

ALTERNATIVE RESOLUTION ON INVESTIGATION CONCERNING FREEDOM OF EXPRESSION

WHEREAS, members of the Cornell community have the right to free expression, academic freedom, and freedom of peaceable assembly, as recognized by the Cornell Campus Code of Conduct;

WHEREAS, the Campus Code of Conduct, Article III.B.1, states: “All protection and regulation of expressive conduct should be content-neutral. A group’s persuasion or point of view should have no bearing on the grant of permission or the conditions regulating that group’s expressive conduct.”

WHEREAS, the Campus Code of Conduct, Article III.B.3, states: “Because outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property, there appears to be no need for a mandatory permit procedure for such outdoor activities”;

WHEREAS, any administratively imposed requirements of a mandatory permit procedure (such as a Use of University Property Form/UUP) for outdoor picketing, marches, rallies, and other demonstrations, including rallies in Ho Plaza, are in conflict with the Campus Code of Conduct, Article III.B.3;

WHEREAS, on November 19, 2012, the Cornell police attempted to stop or restrain the rally by the Students for Justice in Palestine (SJP) on Ho Plaza, while allowing the Cornell Israel Public Affairs Committee (CIPAC) to carry out its rally on Ho Plaza;

WHEREAS, the Cornell police, in attempting to stop or restrain the SJP rally, reportedly engaged in intimidating and physically aggressive conduct, including: pushing one faculty member and interrogating at least two others and threatening them with judicial action for failing to show identification; and intimidating at least two students, including throwing one to the ground and threatening to arrest a student;

THEREFORE BE IT RESOLVED that the Faculty Senate charges the Dean of the Faculty and the University Faculty Committee to form an *ad hoc* committee to investigate any interference with freedom of expression, academic freedom, and freedom of peaceable assembly during the events of November 19, 2012 on Ho Plaza, including, but not limited to: obtaining statements from relevant administrators, the Cornell Police Chief, Cornell police officers present at Ho Plaza, the heads of the SJP and CIPAC, aggrieved students and faculty, and other witnesses to the events; and obtaining other evidence such as photographs or video recordings of the events;

BE IT FURTHER RESOLVED that the *ad hoc* investigating committee shall report back to the Faculty Senate with a written account including the committee’s findings concerning any interference with freedom of expression, academic freedom, and freedom of peaceable assembly on November 19, 2012; and the committee’s recommendations to ensure that freedom of expression, academic freedom, and freedom of peaceable assembly be upheld at Cornell, including, but not limited to: rescinding administrative policies that are inconsistent with the campus code’s presumption that permits are not required for outdoor events involving freedom of expression, academic freedom, and freedom of peaceable assembly; disciplining any police engaged in misconduct during the events of November 19, 2012 on Ho Plaza; and educating and training Cornell police concerning their obligations to respect and protect freedom of expression, academic freedom, and freedom of peaceable assembly on campus.

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