

EXPRESSIVE ACTIVITY AT CORNELL

Draft Report of the Cornell Committee on Expressive Activity, October 30, 2024

Section 1: Introduction

The Cornell Committee on Expressive Activity (CCEA) was charged by President Martha Pollack with writing a report evaluating and recommending changes to the existing expressive activity policies for Cornell University. Our committee identified three primary principles that have informed our work. They are:

1. 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.
2. 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 of belonging. 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.
3. Many of the provisions currently housed in Cornell's interim expressive activity policy are not special to expressive activity but pertain to all activities on campus.

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.

Cornell holds that 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 continue the journey of intellectual exploration. Such debate should strive to be civil, but calls for civility can, at times, serve to protect leaders from rightful scrutiny and critique. In our learning community, we are committed to supporting students who courageously question and challenge unjust uses of power. As educators, we also 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 that power 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.

Cornell has more than 16,000 undergraduate students, over 10,000 graduate and professional students, and 11,300 faculty and staff in Ithaca, Geneva, and at Cornell Tech; and over 13,000 faculty and staff, and approximately 1,700 medical and graduate students at Weill Cornell Medicine.

Every member of the Cornell community, including those spread across our land grant extension field operations, 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, discriminatory harassment, intimidation, or concerns for their safety.

While the purpose of this 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 and belonging. Furthermore, as members of a community often working on diverse teams in professional settings, we should not engage in expressive activity in a manner that hinders other members’ responsibility to work successfully in collaboration with each other.

Finally, our committee has determined that many of the provisions currently housed in Cornell’s interim expressive activity policy are not special to expressive activity but pertain to all activities on campus. Indeed, this is a general feature of time, place, and manner regulations. Properly conceived, these regulations do not aim at expression at all. Rather, they regulate a range of activities—such as making loud sounds and using otherwise generally available space—that sometimes happen to be expressive.

We acknowledge that the backdrop for the release of our report is the conflict on university campuses over the war in the Middle East. The demonstrations on our campus have divided members of our Cornell community more directly than others in recent memory. We offer our assessment and recommendations with an eye toward many circumstances that could arise in the future, even as we are aware that any policy changes will be evaluated partly by reference to how they will apply to expressive activities like those over the past year.

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 activities for the university to consider related to Cornell policies that may benefit from updating as they pertain to expressive activity but fall outside our committee’s charge. While these are recommendations from our committee, and shall be referred heretofore as such, we did not have full agreement on every issue.

Appendix 1 includes a draft 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, President Pollack invited us to serve on the Cornell Committee on Expressive Activity. This committee is comprised of 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.

One important aspect of our charge to note is that **our policy does not pertain to the classroom setting.**

We understand that the interim expressive activity policy was developed during the 2023-24 school year with limited community input, which led to trust concerns. We have sought to address those concerns through our work as a committee by broadly soliciting input, hearing many perspectives, and aiming to build trust in our process.

Our committee held its initial meeting on May 7, 2024, met biweekly through the summer, and then weekly with the start of the fall semester to develop an initial draft report and draft policy. We reviewed the written feedback submitted dating back to January 2024 following the release of the interim expressive activity policy and collected additional written feedback from the Cornell community via email (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. In addition, we held listening sessions with the Cornell University Police Department, Student and Campus Life, the University Library System, the Academic Deans and Vice Provosts, the House Deans, the University Assemblies (leadership breakfast), the University Faculty Committee, the Faculty Senate, and the Cornell University Financial Forum.

Our committee will meet with eight shared governance bodies at Cornell to seek input on this draft report and draft policy, 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. In addition, we will circulate this report broadly within the Cornell community and hold an additional campus-wide listening session to seek input.

Next, we plan to review all feedback and revise this draft report and draft policy accordingly. The Cornell University policy adoption process requires that final recommendations be reviewed for approval by the Executive Policy Review Group (EPRG), the committee of university leaders that reviews and approves all university policies.

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. We have tried to articulate those principles here.

