

# Cornell University University Assembly

## Cornell University Assembly Agenda of the Nov. 5, 2019 Meeting 4:30 PM – 6:00 PM 401 Physical Sciences Bldg.

- I. Call to order - 4:30pm
- II. Call for Late Additions to the Agenda – 4:32pm to 4:35pm
- III. Business of the Day
  - a. Approval of the minutes – 4:35 to 4:40pm
    - i. 9/3/19 with Review & Revisions added by OA
    - ii. 10/1/19 Minutes
  - b. Speaker – Michelle Horvath JA Annual Report – 4:40pm to 5:00pm
    - i. Questions 5pm to 5:10pm
  - c. Resolution to mark 50 years of CU Ombudsman – 5:10pm to 5:15pm
    - i. Charlie Van Loan
  - d. Cornell policy Draft 'Minors at Cornell' – 5:15pm to 5:20pm
    - i. Questions or Comments
  - e. Committees – 5:20pm to 5:55pm
    - i. Campus Welfare Committee
      1. Brief update on Tabaco Survey – David Hiner
    - ii. Codes Judicial Committee
      1. Update on revisions & expected timeline – Logan Kenney
- IV. Adjournment at 6pm



Cornell University  
University Assembly

**Cornell University Assembly**

Minutes of the September 3, 2019 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

- I. Call to Order
  - a. Call to Order
    - i. R. Howarth called the meeting to order at 4:30pm
  - b. Roll Call
    - i. *Present:* A. Howell, E. Loew, J. Anderson, J. Pea, R. Howarth, P. Thompson, A. Barrientos-Gomez, C. Van Loan, K. Barth, M. Haddad, R. Mensah, R. Bensel, D. Hiner
    - ii. *Members not Present at Roll Call:* M. Hatch, G. Martin, L. Kenney, I. Allen, S. Lobo
  - c. Welcome and Introduction
    - i. R. Howarth announced the election results from the May 7<sup>th</sup>, 2019 executive session with R. Howarth elected as the chair, P. Thompson as the Executive Vice Chair, J. Pea as the Vice Chair for Operations, and M. Haddad as the Ranking Member. R. Howarth also introduced the major committee chairs and informed the assembly of the goals for the current year including the completion of the provisions of the Campus Code.
    - ii. R. Howarth stated that the four major committee chairs will join the Executive Committee as part of an Executive Cabinet and will meet once a month between the University Assembly meetings in hopes of creating better coordination between the assembly and each committee.
    - iii. R. Howarth stated that the provost, Michael Kotlikoff, and VP, Joel Malina, about the formation of the Sustainable Cornell Council (SCC) that will replace the Climate Action group and President Pollack's Council of Sustainability. The SCC will consist of 3 operating committees. The provost had formally asked for the University Assembly to appoint liaisons for these three committees. The Executive Committee was tasked along with K. Barth, chair of the Campus Infrastructure Committee, to appoint liaisons. The Executive Committee appointed K. Barth to the Campus Operations Committee, Caroline Levine to the Education and Engagement Committee, R. Howarth to the Carbon Neutral Campus Committee.
  - d. Call for Late Additions to the Agenda
    - i. There were no late additions to the Agenda.
- II. Approval of the Minutes

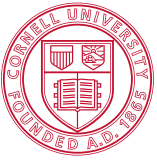


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- a. 5-7-19 Minutes
  - i. A University Assembly member moved to approve the minutes. The motion was seconded by a member. There were no corrections or comments. The minutes of the 5-7-19 meeting were approved with M. Hatch abstaining from the vote.

### III. Business of the Day

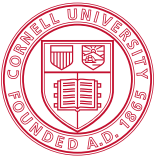
- a. Executive Cabinet
  - i. Meetings, Structure & goals
    1. R. Howarth stated that there is a proposal to meet this year less often than in the past as the full University Assembly as well as promote relations between the University Assemble committees and the Executive Committee.
- b. UA 2019 – 2020 Date Schedule approval
  - i. Sept. 3 / Oct. 1 / Nov. 5 / Dec. 3 in 2019  
Jan. 21 / Feb. 18 / Mar. 17 / Apr. 7 / May 5 in 2020
    1. R. Howarth stated that the University Assembly Bylaws state that the University Assembly body must approve the monthly meeting schedule with one more meeting held in the Spring compared to the Fall.
    2. J. Anderson asked as a point of clarification for the Executive Cabinet meetings and their relation to the schedule, if there will be public minutes for those meetings to the same degree as public minutes for general assembly meetings.
      - a. R. Howarth stated that whether there will be public minutes had not been discussed yet. P. Thompson pointed out that there will be a drafted agenda for each meeting that will be made public. R. Howarth said that he was planning on making the Executive Committee meetings informal and if there were minutes, they would be short and informal.
      - b. A University Assemble member asked if the meetings were going to be closed Executive meetings. R. Howarth stated that the first few meetings were going to be closed as it is a tradition for University Assembly Executive Committee to meet in a closed session. Furthermore, there is not a clerk scheduled to attend the Executive Committee meetings
      - c. J. Anderson made a request for the University Assembly to receive information on action items given to the committee



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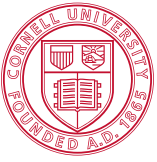
chairs pertaining to what projects are currently being undertaken by each committee.

