

## STANDARDS FOR PROFESSIONAL CONDUCT WITHIN THE CORNELL LAW SCHOOL

Members of the law school community who are law professors, lawyers, or are training to be lawyers are expected to treat members of the law school community with courtesy, decency and respect under all circumstances, and with professionalism in professional settings. A diversity of views and styles are welcomed, but all are subject to the obligation of treating others as full human beings and colleagues.

It is impossible to be exhaustive about professional obligations, and perhaps impossible to list all conceivable exceptions to such obligations. Nevertheless, the following specific guidelines have been written to suggest some of the contours of professional behavior for law students and faculty. These guidelines necessarily address conduct that varies greatly in its gravity. They should all be understood and interpreted in the spirit of the underlying general obligation to treat others as full human beings and colleagues:

1) Classroom disagreements may be heated, but should be expressed in terms of the merits of the position taken, rather than the worth of the person taking the position. Epithets and other ad hominem attacks are always inappropriate, although arguments drawn from one's own experience - and responses to such arguments - are not. Thus, for example deriding a speaker's position on parochial schools with a religious slur is unprofessional, but saying "growing up as a member of a religious minority, I felt coerced into saying the pledge of allegiance," is not.

2) Respect for and consideration of the educational and professional aspirations of others is required. Thus, for example, a student who retains library materials that are in demand by others after they are no longer needed, or fails to decline a job offer as soon as she knows she will not accept it, acts inappropriately.

3) Destroying the notices, posters or bulletin boards of other individuals or groups is not appropriate. Where either the author or the forum suggests that comment is invited, comment is permissible unless it violates some other standard.

4) Professional obligations should not be assigned on the basis of gender, race, ethnicity, religion, sexual orientation or disability, although publicly expressed views on related issues may sometimes be taken into account when assigning obligations. Thus, for example, assigning the research of a particular question to a student because of her Asian surname is unprofessional, but an assignment based on the view she had expressed on the *Korematsu* case is not.

5) Persons with evaluative authority such as professors, law review editors, moot court board members and teaching assistants should seek to make their questions and examinations as fair and undistracting to various subgroups of students as is consonant with pedagogical and evaluative purposes. Thus, for example, the deliberate use of sexual innuendo in a law review competition is unprofessional, but a question concerning the validity of an abortion regulation is not.

6) Touching another person in a sexual way on law school premises or while engaged in law school business is not appropriate absent prior knowledge that the person consents to such touching. Touching should also be in keeping with the context and institutional roles of the parties. Thus, for example, an arm around the shoulder may be appropriate between friends during lunch, but not appropriate during class.

7) Comments made on law school premises to a person about his or her physical appearance should not be overtly sexual absent prior knowledge that the person consents. Other comments on personal appearance should be consonant with the professional obligations of the context. Thus "you look great in that dress" is not per se objectionable in the hallway, but is inappropriate during the critique of a moot court argument.

8) Intentional physical intimidation, whether or not it rises to the level of harassment, is always inappropriate. Thus, deliberately blocking a person's way in the hall or cornering a person in the locker room is unprofessional.

9) When a person asks not to be touched in a particular way, that request should be honored regardless of whether or not the touch was intended to be sexual or intimidating, or would be construed as sexual or intimidating by a reasonable person.

The above guidelines are aspirational and are not intended to create new sanctions or to provide authority for the interpretation of any preexisting sanctions under either the Campus Code or the **criminal** law.