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. Conduct and expression that prevent others from participating fully in the Cornell community, including harassment, intimidation, threats of violence, shutting down events, and defamation 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. Instead, campus approaches to expressive activity should mirror approaches to other types of activity that pose comparable benefits or risks. Any rules that restrict freedom of expression should be construed as narrowly as possible and closely tailored to the harms they are designed to prevent.

Principle 4: There are a few special settings on the university's campuses (e.g., patient care settings, residence halls) 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. (See comments related to the question of institutional voice and values in Section 9.)

Section 4: Definitions

What is freedom of expression and how is it distinct from academic freedom?

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. In contrast, academic freedom is the freedom to discover, develop, and distribute ideas in the pursuit of knowledge and education. While related to academic freedom, freedom of expression extends further. Academic freedom generally refers to the ability to teach or conduct research without interference from figures of authority inside or outside the university, while freedom of expression is applicable to all members of the university. Freedom of expression allows for discussion, exploration, discovery, and growth beyond the academic offerings within traditional learning environments.

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 fliers, non-academic art installations, non-academic 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 the activities. Expressive activities are distinctive because they are communicative and public facing; their expressive content means that they have special value that sets them apart from otherwise similar activities. The purpose of an "expressive activity" policy is to make sure that any restrictions on those activities give them weight because of their expressive value.

How do we define a hostile environment?

Under well-established legal precedents, a hostile environment exists when a community member is subject to unwelcome conduct that a reasonable person would find to be objectively offensive and so severe or pervasive that it limits or denies the community member's ability to participate in or benefit from a university program or activity. While anti-discrimination law only applies to offensive and unwelcome conduct based on certain specified characteristics, our definition of harassment applies regardless of the motivation for the conduct because Cornell is "committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff." ([Policy 6.4: Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct](#))

What is content neutrality?

A rule or regulation is content-neutral if it is applicable to expressive conduct by virtue of a non-expressive element of that conduct rather than the message conveyed by the expressive conduct (e.g., the volume of sound or the fact that those engaging in the conduct are occupying public space in a way that excludes or renders difficult other uses of that space).

Who are Cornell community members?

Cornell community members include all students, staff, and faculty. Because Cornell is an open community without gates, non-affiliates (i.e., people without campus IDs) including alumni, parents, prospective students, and community members are welcome and free to enjoy the outdoor spaces on our campus and the indoor spaces when buildings are open. In rare circumstances, individuals 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 around 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 harassment directed at members of protected groups.** These are all illegal activities and violations of university policy. 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. The committee's draft policy no longer specifies information

on open flame or candle use or size, with the expectation that the university’s existing fire code is sufficient.

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 draft policy no longer includes 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.** Our committee recommends that the use of the existing indoor and outdoor scheduling systems for other activities be used for expressive activity. If a space requires scheduling for a non-expressive activity, then it will also require scheduling for an expressive activity (indoor and outdoor). In listening sessions, our committee heard concerns that registration requirements have been and could be used as a means of surveilling content rather than to simply make sure space is scheduled for only one activity at a time and to determine if there are health or safety needs that should be addressed through pre-event planning. It is outside the purview of the events team to review or make judgments on the content of scheduling requests.

A key reason to use the same scheduling system for expressive activity that is used for all other campus activity is that this approach is neutral as to content. There are benefits of the scheduling system to facilitate event planning, including expressive activity events. Scheduling an event can further the objectives of expressive activity by enabling the university to better support advance planning through the allocation of university resources to address health and safety concerns and by reducing the potential for unintended conflict with or displacement of another scheduled activity. Importantly, denial of a request to use public space for expressive activity should leave open the potential to help to identify adequate alternative opportunities for that expressive activity.