3. R. Howarth requested a motion to approve the meeting dates for the general University Assembly body.
  4. J. Anderson motioned to approve the schedule of meeting dates. The motion was seconded by a member of the University Assembly.
  5. The scheduled meeting dates were **approved** unanimously.
- c. UA Committees – Goals for 2019–2020
- i. Campus Infrastructure Committee
    1. K. Barth introduced himself as the chair of the Campus Infrastructure Committee (CIC). He stated that the purpose of the committee is to review and approve proposed motions related to environmental impact and sustainability, information technology, transportation, and computer policies as well as topics deemed relevant by the University Assembly as a part of the campus infrastructure. According to K. Barth, the CIC is on a mission of purposeful discovery. The goal of all the committees and members of the UA is to search out information and to share it while ensuring that free and open expression is valued. The goal of the CIC is to advance solutions for a sustainable future at Cornell. Several ideas that are being looked at by the CIC and will be absorbed by the SCC include, the promotion of electric vehicles on campus and developing a program that provides carbon offsets for faculty and university travel.
    2. Additionally, K. Barth said that there is a plan to collaborate with the (Campus Planning Committee) CPC, an affiliate group to the University Assembly, to promote the creation of a campus circulator. The circulator would be a nuance approach to transportation around campus without regard to specific roles, whether that is faculty, staff, or student. K. Barth would like support of the University Assembly, Employee Assembly, Graduate and Professional Student Assembly, and Student Assembly as the proposal proceeds.
    3. K. Barth also wrote a proposal to create an “IT at Cornell” Green Team to collaborate with the SCC and create a policy allowing individuals to reduce their consumption of energy.
    4. The CIT is also working on the next generation campus network looking at the technological infrastructure of the campus.



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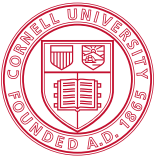
5. A member of the assembly asked if there is a priority on what task will be addressed first. K. Barth responded by stating that the priority is dependent on what tasks the SCC decides to pursue first. It is also important to find out what the committee members are passionate about before proceeding.
- ii. Codes and Judicial Committee
    1. The Codes and Judicial Committee is in the process of completing the Campus Code revisions. L. Kenney, the chair of the CJC, stated that several things that will be considered for the Campus Code will be the removal of faculty and staff so the code would be a strictly student code. Additionally, the role of the Judicial Administrator would also be looked at specifically, its integration into other Universities and the structure of reporting. The goal is to have the revisions complete by December however if the product that is being produced is not up to standards, it is equally important to publish a Campus Code that will not need to be revised in the near future. Additionally, there will be discussion on how to improve the process of assigning members to the University Hearing and Review Boards.
    2. R. Howarth stated that the President and the trustees would like to see the revision of the Campus Code completed soon. He said that in a meeting with Martha Pollack, she believes that details of the code and what is allowed is student separate and does not apply to faculty in any way that relates to the faculty working relationships. Additionally, she does not believe that the details of the code are adequately protective of faculty interest.
    3. L. Kenney stated that the goal is to not have any “behind-the-door” meetings and to be as transparent as possible. The CJC working in conjunction with the University Assembly will be able to accomplish the revisions.
    4. R. Bensel stated that the language of the code should apply to every member of the campus community. Additionally, an issue that was not addressed was bring the sororities and fraternities under the Campus Code which R. Bensel stated he was in favor of.
    5. J. Anderson asked how the CJC was planning on creating a division of labor that would allow for actions completed by the CJC to be sent to the University Assembly. L. Kenney said that plan is to work in parallel with everything completed by the CJC to be addressed by



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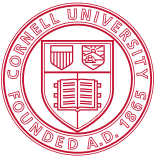
the University Assembly the following week. Additionally, there are plans to hold working sessions for individuals to give their opinions prior to going to public comment since the code affects not only students, but staff and faculty.

6. K. Barth said that the code should only refer to students because otherwise it would be speaking to too many individuals. Employees and staff can be addressed with their own policy.
  7. A University Assembly member stated that it would be helpful to have a brain trust composed of individuals that have collective knowledge such as law faculty and Judicial Administrator staff. Additionally, everything should be public as the code is being revised because there was a lack of transparency last year.
  8. C. Van Loan stated frustrations with the lack of transparency between the CJC and the University Assembly from the previous year. C. Van Loan conveyed to the assembly that there was a need for a public rough draft to allow communication between the CJC and the University Assembly.
  9. L. Kenney stated that she was not comfortable opening the University Council's draft to public opinion and the task of rewriting the code ultimately belonged to the CJC. Issuing the council's draft for public opinion would take away the CJC's direction and autonomy as a governing body and give it to the council's office.
  10. L. Kenney stated that the old language and the council's proposed language would be given as well as parts of the CJC's working draft. However, the University Council's draft needs to go to the CJC before being put forth for public opinion. The draft was not a product of the UA but rather that of the University Council and the council was not tasked with the Campus Code revisions.
  11. M. Hatch stated that the code should be explicitly defined as a student rather than a campus code if it is only addressing students on campus.
  12. L. Kenney asked if the code were to become two separate "student" and "campus" codes, would the expectation still be to complete both by the December deadline. R. Howarth stated that he believes the assembly should continue talking with the University Council.
- iii. Campus Welfare Committee
1. D. Hiner stated that last year ended without a tobacco survey being distributed, for the third year in a row. The purpose of the survey is



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- to gauge the tobacco usage across campus. A major concern with the survey is that of reaching union staff and employee as well as funds.
2. R. Howarth stated that Martha Pollack, the Cornell University president, has not been officially asked for funding but he believes she would turn down a request for funding.
  3. D. Hiner stated that a tobacco plan could be put in place and services through Cornell Health Services could provide resources to staff, faculty, and students to cope with the ban.
  4. R. Bensel asked about how many responses are being anticipated and D. Hiner stated 30% meaning 5,000 responses would be a good amount. D. Hiner stated that he would also be processing the responses himself.
  5. J. Anderson stated that the University Assembly does not have a wide capacity to hold a campus-wide health and wellness for staff and faculty and it is ultimately up to each individual to decide. J. Anderson said he believes that the University Assembly should move forward with debating a ban on tobacco and have community members involved and engaged to hear their opinion. This ultimately would allow senior leadership to make the final decision based on responses from community members and creating the effects with the public health professionals and HR.
  6. K. Barth stated that as an employee, the issue would impact employees differently from students and faculty. Additionally, K. Barth said that he thinks the Qualtrics survey should be sent out as soon as possible to hear everyone's input and foster an environment where everyone feels welcomed. The University Assembly members should also make an effort to be present at locations where there are townhalls to make campus community members aware of the proposed ban and to hear their input as well as inform them of the survey due date.
  7. C. Van Loan said he agrees with K. Barth and the University Assembly cannot make decisions that affect people's lives without hearing their input. He said he is in favor of doing a Qualtrics survey if the cost is not too high.
  8. A. Barrientos-Gomez asked about what type of support there is from Cornell Health and if there are any additional available resources. D. Hiner said that he doesn't believe there are currently any additional resources. In earlier versions of the survey, there were

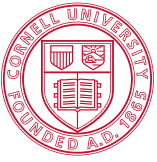


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questions that asked about what type of service an individual would use. The majority of options included nicotine gum and patches. He said that if there was going to be a ban, the CJC would ask Cornell Health to put forward a survey to ask individuals about the types of surveys they would use.

