

“Resolution Concerning Overuse of Temporary Suspensions,
Excessive Delays that Violate Due Process in the Conduct of
Disciplinary Hearings, and the Need for
Reform of the Student Code of Conduct Procedures.”

Whereas Chapter VIII Title A of the [Student Code of Conduct](#) Procedures allows temporary suspensions to be imposed only when “immediate action is necessary to protect the Complainant or the University community,” and stipulates that “since the underlying allegation of prohibited conduct has not yet been adjudicated on the merits, a Temporary Suspension may be imposed only when available less restrictive measures are reasonably deemed insufficient” to ensure this protection;

Whereas a temporary suspension is one of the most severe punishments the University can impose, and an academic temporary suspension subjects the student to immediate de-enrollment, severe restrictions on their ability to access campus facilities or attend religious services, loss of campus employment or graduate student stipends or assistantships, and in some cases loss of F-1 visa status and exposure to deportation, all before any investigation has taken place or any evidence has been presented;

Whereas the Office of Student Conduct and Community Standards (OSCCS) and the Cornell administration temporarily suspended more than 30 Cornell students in 2024 and 2025 for protest activity, the overwhelming majority of whom had engaged in nonviolent conduct or speech;

Whereas the Cornell administration imposed these temporary suspensions before providing a hearing on their alleged conduct;

Whereas the Cornell Committee on Expressive Activity (CCEA), in its December 2024 report (Appendix A), expressed “dismay...that the normal disciplinary process often takes four to six months or longer to complete” during which time students subject to “interim suspension” are barred from campus before a full investigation and finding of fact;

Whereas the CCEA expressed “concerns about temporary suspensions being used punitively” based on “disturbing accounts of severe temporary suspensions being issued to students for non-violent conduct, without adequate due process;”

Whereas the CCEA further warned 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;”

Whereas the CCEA concluded that “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,” such 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);”

Whereas multiple students were “temporarily suspended” for entire semesters for conduct that hearing panels ultimately found did not violate the Code (see Appendix B);

Whereas the temporary suspensions were not subject to any form of review or appeal outside of a small set of Cornell administrators;

Whereas for all these reasons the manner in which disciplinary proceedings were conducted violated the central administration's own regulations and therefore violated due process;

Whereas all students should be given a prompt hearing after they have been charged under the Student Code of Conduct and, until they have been given that hearing, they should not be punished by the University;

Whereas students were compelled to wait months for a hearing while enduring the hardships accompanying their temporary suspensions;

Whereas justice delayed is justice denied;

Whereas pressuring students to censor their own speech as a condition of lifting temporary suspensions violates the university's Core Value of Free and Open Inquiry and Expression (see Appendix B);

Whereas these delays have a chilling effect on freedom of expression of the suspended students and other students who will avoid protests because they fear being suspended without due process;

Whereas all or almost all of the students who received temporary suspensions in 2024 and 2025 were engaged in pro-Palestine expressive activity, raising concerns that viewpoint discrimination in violation of academic freedom and freedom of expression may have been a factor;

Whereas reform of the Student Code of Conduct and Procedures is urgently needed and should only be considered in a fully democratic process involving elected representatives of all university constituencies;

Whereas the current Student Code instructs the Vice President for Student and Campus Life (VP SCL) or their designee to chair and convene a standing "Code and Procedures Review Committee" that includes representatives from the Student Assembly (SA) and the Graduate Student and Professional Assembly (GPSA), but does not otherwise designate members of the Review Committee;

Whereas the Code and Procedures Review Committee plays a central role in revising the Student Code and Procedures;

Be it therefore resolved that the Student Code of Conduct and Procedures should be revised to ensure fairness and due process in administering the Code, including the restricted application of "temporary suspension" provisions, avoidance of delays, and evenhandedness in enforcement measures;

Be it further resolved that the faculty, undergraduate student, graduate student, and employee members of the Code and Procedures Review Committee should be elected by the Faculty Senate, the Student Assembly, and the Graduate and Professional Student Assembly, respectively, and that the University Assembly, the CGSU-UE, and the Office of the Respondents' Code Counselors should each elect an additional member of the Code and Procedures Review Committee;

Be it further resolved that any individuals from the central administration and the OSCCS who are on the Code and Procedures Review Committee should be ex officio non-voting advisory members;

Be it further resolved that the OSCCS, in its enforcement of the Student Code of Conduct and Procedures, should be independent in its decision-making from the influence of the central administration, especially when the administration is the complainant

Be it finally resolved that the Code and Procedures Review Committee should consider reforms that address issues including, but not limited to: limitations on the use of temporary suspensions and reforms of the appeals process, including those recommended in the CCEA report and by Respondents' Codes Counselors (see Appendices B and C); and reforming the use of alternative resolutions to ensure that they are voluntary and to expand the use of meaningful restorative justice approaches.

Appendices:

A. The [Report of the Cornell Committee on Expressive Activity](#). See in particular the recommendations concerning temporary suspensions on pages 11-13.

B. [Report of Calder Lewis](#), Cornell Law School graduate ('25) and Respondents' Code Counselor Fall 2023-Spring 2025. Lewis worked for the OSCCS and was one of three RCCs who participated in disciplinary meetings with the students issued temporary suspensions during this period.

C. [Report of Dalton Sousa](#), Cornell Law School graduate ('25) and Respondents' Code Counselor Fall 2023-Spring 2025. Sousa worked for the OSCCS and was one of three RCCs who participated in disciplinary meetings with the students issued temporary suspensions during this period.

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