5. **Spontaneous protest.** Our committee saw value in designating a venue for spontaneous protest activity, as many of our peer institutions do. Ho Plaza should continue to be a central location on the Ithaca campus for freedom of expression. Ho Plaza can be used for spontaneous protests and demonstrations by Cornell affiliates. As a site for spontaneous expressive activity, the university events team might consider establishing more permissive rules regarding significant disruptive sound, including amplified sound and other issues in Ho Plaza relative to other locations on campus. We also recommend other Cornell campuses identify locations to be used for spontaneous protest activity.
6. **Significant disruptive sound including amplified sound.** Our committee notes that significant disruptive sound might take forms other than amplified sound, and we propose a broader definition of disruptive sound. The committee views the interim expressive activity policy, which allows amplified sound in only two outdoor spaces on the Ithaca campus – Ho Plaza and the area in front of Day Hall, from 12 to 1pm – as overly narrow. In addition to these locations and times, we recommend considering the approach adopted by many of our peer academic institutions to allow significant disruptive sound, including amplified sound, for any activities (not just expressive activities) after 5pm on the Ithaca and Cornell Tech campuses, with the added requirement of avoiding disruption in proximity to evening class locations. We recommend creating a list of places and times where significant disruptive sounds, including amplified sound, is prohibited entirely, including in proximity to patient care settings at Weill Cornell Medicine and College of Veterinary Medicine campuses given 24-hour patient care needs, after 9pm in the proximity of residence halls on all campuses, and in the proximity of performance venues during performance hours. Campuses and colleges may suggest additional locations where significant disruptive sound should be prohibited with an explanation of a strong rationale.

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 informed our thinking on this recommendation.
8. **Use of university space and resources by non-Cornellians.** We revised and shortened the language in the policy related to use of space and resources by non-Cornellians. We emphasize that we welcome visitors to our campus and that the outdoor spaces on our campus and open-to-the public indoor spaces (e.g., café at the Bloomberg Center at Cornell Tech) are open to all. We do retain language noting that use of university resources for activities, including expressive activities, is limited to Cornellians and that, as with other campus activities, expressive activities that involve financial resources are under the purview of the sponsoring campus unit. We also retain language noting that it is the responsibility of university 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.
9. **Postering, signs and chalking.** We recommend no changes to the interim expressive activity policy on chalking. On postering and signage, we agreed 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 than 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 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.

Within designated locations, including the name of the sponsoring Cornell organization or unit or individual on a poster is recommended, but not required. Posters and signage within designated areas should follow the regular maintenance procedures within buildings and on campus grounds to make room for others' use. Personnel should remove posters and signs from non-designated locations on campus on a regular cycle. Other 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.

10. **Installations.** Our committee recommends a general rule that an installation of any kind must be approved in advance by the Vice President of Facilities and Campus Services to ensure that it does not pose a physical danger (i.e., in compliance with fire and safety code, non-obstructing), that the installer be clearly identified, and that the installation 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 university affiliates and to set a durational limit on camping to avoid blocking others' uses of space.

12. **Masking.** Wearing masks or face coverings is not prohibited on Cornell’s campuses. University personnel may ask an individual to present a campus ID and/or briefly unmask to establish a campus affiliation. There are circumstances when it is critical for university personnel to understand whether an individual is a Cornell affiliate or non-affiliate (e.g., camping on campus after hours) or for identification when an individual is engaging in time, place, or manner violations. If a person is unwilling to be identified either by showing ID or removing a face-covering, the university may assume that they are a non-affiliate.

Section 6: Considerations for special settings on campus

Cornell’s campuses are places of work and study where many of us live, dine, receive health care and other services, and socialize. This requires a broader definition of operations than may be common in non-academic settings. 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:

- Patient care and clinic settings
- Living spaces
- Libraries
- Laboratories and offices
- Dining halls

Patient care and clinic settings. Cornell aims to create a welcoming, healing environment for all patients, including those who may have medical conditions that increase their vulnerability. There are also patient safety and wellbeing-related concerns associated with obstructing access to acute medical care services, disturbing sleep in hospital rooms, and other patient safety-related priorities. In all patient care settings on the Weill Cornell Medicine and the College of Veterinary Medicine campuses, we recommend expressive activity should be prohibited directly outside and inside clinical buildings (e.g., veterinary hospitals including Companion, Equine, Farm, Wildlife, Ruffian, Small Animal Clinic; NewYork-Presbyterian Hospital; and Weill Cornell Medicine satellite clinics) and locations where patients transit, including entrances and exits to clinical buildings, corridors, stairways, and parking areas. We recommend a similar approach in clinic settings at the Law School and in any other campus settings where clients, patients, or customers interact with the Cornell community in ways that make them vulnerable or dependent on Cornell. 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., NewYork-Presbyterian Hospital) and are required to abide by separate policies of these external institutions.