9. A coordinator of Tobacco Clean Tompkins from the Tompkins County Health Department stated that the best practice would be to move forward with banning and then to have members ask their constituency about how to make it work for them. The idea should be to change norms. The University Assembly needs to think about people who would be evicted after the ban, but the assembly also needs to think about individuals who are put at high risk if they are exposed to second-hand smoke from tobacco. The planning has to be done properly.
10. A University Assembly member stated that he would want to move forward with the Qualtrics survey and do what K. Barth suggested of encouraging members to respond to survey. Additionally, Cornell Health also needs to allow Cornell Health to get cessation plans in order.
11. D. Hiner moved to proceed with plans for the Qualtrics survey with a prologue, going to townhalls to hear community feedback, and reporting back to the University Assembly. The motion was seconded by R. Bensel.
12. A University Assembly member asked if there was a prologue that discussed the issue of second-hand smoke brought forth by a previous speaker. The prologue containing the language would be an important element to the survey because it would inform the public that the ban relates to the health of individuals on campus rather than being seen as a vindictive action.
13. J. Anderson inquired if the Campus Welfare Committee would be willing to go to the University Registrar and get the master list to send the survey out to every student. R. Howarth stated that it could be done but it would just be a matter of doing it expeditiously.
14. The motion was voted on and **approved** with all members in favor and one abstaining.
15. D. Hiner said that one issue that was not discussed last year was a resolution that was put forth for childcare sponsored by Cornell. Martha Pollock responded to the resolution and said that Cornell





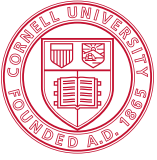
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would not sponsor expanded childcare options. Martha Pollock also said that there were staff and resources for faculty and staff to find childcare services in the Ithaca community.

### d. Online Access & Forum

#### i. Hosted by the Dean of the Faculty

1. R. Howarth stated the Martha Pollack would be at the October 1<sup>st</sup> meeting to discuss the Campus Code. Additionally, the Campus Judicial enforcer will attend the November 5<sup>th</sup> meeting to discuss the code and Michael Kotlikoff will be at the December 3<sup>rd</sup> meeting to discuss the SCC and its role.
2. C. Van Loan said that the key to having the online forum is to do homework in advance and read the handouts that correspond with the agenda topic. This allows for the meeting to have real discussion. There would also be easy access to what all the committee are doing on the online forum. R. Howarth said that there needs to be more focus on discussing the larger issues.
3. A University Assembly member said that this would not be inconsequential and that the site would have to be maintained and updated after each meeting and asked if C. Van Loan's office would be responsible for the maintenance. C. Van Loan stated that he would maintain the website. Additionally, there will be an opportunity on the website to read the handouts and comment on them before the associated meeting. The commenting option would allow for more discussion through providing a sense of both sides to an issue.
4. A member of the University Assembly stated that they were in favor of extending the length of meetings.
5. A member of the University stated that the forum was a great idea for efficiency but in the long run and the future outlook, what would be the plan for maintaining the online forum system. C. Van Loan stated that this would be a test to see the efficacy of the online system.
6. M. Hatch mentioned that another member brought up the possibility of adding 30 mins to the meeting period to reduce unfinished business. M. Hatch motioned to extend all following meetings for the year to two minutes.
7. R. Howarth said that if there is a focused discussion and the online forum is used, 90 minutes would be enough.



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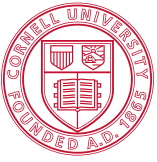
8. A. Barrientos-Gomez said that 90 minutes would allow for the members to be more focused on the issues.
9. L. Kenney stated that if there was a need to extend the time, it could be done on a meeting-by-meeting basis.

The meeting was adjourned at 6:00pm.

Respectfully Submitted,

Auriole C. R. Fassinou  
Clerk of the Assembly

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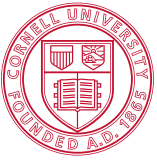
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Minutes of the October 1, 2019 Meeting

4:30 PM – 6:00 PM

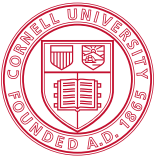
401 Physical Sciences Building

- I. Call to Order
  - a. Call to Order
    - i. R. Howarth called the meeting to order at 4:30pm.
- II. Business of the Day
  - a. Martha Pollack Visit
    - i. M. Pollack said that L. Kenney asked what the President envisions in terms of Code of Conduct revisions. M. Pollack said that she had sent handouts to M. Battaglia, chair of last year's Codes and Judicial Committee (CJC), in September 2018 and had also sent those to the UA and CJC members in April outlining her concerns for the Code.
    - ii. K. Barth asked if M. Pollack could speak to what she knows regarding legal requirements for Code updates.
      1. M. Pollack said that she does not know of a legal requirement for the Code to be updated. She said, however, that the Code's complexity and inconsistency leaves room for lawsuits when parts of the Code are in disagreement and students are unable to understand the language.
    - iii. J. Anderson asked if M. Pollack could speak to the rationale behind recommending a "Student Only" Code.
      1. M. Pollack said that the University's Code, in combining students, faculty and staff, is an outlier in comparison to peer institutions. She said that most of the issues that concern faculty and staff are dealt in other documents such as employment law and tenure, and that most other peer institutions have a student Code that outlines expectations and processes for students and allows for adjudication processes to be more educational. She said that along with having a student Code, she would also support having a separate document where the first section of the Code dealing with freedom of expression would apply to the entire University.
    - iv. L. Kenney said that some members of the CJC discussed maintaining a Campus Code of Conduct with certain provisions pertaining particularly to students.



