims to create a welcoming environment for non-Cornellians seeking services on our campuses, including medical care for patients, veterinary care for animals, and legal services for clients. There are safety concerns with obstructing access to acute medical care services, disturbing sleep in hospital rooms, animal care and housing, and other safety-related priorities. In settings providing services to community members, expressive activity is prohibited directly outside and inside settings and locations where patients or clients transit, including entrances and exits to clinical buildings, corridors, stairways, and parking areas.

*Living spaces.* Residential halls are students' homes on campus. These are locations where students sleep, study, and find respite from the demands of campus life. Students are entitled to a peaceful and private home environment. Living spaces are locations where expressive activity is prohibited, including at entrances and exits to residential halls, common hallways, and other areas that residents must walk through to get to their rooms. Postering and signage are allowed in designated spaces in residence spaces. The development of programs to promote awareness of and sensitivity toward how public-facing expression might impact other students and community members is encouraged.

Special consideration is needed for the 'learn where you live' residential halls on the Ithaca campus and hotels located on three campuses. Because expressive activity on a university campus is part of a robust learning environment, 'learn where you live' residential halls are likely to involve expressive activity with some frequency. House Deans, Faculty-in-Residence, and residence hall staff should identify designated areas appropriate to expressive activity while preserving a peaceful and private home environment in areas where students live, consistent with the approaches that are taken for other activities.

Hotels on Cornell campuses (the Graduate at Cornell Tech, the Statler Hotel in Ithaca, and the Helmsley Tower at Weill Cornell Medicine) are multi-purpose facilities that include living spaces. The expectation of preserving a peaceful and private home environment for hotel rooms for campus visitors and long-term residences is the same within these living spaces.

*Libraries.* The Cornell University Library should be maintained as a place for quiet reading and study, and accordingly, spontaneous disruptive activities of all kinds are prohibited. Spontaneous peaceful expressive activities that are not disruptive (e.g., sit ins) and other types of quiet activities are permitted if they do not displace others from shared spaces or prevent the library from providing its core services such as providing access to collections or service points (reference desk). Classrooms in libraries should be managed like other classrooms, which remain the purview of instructors.

*Research spaces and offices.* Cornell includes numerous research spaces and offices where work (e.g., time-sensitive lab experiments) could be compromised by noise or other disturbance. Disruptive activity in research spaces and offices is prohibited.

*Dining halls.* Expressive activity of limited duration and frequency so that it does not displace other activities or disrupt university operations is permitted in dining halls.

**Policy administration.** Cornellians who have engaged in activity that violates this policy will be referred to the appropriate office (which will differ for students, staff, and faculty) for progressive responses to an alleged rule violation based on its seriousness and whether it poses a risk of ongoing harm. Recommendations on progressive measures are included in this Committee's accompanying Report. Temporary suspensions involve special due process considerations that are also addressed in the Report.

## **APPENDIX 2: Charge to the Committee on Expressive Activity**

Three of Cornell University's core values - Purposeful Discovery, Free and Open Inquiry and Expression, and A Community of Belonging - reflect the university's commitment to both protecting individual and collective expressive rights and fostering an academic community of inclusive excellence and belonging.

Academic freedom, tenure, freedom of inquiry, and freedom of expression are bedrock principles of a thriving academic community. The core missions of research, teaching, and service are premised on the beliefs that members of an academic community should robustly interrogate ideas and theories to advance our collective knowledge; that creating space for contrasting perspectives and experiences to intersect is essential for transformative creativity and innovation to thrive; and that access to higher education by broad groups of highly qualified and talented individuals prepares global leaders with the knowledge and skills necessary to dismantle society's most difficult problems.

Finding the balance between protecting expressive rights and eliminating hostile working, learning, and living environments is continuing, important, and sometimes very challenging work. Reasonable and content-neutral time, place, and manner rules provide the framework for resolving those inevitable collisions. To that end, the Interim Expressive Activity Policy is designed to foster a diverse community, uphold the civil rights of all to be free from unlawful discrimination or harassment, protect public health and safety for all, and maintain the continuity of core academic operations.

This committee is charged with gathering feedback on the interim policy from the university community, reviewing the policies of peer universities for insights, and issuing a report recommending the implementation of a final policy early in the fall 2024 semester. The report should address three main objectives. First, the committee should recommend an Expressive Activity Policy that is legally compliant and advances the university's core values. Second, the committee should recommend a framework for accountability measures for individuals and groups whose policy violations undermine the policy's objectives. Third, the committee should propose a strategy for educating faculty, staff, and students about the critical importance of content-neutral time, place, and manner rules.