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 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 library system on Cornell’s campuses be maintained as a place for quiet reading and study, and that loud, disruptive activities of all kinds be prohibited. That means, for example, that both the marching band and marching protests (both disruptive to the quiet environment) be prohibited within and in the near proximity of Cornell libraries. Peaceful expressive activities including civil disobedience (e.g., sit ins) and other types of quiet activities should be allowed in library settings if they do not displace others from shared spaces.

Laboratories and offices. Cornell private laboratories and private offices are overseen by a campus unit or responsible faculty member. We recommend that expressive activity in shared laboratory or office spaces be prohibited. Within private one-person offices or cubicles, expressive material should be permitted as long as it does not disrupt the usual function of the space.

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) should be permitted.

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 as narrowly as possible, requiring a strong rationale for their use and enforcement. Just as our committee agrees that the university’s approach to expressive activity generally should mirror its approach to other types of potentially disruptive activity on campus, we similarly recommend that the measures used to address time, place, and manner violations follow the disciplinary structures already in place for students, faculty, and staff. For students, all alleged 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 our listening sessions, we heard the concern that time, place, and manner rules were being employed in an overly restrictive manner that effectively prohibited many forms of non-harmful conduct. It is in the interest of the university as a place of learning that time, place, and manner rules should be applied and interpreted narrowly and neutrally.

Non-violent responses to violations. When time, place, and manner violations occur, the university response should focus exclusively 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.

Warning phase. Another area of concern expressed in listening sessions relates to the importance of Cornell affiliates receiving notice of when they have violated time, place, and manner rules. The use of a written warning providing notification of a breach of campus rules serves this purpose.

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 noted in more detail below, the university should communicate and engage in discussions to make participants 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 progressive 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 and deter 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 seriously 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.

Communication and notice. 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. Where feasible, notice that conduct violates Cornell’s rules should be provided in writing via Cornell email. In cases where this is not feasible, notice should be given in a way designed to make sure that participants are aware of it (e.g., posting clearly visible signs or through a clearly audible oral announcement).

Notice to participants should generally include a statement of what the prohibited conduct is, a statement of the rule that the conduct violates, where appropriate, a statement of the nature of disruption or damage that the conduct is causing, and notice that continued violation will result in disciplinary action. In any case where there is a possibility of good-faith misunderstanding, no formal disciplinary sanctions should be imposed unless participants have been given clear notice that their conduct 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 narrow use of 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. We recommend seven changes to these Student Code of Conduct procedures, and 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 concluding that a temporary suspension is required should be shared with the student as it would be in a normal disciplinary process. Oral summaries or redactions may be used only when there is a compelling reason (such as the physical safety of a witness), and even in such cases 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 that "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 committee 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 2 to 3 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 reimposed 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 specifically 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 describe above. However, we are dismayed to learn that the normal disciplinary process often takes four to six months 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. 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 campus housing privileges, 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 would typically 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. 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 committee about expressive activity and time, place, and manner rules.
2. **Expressive activity standing committee.** Decisions related to determining when the risk of harm or disruption of university operations are 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 time, place, and manner violations 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 six additional recommendations to better facilitate a campus environment supportive of expressive activity.