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1. M. Pollack said that she believes that there needs to be a simple and clear document that outlines expectations in a way that can be understood by students, as requested by students, faculty and the Board of Trustees. She said that other issues such as freedom of speech can be outlined in a separate document.
- v. R. Bensel said that some members of the CJC felt strongly about having the Campus Code of Conduct be an expression of core values, behaviors and ethics that apply to everyone.
  1. M. Pollack said that she would be fine with having a document that outlines campus-wide expectations and another dealing with student issues.
- vi. R. Bensel said that the Committee sought to deal with the student portion of the Code first and move on to greater issues.
  1. M. Pollack said she would be fine with that.
- vii. C. Van Loan said that in reviewing the Judicial Administrator (JA) report, he found that there were strong arguments for a student-only Code, especially since only a small fraction of cases pertaining to faculty and staff are handled by the JA's office.
- viii. J. Anderson asked why M. Pollack would be in favor of relocating the JA's office to be under the Dean of Students.
  1. M. Pollack said that she would be in strong support of moving the JA to be under the Dean of Students. She said that recruitment for the JA's position is difficult when they are expected to report to a Committee that changes each year. She also said that almost all other institutions in the Association of American Universities (AAU) have a JA that reports to student life. She said that in taking a semi-prosecutorial role, the JA is unable to fully serve students and the campus community.
- ix. M. Hatch asked if it would be possible to have a Code that does not pertain to faculty and staff at all.
  1. M. Pollack said that she would be supportive of having general principles of the Code apply to the entire campus.
  2. L. Kenney said that is consistent with what the CJC has been doing.
  3. M. Pollack said it would be clearer to have separate documents for issues pertaining to students and principles pertaining to the entire campus.
- x. M. Hatch asked what would happen in the case that there is a faculty harassment issue.



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1. M. Pollack said that such serious legal issues are handled under Policy 6.4 and the Title IX office instead of the JA.
- xi. R. Bensel said one of the concerns with the University Counsel's Code revision draft was that it may be too punitive. He also said that currently, the Office of the JA is suspended between the University Assembly (UA) and central administration, which raises concerns about shared governance.
  1. M. Pollack said that she tries very hard to respect shared governance. She said that having a JA that is accountable to no one is difficult, while other peer institutions that also have strong shared governance have a JA that reports to student life.
- xii. R. Bensel said that the University is unique in its shared governance model and conforming to a best practices model may not be the best solution. He said that there are certainly issues with the JA's office, but there are ways to design the structure to further enhance collaboration.
  1. M. Pollack said that she is not arguing for the JA's office to be repositioned because other universities are doing so, but because the current structure disfavors the community from recruiting the right person for the JA position and making the process educational.
- xiii. L. Kenney asked how M. Pollack would envision the search process in the case that the JA moves under the Office of Student and Campus Life.
  1. M. Pollack said that she would be happy to have the UA be heavily involved in that process.
- xiv. K. Barth asked if M. Pollack has a deadline in mind for the UA to deliver revisions.
  1. M. Pollack said that discontent with the Code was one of the first concerns raised when she first took on the position of President, primarily from undergraduates as well as from the Board. She said that there has been nothing concrete after two years, and if the UA does not show progress by the end of the year, the Board would take over the revision Code.
- xv. L. Kenney said that the CJC seeks community engagement but would not rush out in publicizing a document that has an immense effect on members of the community for extended periods of time. She asked if the President would be open to the Committee amending the current Code if it continues working on certain portions that are imperative for the Board to review.
  1. M. Pollack said that the current Code is overcomplicated and that reworking it would be unnecessary. She also said that having a draft



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ready to present to the Board by the May meeting would be imperative, since it has already been three years.

2. L. Kenney said that she assures that the first portion of the Code will be completed by December.
- xvi. K. Barth asked how much simpler a revised Code could be.
  1. M. Pollack said that the current University Code is too difficult to understand, requiring more simplicity and consistency.
- xvii. K. Barth asked whether any rewrite of the Code would change students' expectations.
  1. M. Pollack said that having clearly outlined expectations would be effective.
- xviii. K. Barth said that incorporating Greek life issues into current Code revisions would be beneficial.
  1. M. Pollack said that she advises revising other portions of the Code first before dealing with issues pertaining to the Greek judicial system.

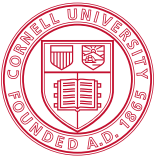
### III. Roll Call

- a. *Present:* I. Allen, J. Anderson, K. Barth, R. Bensel, J. Bogdanowicz, M. Haddad, M. Hatch, D. Hiner, R. Howarth, L. Kenney, E. Loew, G. Martin, J. Pea, P. Thompson, C. Van Loan

*Members not Present at Roll Call:* A. Barrientos-Gomez, S. Chin, A. Howell, R. Mensah

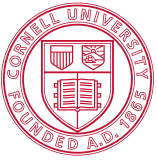
### IV. Business of the Day

- a. Approval of the 9/3/19 Minutes
  - i. There was a motion to approve the minutes.
    1. P. Thompson seconded.
  - ii. L. Kenney said that her discourse with C. Van Loan on publicizing the CJC working draft was omitted from the minutes.
  - iii. There was a request for clarification from the Office of the Assemblies by the next meeting.
    1. Motion withdrawn
  - iv. L. Kenney moved to table the minutes.
    1. Motion **passed**.
- b. Call for Late Additions to the Agenda
  - i. No call for late additions.
- c. Discussion on update of the Code