### APPENDIX 3: Cornell Committee on Expressive Activity (CCEA) Members

- [Colleen L. Barry](#), inaugural dean of the Cornell Jeb E. Brooks School of Public Policy
- Lucia A. Balestrieri '26, member, Student Assembly; College of Arts and Sciences
- Marcy Benda, executive vice chair, University Assembly (2024-25); assistant to the associate dean for hospital operations, College of Veterinary Medicine
- [Kenneth P. Birman](#), the N. Rama Rao Professor of Computer Science, Cornell Ann S. Bowers College of Computing and Information Science, Faculty Senate
- Carl Cornell, member at-large, Employee Assembly; assistant director of undergraduate advising, Bowers CIS; board member, LGBTQ+ Colleague Network Group
- [Eve De Rosa](#), dean of faculty and the Mibs Martin Follett Professor in Human Ecology
- [Michael C. Dorf](#), the Robert S. Stevens Professor of Law, Cornell Law School
- Christian Flournoy '27, Student Assembly Vice President of Diversity, Equity, & Inclusion & Undergraduate Representative At-Large; College of Engineering.
- [Seema Golestaneh](#), associate professor of Near Eastern studies, College of Arts and Sciences
- [Adi Grabiner-Keinan](#), Ph.D. '16, executive director for academic diversity, equity and inclusion education; director, Intergroup Dialogue Project
- [James Grimmelmann](#), the Tessler Family Professor of Digital and Information Law, Cornell Tech and Cornell Law
- [Ava Lagressa](#), member, Graduate and Professional Student Assembly; chair, University Assembly (2024-25); Master of Public Administration student, Brooks School
- [Mark E. Lewis](#), the Maxwell M. Upson Professor of Engineering, School of Operations Research and Information Engineering, Cornell Engineering; member, Faculty Senate and University Faculty Committee
- Melia Matthews, president, Graduate and Professional Student Assembly (2023-24); doctoral student in the field of biomedical and biological science
- Rachel Mikofsky, student representative, M.D.-Ph.D. Advisory Committee; medical student and doctoral candidate in neuroscience, Weill Cornell Medicine
- [Angela Odoms-Young](#), the Nancy Schlegel Meinig Associate Professor of Maternal and Child Nutrition in the Division of Nutritional Sciences, College of Human Ecology; director, Food and Nutrition Education in Communities program
- [Chris Schaffer](#), professor, Meinig School of Biomedical Engineering, Cornell Engineering; nominated representative, Faculty Senate
- [Dr. Adam Stracher](#), chief medical officer and associate dean for clinical affairs, Weill Cornell Medicine; director of primary care, Weill Cornell Physician Organization
- [Nelson Tebbe](#), the Jane M.G. Foster Professor of Law, Cornell Law.

## **APPENDIX 4: Peer University Expressive Activity Policies Reviewed by CCEA**

*Note that several of the academic institutions below updated their policies after our committee conducted its peer policy review. Below are the versions of the peer policies that our committee reviewed in summer 2024.*

### **1. Brown:**

- [Protest and Demonstration Policy](#) – April 2, 2024
- [Poster and Banner Policy](#)

### **2. UC Berkeley:**

- [Free Speech](#)
- [Free Speech FAQs](#)

### **3. University of Chicago:**

- [University of Chicago – Statute 21 on Disruptive Conduct](#)
- [Report of the Committee on Freedom of Expression -2014](#)

### **4. Columbia:**

- [2024 Interim Policy for Safe Demonstrations](#)
- [Registration page](#)
- [Rules of University Conduct](#)
- [Standards and Discipline Policy](#)

### **5. Dartmouth:**

- [Freedom of Expression and Dissent Policy](#)
- [Free Speech at Dartmouth Home page](#)
- [Outdoor Reservation Policy](#)

### **6. Duke**

### **7. Harvard:**

- [Overview](#)
- [FAS Free Speech Guidelines](#)

### **8. Georgia Tech**

### **9. Harvard Medical School**

- [Statement of Mutual Respect and Public Discourse](#)

### **10. MIT:**

- [Statement on Freedom of Expression](#)
- [Freedom of Expression Policy](#)
- [Postering Policy](#)

### **11. New York University and Langone Health**

- [Code of Conduct](#)
- [Student Conduct Policy](#)

### **12. Penn (and University of Pennsylvania Perelman School of Medicine)**

- [Guidelines on Open Expression Interpretive Guidelines on Open Expression](#)
- [Temporary Standards and Procedures for Campus Events and Demonstrations](#)

**13. Princeton:**

- [Statement on Freedom of Expression](#)
- [Protest, Demonstrations, and Peaceful Dissent Policy](#)
- [Forms of Expression](#)
- [Protests and Free Expression](#)
- [Frequently Asked Questions](#)

**14. Stanford:**

- [The Fundamental Standard and Free Speech](#)
- [Campus Disruption Policy Statement](#)

**15. UVA:**

- [Free Speech Webpage](#)
- [Free Speech policies and regulations](#)

**16. [Yale](#)**