1. **Improved scheduling system on Cornell campuses.** Our committee recommends that the university take a close look at its outdoor and indoor scheduling system. We have proposed that the scheduling of expressive activities be managed through the same system as scheduling other campus activities. Efforts at improvement might focus on facilitating ease of scheduling all types of activities, including expressive activities. For example, the recommended practice of reaching out four weeks in advance to involve the university events team may be too delayed a process to support certain campus activities, including expressive activities. Also, there are areas on campus where scheduling is not supported. Finally, in our listening sessions, there were concerns raised about scheduling requests being denied based on event content. We recommend reviewing the training processes of staff tasked with managing scheduling (e.g., in the content neutral review of scheduling requests) and assessing the need for additional checks and balances.
2. **Social media and other online activity.** Through our listening sessions, we heard much 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 acknowledged the complicated issues raised by off-campus, online expression, it found that they only rarely 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 other 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 understand their rights and responsibilities.
4. **Assessment of the public safety approach on campus.** Our listening sessions revealed the feeling 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 neutrality.** During our listening sessions, the topic of institutional neutrality 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 not clear whether this will be a short- or longer-term approach at Cornell. The question of whether Cornell leadership should adopt an official position of institutional neutrality falls outside the scope of our committee's charge. However, our committee did think it would be sensible for the university to assemble a group to provide background analysis and possible recommendations.
6. **Hate speech.** It is not within our committee's charge to develop rules around hate speech. However, in our own committee deliberations, we concluded that the university should generally not intervene to prevent hateful speech, except for when speech deprives Cornellians' ability to be full members of our university community or when speech constitutes genuine harassment or true threat. We included language in our statement of principles to acknowledge this conflict between Cornell's core commitment to freedom of expression and its core commitment to being a community of belonging. In our view, the Cornell community may benefit from a more fulsome and ongoing community conversation about these inherent tensions.

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 of belonging for "...every person..." and to counter conduct and expression that prevent others from participating fully in the Cornell community. To the greatest extent possible, our committee encourages an approach to expressive activity that mirrors approaches for other types of campus activity. In this manner, we hope Cornell can be a thought leader and a role model for our university peers.

APPENDIX 1: Draft Final Expressive Activity Policy

Freedom of expression principles. 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 protect its essential operations and the belonging of all Cornellians.

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.

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 genuine harassment or a true threat, that defames a specific individual, 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 community 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 the equal belonging of every other member of the 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 empower the university’s future.

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 pertains to outside-the-classroom activities.

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 systems are an example: these resources for 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 systems 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; individual or group 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. The existing indoor and outdoor scheduling systems used for other activities should also be used for expressive activity. If a space requires scheduling for a non-expressive activity, then it will also require scheduling for an expressive activity (indoor and outdoor). Advance scheduling is recommended to help ensure space is scheduled for only one activity at a time and to determine if there are health or safety needs that should be addressed through pre-event planning. It is outside the purview of the events team to review or make judgment on the content of scheduling requests.

Spontaneous protest. Ho Plaza should continue to be a central location on the Ithaca campus for freedom of expression and can be used for spontaneous protests and demonstrations by Cornell affiliates. To ensure that Ho Plaza is available for spontaneous expressive activity, the Cornell events team should establish more permissive rules regarding significant disruptive sound, including amplified sound, and other issues in Ho Plaza relative to other locations on campus. Other Cornell campuses (Weill Cornell Medicine, Cornell Tech) should identify locations to be used for spontaneous protest activity.

Significant disruptive sound including amplified sound. On the Ithaca campus, significant disruptive sounds including amplified sound is permitted after 5pm on campus generally, except that those responsible for making sounds after 5pm must take care to avoid more than brief disruptions of evening classes. (As noted directly above, the Cornell events team should establish more permissive rules regarding significant disruptive sound, including amplified sound, in Ho Plaza as a central university site for spontaneous protest on the Ithaca campus.) 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. It is also prohibited after 9pm in the proximity of residence halls and in the proximity of performance venues during performance hours. Campuses and colleges may suggest additional locations where significant disruptive sound should be prohibited with strong justification.

Prolonged interruptions of events. Prolonged interruptions of speakers or events, including via heckling, that aim to silence the speech of others are prohibited.