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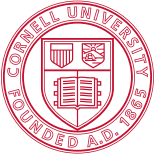
- i. Prefaced by R. Howarth with an appreciation of level of time and dedication put in by members of the CJC. Also stated that it is critical that the UA be engaged in process going along in order to avoid problems from past three years
- ii. Background and current status on assistance being provided by the University Counsel's office
  1. E. Loew asked what isn't working in the Code that needs to be changed directly? UA and CJC has had to address specific deficiencies in the Code because someone did something that wasn't covered by the code.
  2. R. Howarth stated that UA has consistently for the past 24 months promised the Trustees and President Pollack that they were redoing the code and it would be awkward to state that they aren't going to.
  3. J. Anderson provided high-level context of culture on campus and also some specifics around the adjudication process. In reference to the high-level context, undergraduate students don't find that the Campus Code of Conduct something that is there to protect them or keep them safe at the University. J. Anderson fully endorsed a "student-only" Code of Conduct.
  4. E. Loew gave some historic context for why the current Code includes some of its provisions.
  5. L. Kenney stated that the current Code is being reviewed alongside the draft provided by the University Counsel. The current Code reads as a very legal document, so the CJC is working on the "readability" of a new Code.
  6. E. Loew asked if the "readability" was the responsibility of the Judicial Codes Counselors.
  7. R. Howarth stated that though the UA is working from the University Counsel's version, the CJC (and UA) are not bound to it. These are meant to be helpful guiding documents.
  8. G. Martin stated that along with readability, a goal of the revisions should be accessibility.
  9. I. Allen stated that a revised Code should clarify the specifics of the process. Currently, the Code is vague and causes anxiety.
  10. There was discussion about the role, positioning and reporting structure of the Judicial Administrator.
  11. M. Hatch suggested that perhaps the Code should be administered by the Student Assembly.



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12. J. Anderson concurred.
  13. Discussion ensued regarding what this may mean to the UA and other constituent assemblies.
- iii. Providing feedback to the CJC on their drafts
  - iv. Possible structure of the Code: Campus Code of Rights and Privileges (pertaining to all members of the Cornell community), with detailed Student Code of Conduct falling under that (postponing consideration of codes for faculty and staff until later)
    1. R. Howarth asked the assembly for input on whether a Statement on Rights and Privileges should apply beyond students only.
    2. R. Benzel responded that the UA could give some suggestions to the CJC but asserted that the CJC had jurisdiction over the Code and would be bringing its recommendation to the UA.
    3. R. Howarth disagreed with the position that the CJC has jurisdiction for recommending changes to the Code.
    4. Discussion ensued.
- d. Committees
- i. Executive Cabinet –
    1. P. Thompson reported that the Executive Cabinet will not be providing minutes but would provide Notes after the meetings.
    2. They discussed the revisions to the Campus Code of Conduct, and the “Use of Tobacco on Campus” survey.
  - ii. Codes and Judicial Committee
    1. K. Barth asked to go into Executive Session to discuss the resolutions from the CJC.
      - a. Motion seconded. Motion **Failed**. No Executive Session.
    2. L. Kenny reported on staffing and meeting details, and then presented two resolutions
      - a. [Resolution 1 – Unauthorized Online Publication of Campus Code of Conduct Working Drafts](#)
      - b. [Resolution 2 - The Codes and Judicial Committee Reaffirms its Jurisdiction Over the Cornell Campus Code of Conduct](#)
    3. Discussion ensued regarding which body has jurisdiction over the recommended changes to the Campus Code of Conduct.
    4. There was contention and debate.
    5. L. Kenney offered to provide sections to the UA as soon as the CJC has them ready.





Cornell University  
University Assembly

6. P. Thompson made a motion to remove the Code drafts from the Faculty Website
7. Motion was seconded.
8. Motion **passed**
9. G. Martin moved to table the second resolution (CJC R2) to the next meeting; and indefinite tabling of the first resolution (CJC R1).
10. Motion seconded. Motion **passed** unanimously.

V. Adjournment

- a. The meeting was adjourned at 6:00pm.

Respectfully Submitted,

Auriole C. R. Fassinou  
Clerk of the Assembly

DRAFT

**U.A. Resolution # X**  
**Recognition of the Office of the University Ombudsman**  
**50<sup>th</sup> Anniversary**

October 31, 2019

**Sponsored by:** Imani Allen, Joseph Anderson, Andy Barrientos-Gomez, Kristopher Barth, Richard Bensel, James Bogdanowicz, Masa Haddad, Martin Hatch, David Hiner, Robert Howarth, Adam Howell, Logan Kenney, Shane Lobo, Ellis Loew, Gavin Martin, Renelle Mensah, Jeff Pea, Pilar Thompson, Charles Van Loan

**On Behalf Of:**

**The Entire University Assembly:**

**Whereas,** Cornell University is committed to fostering an academic and workplace environment that promotes equity, fairness, respect, adherence to policy, and effective resolution of disputes within a richly diverse population of faculty, staff, students and the greater community; and

**Whereas,** disagreements, conflicts, confusion and policy questions will inevitably arise in any institution; and

**Whereas,** having an office that offers a safe place to be heard and assists with a fair and equitable resolution of such issues is in the best interests both of the individuals involved and the University as it fulfills its mission of teaching, service and research; and

**Whereas,** our university values the numerous benefits of providing informal and confidential channels for addressing issues such as bullying, bias, academic disputes, employment concerns, interpersonal conflict and unethical behavior; and

**Whereas,** since 1969 the Ombudsman Office has been an independent, informal, confidential and Neutral resource whose purpose is to assist all members of the university community with a broad range of university related questions, disputes, complaints, and concerns, as well as a sense of belonging; therefore

**Be it resolved;** the Assembly formally recognizes 2019 as the 50<sup>th</sup> Anniversary of the establishment and operation of the Cornell University Office of the Ombudsman; and;

**Be it finally resolved;** that the members of the University Assembly also encourage all faculty, staff and students of Cornell University to become familiar with the Cornell Ombudsman Office ([www.ombudsman.cornell.edu](http://www.ombudsman.cornell.edu)), and to support and utilize these essential services. Thank you.

Adopted by Vote of the Assembly (X-X)    November 5, 2019

## **DRAFT OF MINORS AT CORNELL UNIVERSITY POLICY (8/19/19)**

### **RESPONSIBLE OFFICE**

The Office of Risk Management and Insurance

### **RESPONSIBLE EXECUTIVE**

EVP / CFO

### **POLICY STATEMENT:**

Cornell University expects all members of the university community to create and maintain a safe and ethical environment for minors. Through appropriate background checks, training, reporting, and control of access to and appropriate use of university facilities members of the Cornell Community will use this policy, and will refer to other policies that apply to ensure that every care is given to creating a safe and ethical environment for minors on campus, and when engaged in Cornell sponsored programming.