Use of university space and resources by non-Cornellians. Cornell welcomes visitors to our campus. Outdoor spaces and open-to-the public indoor spaces during hours of operation (e.g., the café at the

Bloomberg Center at Cornell Tech) are open to all. However, the use of university resources for activities including expressive activities is limited to Cornellians. As with other campus activities, expressive activities that involve financial resources are under the purview of the sponsoring campus unit. It is the responsibility of university members hosting an event or activity with outside groups to oversee that their guests abide by university policies and be present during the event or activity. As with other activities, hosts of expressive activities are responsible for ensuring compliance with 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 because norms for posting expression in one part of campus might reasonably look different than 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 Vice President of Facilities and Campus Services to ensure that it does not pose a physical danger (e.g., in compliance with fire and safety code, 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 university affiliates and to set a durational limit on camping to allow for others’ uses of space.

Masking. Wearing masks or face coverings is not prohibited on Cornell’s campuses. University personnel may ask an individual to present a campus ID and/or briefly unmask to establish a campus affiliation. If a person is unwilling to be identified either by showing ID or removing a face-covering, the university may assume that they are a non-affiliate.

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.

These special settings include:

- Patient care and clinic settings
- Living spaces
- Libraries
- Laboratories and offices
- Dining halls

Patient care and clinic settings. Cornell aims to create a welcoming, healing environment for all patients, including those who may have medical conditions that increase their vulnerability. There are also patient safety and wellbeing-related concerns associated with obstructing access to acute medical care services, disturbing sleep in hospital rooms, and other patient safety-related priorities. In all patient care settings on the Weill Cornell Medicine and the College of Veterinary Medicine campuses, expressive activity is prohibited in and directly surrounding clinical buildings (e.g., the veterinary hospitals, NYP hospital, and WCM satellite clinics) and locations where patients transit, including entrances and exits to clinical buildings, corridors, stairways, and parking areas. Expressive activity is also prohibited in clinic settings at the Law School or in any other campus settings where clients, patients, or customers interact with us in ways that make them vulnerable or dependent on Cornell. Each patient care and clinic setting should determine an appropriate building perimeter for expressive activity and identify a prominent location that is designated for expressive activity.

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 in Ithaca, and the Helmsley Tower at Weill Cornell Medicine) are multi-purpose facilities that include living spaces. The expectation of 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 library system on Cornell's campuses should be maintained as a place for quiet reading and study, and accordingly, disruptive activities of all kinds are prohibited. Both the marching band and marching protests (both disruptive to the quiet environment), for example, are prohibited within and in the near proximity of Cornell libraries. 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.

Laboratories and offices. Cornell private laboratories and private offices are overseen by a campus unit or responsible faculty member. Expressive activity in shared laboratory or office spaces is prohibited.

Within private one-person offices or cubicles, expressive materials are allowed as long as it does not disrupt the usual function of the space.

Dining halls. In dining halls, expressive activity of limited duration and frequency (so that it does not displace other activities or disrupt university operations) is permitted.

Policy administration. Cornellians who engage in activity that violates this policy will be given a written warning as notice of a time, place, and manner rule violation. There will be a referral 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.

DRAFT

APPENDIX 2: Charge to the Committee on Expressive Activity

President Martha Pollack, April 29, 2024

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 of belonging, 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
- Carl Cornell, member at-large, Employee Assembly; assistant director of undergraduate advising, Bowers CIS; board member, LGBTQ+ Colleague Network Group
- [Eve D. De Rosa](#), dean of faculty and the Mibs Martin Follett Professor in the College of Human Ecology
- [Michael C. Dorf](#), the Robert S. Stevens Professor of Law, Cornell Law School
- Christian Flournoy '27, member, Student Assembly; Cornell 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 during summer 2024.

1. Brown

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

2. UC Berkeley

- [Free speech](#)
- [Free speech FAQ](#)

3. University of Chicago

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

4. Columbia

- [Registration page](#)
- [Rules of University Conduct](#)
- [Standards and Discipline Policy](#)

5. Dartmouth

- [Freedom of Expression and Dissent Policy](#)
- [Outdoor Reservation Policy](#)

6. Duke

7. Georgia Tech

8. Harvard

- [Overview](#)
- [FAS Free Speech Guidelines](#)
- [Campus Use Rules](#)

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

DRAFT