### **REASON FOR POLICY:**

The University is committed to creating and maintaining a safe and ethical environment for students, faculty, staff, and visitors and continuously improving the University's culture of safety and ethical stewardship while supporting the University's teaching, research, public service and clinical mission. In addition, the University promotes and provides a standard of operation that is in compliance with federal, state, and local laws and regulations regarding minors, demonstrates sound fiscal responsibility, and reduces institutional liability. Toward that end, the university seeks to maintain and continuously improve a safe and ethical environment for minors, free from the threat of physical injuries, emotional harm, abuse, and neglect. Additionally, the university wishes to encourage all faculty, staff, and students to become proponents for actively creating this environment. A university-wide policy is the foundation for creating safe and ethical environments for the university community by setting clear expectations and standards for interacting with minors. This policy demonstrates the University's commitment to creating safe and ethical environments for minors; university employees, students, interns and volunteers; and external contractors, vendors and service providers who interact with minors during university-sponsored programs.

### **ENTITIES AFFECTED BY THIS POLICY:**

- Ithaca-based locations
- Cornell Tech campus
- Weill Cornell Medicine campuses

### **WHO SHOULD READ THIS POLICY:**

All members of the Cornell University community

## DEFINITIONS

- Minor - Any person under the age of 18 who is not (a) enrolled or accepted for enrollment in a university degree program at the undergraduate, graduate, or professional level or (b) an employee of the university.
- Authorized Adult -
  - Individuals holding University positions, which require living in a student residential hall or other buildings where students reside (Student position without master key access are excluded).
  - Positions, which include outreach work with minors (newborn through grade 12).
  - Positions which require working with minors (newborn through grade 12) and present the possibility of care, supervision, guidance, or control of minors, including, but not limited to providing service as a child care provider or through a camp (as defined by New York State), summer college, internship or other similar situations.
- Program – A program or activity designed to include minors, offered by various academic or administrative units of the university, student organizations, or external groups using university facilities. This includes, but is not limited to, workshops, camps, residential programs, commuter programs, conferences, internships, university-sponsored pre-enrollment overnight visits, and similar activities. “Programs” does not include:
  - general events open to the public that are not targeted solely to minors, such as sporting events or concerts;
  - the placement of students with external entities, (e. g., externships);
  - the undergraduate admissions application process and related information sessions led by undergraduate student ambassadors;
  - the employment of persons under the age of 18 by the university; or
  - university research involving participants under the age of 18, (which is governed by SOP 11: Informed Consent, Enrollment, and Other Considerations for Research Involving Minors).
    - Ithaca campus <https://www.irb.cornell.edu/policy/>.
    - WCM <https://research.weill.cornell.edu/compliance-integrity/institutional-review-board>
- Program Director - An individual who is responsible for the management and administration of a program.
- Mandated Reporter – An individual who is required to report suspected child abuse or maltreatment when, in a professional capacity, that individual is presented with

reasonable cause to suspect child abuse or maltreatment.

<https://www.nysmandatedreporter.org/MandatedReporters.aspx>

- External entity - An organization that is a separate legal entity from the University.
- University Volunteers - An individual who performs services for, and directly related to, the business of the University, without the expectation of compensation.
- Background check - The process where, after a contingent offer of employment or volunteer service has been extended, the University's authorized third party vendor investigates an applicant's criminal history and other job, or volunteer, related information.
- Child Molestation - Any actual or alleged illegal or otherwise wrongful sexual conduct with a minor.
- Serial Sexual Misconduct - Any actual or alleged illegal or otherwise wrongful sexual conduct: a) with more than one victim; and b) committed by or alleged to have been committed by any perpetrator who is not a student of an included entity.
- Sexual abuse - Any child sexual molestation or serial misconduct.
- University reporting officer (Ithaca) - A position equivalent to any of the below at Cornell University
  - President
  - Provost
  - Executive Vice President / Chief Financial Officer
  - General Counsel
  - Vice President of Student and Campus Life
  - Title IX Coordinator
  - Athletic Director
  - Athletic Department Training Director
  - Director of Cornell Health
  - Director of Counseling and Psychological Services
- Weill Cornell Medicine Reporting Officers
  - Dean of the Medical College
  - Executive Vice Provost
  - Deputy University Counsel

- Dean, Graduate School of Medical Sciences
- Associate Dean, Education
- Associate Dean, Student Affairs
- Title IX Coordinators (3)
- Director, Student Health Services

## **WEB ADDRESS FOR THIS POLICY**

<insert web address>

## **TABLE OF CONTENTS**

<insert table of contents>

## **RELATED RESOURCES**

- University Policy 6.6.1, Filing Vacancies
- University Policy 6.6.2, Reference Checks, Information Verification and Background Checks
- University Policy 6.4, Prohibited Bias, Discrimination, Harassment and Sexual and Related Misconduct
- University Policy 6.3, Consensual Relationships
- University Policy, 6.5 University Volunteers
- University Policy, 8.6 Environment, Health, and Safety
- University Protection of Minors Guidelines
- Weill Cornell Medicine Minors Guidelines
- University Youth Outreach Programs General Guidelines
- University Minors in Labs Guidelines
- University Unpaid Interns Without Student Status Guidelines
- Campus Code of Conduct
- Fair Labor Standards Act
- NY State Department of Health, Part 7, Subpart 7-2: Children's Camps
- NY State Department of Labor – Federal Prohibited Occupations
- NY State Department of Labor – State Prohibited Occupations

- NYS Labor Standards – Laws Governing the Employment of Minors

## **CONTACTS**

- The Office of Risk Management and Insurance - Policy clarification and interpretation
  - Phone: (607) 254-1575
  - Email: [risk\\_mgmt@cornell.edu](mailto:risk_mgmt@cornell.edu)
  - Address: 395 Pine Tree Road, Suite 330, Ithaca, NY. 14850
  - Website: <http://www.risk.cornell.edu/>
- The Office of Risk Management and Insurance – Weill Cornell Medicine
  - Phone: (646) 962-7683 or (646) 962-7682
  - Email: [risk-mgmt@med.cornell.edu](mailto:risk-mgmt@med.cornell.edu)
  - Address: 575 Lexington Avenue, Suite 640, New York, NY 10022
  - Website: <https://riskmanagement.weill.cornell.edu/>
- Environmental Health and Safety - How to report injuries to minors.
- Cornell Police - How to report suspected abuse, molestation, neglect, misconduct or maltreatment involving minors
- Human Resources – University Policy 6.6.2 clarification and guidance

## **RESPONSIBILITIES**

- The Office of Risk Management and Insurance
  - Coordinate the Minors at Cornell cross-functional collaborative committee.
  - Receive program registrations and record in the Minors at Cornell program inventory
  - Develop and provide program-specific resources and guidance. Review and edit documents as needed to ensure alignment with best practices.
  - Review reported incidents with the cross-functional collaborative committee
  - Support reporting officers and mandatory reporters in fulfilling their reporting obligations
  - Provide annual updates on Policy implementation activities to the Executive VP and CFO
- Environmental Health and Safety
- Cornell Police

- Human Resources

## **PRINCIPLES**

### Overview:

Cornell University is committed to the following principles for minors participating in University-sponsored programs

- Creating safe and ethical environments for minors and adults
- Preventing physical injuries and emotional harm
- Preventing abuse, misconduct, maltreatment and neglect of minors.
- Encouraging university community members to become a proponent for actively creating safe and ethical environments for minors.
- Protecting the health and well-being of minors while using university facilities, equipment and other university property.
- Protecting the health and well-being of minors participating in university-sponsored programs while using facilities, equipment and other property not owned by the university.
- Achieving and maintaining compliance with federal, state and local laws
- Promoting best practices for serving minors within institutions of higher education
- Providing the highest-quality educational and developmental experiences for minors and members of the Cornell community.
- Acknowledging and complying with privacy and security requirements unique to minors and the protection of their personal information
- Assessing and continuously improving efforts to create safe environments for minors.

## **PROCEDURES**

### **1. Registration**

- a. Program directors are required to register their programs with the Office of Risk Management and Insurance 30 days before the first day of the program by emailing the name of the program, the program director's name and the dates of the program to [risk\\_mgmt@cornell.edu](mailto:risk_mgmt@cornell.edu) annually.

### **2. Background Checks**

- a. Authorized Adults must clear background checks in accordance with *University Policy 6.6.2, Reference Checks, Information Verification, and Background Checks* before the first day of working with minors. Please see University Policy



6.6.2 for more information: <https://www.dfa.cornell.edu/policy/policies/reference-checking-and-information-verification>

- b. The hiring authorities and/or unit human resources (HR) representatives must ensure all background check efforts are completed, with satisfactory results, before the first day of working with minors.
- c. The hiring authorities and/or unit human resources (HR) representatives are responsible for submitting all orders for information verification and background check services to the university's authorized third-party vendor, and for receiving and reviewing all reports.
- d. Separate procedure for WCM

### 3. Training

- a. Authorized Adults are required to complete training that covers identifying and responding to inappropriate interactions involving minors prior to the first day of working with minors. There are two options for satisfying this requirement.
  - Successfully complete *RMI 2101 - Protecting Children: Identifying and Responding Misconduct* available in CULearn: <https://culearn.cornell.edu/>
  - Successfully complete *RMI 2013 - Protecting Minors and the Cornell University Community* in-person training. Please contact [risk\\_mgmt@cornell.edu](mailto:risk_mgmt@cornell.edu) to schedule an in-person training session.
- b. Minors working in labs are required to complete training on the hazardous materials and equipment they will use or have potential exposure to while working in the labs. The training length and content is specific to the program and may be provided by the Environmental Health and Safety Department (EHS), the principal investigator (PI) or direct laboratory supervisor, and/or the program leader as appropriate. The training must be documented and maintained by the laboratory supervisor, program coordinator and/or EHS. Please see the Minors in Labs Guidelines for additional information: <http://www.risk.cornell.edu/forms-documents/risk-guidance/youth-programs/>

### 4. Reporting

- a. Authorized Adults are required to comply with the following reporting procedures:
  - Mandatory reporters are required to comply with New York State Mandated Reporter requirements: <https://www.nysmandatedreporter.org/MandatedReporters.aspx>
  - Immediately report physical injuries to minors using the University's Injury / Illness / Exposure report system. <http://www.risk.cornell.edu/forms-documents/>

- Immediately report suspected abuse, molestation, neglect, misconduct or maltreatment involving minors to Cornell Police (607-255-1111):  
<https://www.cupolice.cornell.edu/about-the-department/>
- b. University Reporting Officers are required to contact Risk Management and Insurance ([risk\\_mgmt@cornell.edu](mailto:risk_mgmt@cornell.edu)) if they become aware of suspected abuse, molestation, neglect, misconduct or maltreatment involving minors. Risk Management and Insurance will assist the University Reporting Officers with their reporting obligations.

## 5. Parental Permission / Consent

- a. Program directors are responsible for obtaining written parental permission or consent from a minor's parent or legal guardian prior to minors being allowed to participate in University-sponsored programs. Written parental permission or consent forms must be maintained in records for at least 3 years. A sample Parental Permission / Consent form is available on the Risk Management and Insurance website: <http://www.risk.cornell.edu/forms-documents/risk-guidance/youth-programs/>
- b. Programs directors are responsible for providing parents / legal guardians with information on how to contact their minors during programs.

## 6. External entities

- a. Contractual agreements with external organizations for the use of University facilities to host minors must include compliance with this policy as a material term of the contract. Such contracts should also include an indemnification provision in which the University is held harmless for acts or omissions arising from or related to the external entity's use of the facilities. The contracts should also include an agreement that the external organization will submit proof of liability insurance upon request by the University. The liability insurance policies must include coverage for sexual abuse liability.
- b. Program directors are responsible for ensuring that a Memorandum of Agreement or a facility use agreement is in effect prior to the use of the facility.

## APPENDIX

- Insert list of all mandated reporters according to NYS law
- Emergency protocols and first aid
- Define "positions" under Authorized Adults
- Define work study students

## Codes and Judicial Committee (CJC)

**Meetings Held (as of 11/05):** 9/30, 10/07, 10/28

**Upcoming Meetings:** 11/11, 11/25

### **Current Activity (as of 11/05):**

- Discussions regarding the CJC's role in the Campus Code of Conduct revisions and any drafts that were available to the campus community within this academic year:
  - o A resolution tabled at our last meeting (originally passed 9/30) will be brought up for reconsideration. On 10/28, the CJC voted to readdress issues voiced at our last UA meeting regarding jurisdictional and autonomy issues by presenting our second resolution at the November UA meeting. As Marty Hatch is no longer a member of the CJC, the only change to the resolution is the addition of my name as a co-sponsor with Richard Bensel.
- Discussions regarding the Campus Code of Conduct:
  - o The meetings held covered the continuation of work on our Code drafts. The first section of the code should be ready for UA, public comment, and administrative comment within the next week.
  - o We have received the procedural section of the Office of University Counsel and are beginning the process of debate and reconstruction (on the agenda for 11/11). Tasks have been delegated for review.
- University Hearing and Review Boards:
  - o A subcommittee was created on 10/28 to consider applicants for the vacant UHRB positions.
- CJC Vacancies:
  - o We have filled our last GPSA position. However, we are currently seeking placement of a member of the UA to fill our last voting position.

### **Charges:**

- As previously delegated by the University Assembly, the CJC continues to review motions related to the Campus Code of Conduct.
  - o The CJC may propose, review, and amend resolutions as it deems appropriate.
- The CJC is also charged with recruitment and appointment of members to the University Hearing and Review Boards.
  - o The CJC continues to work towards appointing individuals.
- The CJC must approve resolutions referred for its consideration before they can be advanced to the Assembly for a vote and for debate.

### **Committee Membership:**

The CJC will operate during the 2019-2020 academic year and shall be chaired by Logan Kenney. The Clerk of the CJC shall be Margaret Lee. Its voting membership will include three members selected by the University Assembly, two selected by the Student Assembly, two selected by the Graduate & Professional Student Assembly, two selected by the Employee Assembly, and two selected by the Faculty Senate. The officers of the University Assembly, Judicial Administrator, and Judicial Codes Counselor serve as non-voting, ex-officio members.

**Voting Members:**

<b>Name</b>	<b>NetID</b>	<b>Representing</b>
Vacant	N/A	University Assembly
Logan Kenney (Chair)	lrk74	University Assembly
Gavin Martin	gcm58	University Assembly
Joseph Anderson	jsa94	Student Assembly
Kirubeal Wondimu	ktw36	Student Assembly
James Bogdanowicz	jpb387	Graduate and Professional Student Assembly
Andrea Patricia Llinás-Vahos	al896	Graduate and Professional Student Assembly
Jenn Michael	jlm497	Employee Assembly
Laura Taylor	lbt1	Employee Assembly
Richard Bensel	rfb2	Faculty Senate
Risa Lieberwitz	rl15	Faculty Senate

**CJC Clerk, Office of the Assemblies Director, & Non-voting, Ex-Officio Members:**

<b>Name</b>	<b>NetID</b>	<b>Title</b>
Margaret Lee	dl582	Clerk of the Assembly, Codes and Judicial Committee
Gina Giambattista	ggc9	Director, Office of the Assemblies
Masa Haddad	mh2432	Ranking Member, University Assembly (Ex-Officio)
Robert Howarth	rwh2	Chair, University Assembly (Ex-Officio)
Jeff Pea	jtp239	Vice Chair for Operations, University Assembly (Ex-Officio)
Pilar Thompson	jsa94	Executive Vice Chair, University Assembly (Ex-Officio)
Michelle Horvath	mrh263	Judicial Administrator (Ex-Officio)
Gabrielle Kanter	ghk55	Judicial Codes Counselor (Ex-Officio)

# University Assembly Resolution #X

## The Codes and Judicial Committee Reaffirms its Jurisdiction Over the Cornell Campus Code of Conduct

*October 18, 2019 (previously September 30, 2019)*

**Sponsored by:** Richard Bensel, Member of the University Assembly Codes and Judicial Committee, and Logan Kenney, Chair of the University Assembly Codes and Judicial Committee

**On Behalf Of:** The 2019-2020 Codes and Judicial Committee (J. Anderson, J. Bogdanowicz, R. Lieberwitz, G. Martin, J. Michael, L. Taylor, A. Llinás-Vahos, K. Wondimu)

**Whereas**, the bylaws of the Cornell University Assembly (accepted by the President of Cornell University and its Board of Trustees), specify that the University Assembly’s Codes and Judicial Committee (hereafter CJC) “will review any proposed motion related to the Campus Code of Conduct;...may propose, review and amend resolutions as it deems appropriate...must approve resolutions referred for its consideration before they can be advanced to the Assembly...”; and

**Whereas**, Article 1, section C.2 of the CCC states that “The [CCC] is the University community’s code, and hence is the responsibility of all community members”; and

**Whereas**, several amendments to and reformulations of the Cornell University Campus Code of Conduct (hereafter CCC) have been proposed by agencies and divisions of the university over the course of the spring, summer, and fall of 2019; and

**Whereas**, the CJC is cognizant of its responsibility to act in accordance with its role as specified in the Bylaws of the Cornell University Assembly;

**Be it therefore resolved**, that the CJC hereby reaffirms its jurisdiction over the CCC; and

**Be it further resolved**, that the CJC will continue to consider any and all proposals and resolutions concerning changes to the CCC that pertain to any and “all community members”, as specified in Article 1, section C.2 of the CCC.

**No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.**