

Cornell University University Assembly

Cornell University Assembly

Minutes of the December 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 4:33pm
 - b. Roll Call
 - i. *Present:* J. Anderson, A. Barrientos-Gomez, K. Barth, R. Bensel, J. Bogdanowicz, D. Hiner, R. Howarth, A. Howell, J. Pea, P. Thompson, C. Van Loan
 - ii. *Members not Present at Roll Call:* I. Allen, S. Chin, M. Haddad, L. Kenney, T. Reuning, E. Loew, G. Martin, R. Mensah
- II. Call for Late Additions to the Agenda
 - a. There were no late additions to the agenda
- III. Business of the Day
 - a. Approval of the minutes
 - i. P. Thompson stated that the written minutes would be a more general and broader document taken from the recording. The detailed interactions and statements of the meeting would be in the audio for individuals seeking it. All three minutes (September 3, October 1, and November 5) of the previous meetings were now set for approval.
 - ii. R. Howarth indicated that the University Assembly Bylaws contain no direction on the content of the minutes but Robert's Rules of Order states that the minutes need only to contain motions passed and not passed as well as the votes. There was no requirement to capture discussion for the minutes.
 - iii. 9/3/19, 10/1/19, 11/5/19
 1. J. Pea moved to approve the minutes.
 - a. The motion was seconded with no objections. The motion was **passed** with no negatives and three abstentions.
 - b. Resolution X: Support of the development and implementation of a Cornell Campus Circulator System
 - i. K. Barth stated that the circulator was never started and only looked at conceptually. The circulator was a "short-distance, circular, fixed-route, transit mode that would take riders around a specific area with major destinations" (Texas A&M TI, 2019). The circulator would affect student,



Cornell University University Assembly

staff, faculty, alumni, and university guests. The development of the campus circulator was one of Cornell University's Department of Transportation's primary initiatives for the year. The circulator was proposed as a way to reduce the university's carbon footprint and increase sustainability. The purpose of the resolution was to make a recommendation and collectively convey to the university administration that the University Assembly discussed the subject of starting a circulator and determined that it was a priority for the university. The text of the resolution does not contain design decisions but was rather a means of conveying the conceptual idea of the circulator, the groups involved (the GPSA, UA, and CIC) that would be making design decisions, and the sustainability benefits of the circulator. K. Barth presented a PowerPoint going more in-depth on the topic of the circulator.

- ii. A. Barrientos-Gomez stated that there should be no issue in getting the resolution passed in the GPSA and inquired if K. Barth had looked to peer institutions to see if there was presence of a circulator and its logistics. A. Barrientos-Gomez stated that Princeton University had a shuttle service free-of-charge for students. Looking to other institutions and having those details would strengthen the resolution.
 1. K. Barth stated that he had not looked at peer institutions but doing so would help support the case of Cornell University implementing a circulator transit-mode.
- iii. D. Hiner stated that when he had first started working at Cornell University in 2008, there was a circulator and inquired on what the difference would be between the proposed circulator and that of 2008? D. Hiner stated that the 2008 circulator was never on time and horribly managed.
 1. K. Barth declared that he did not know what the structural and planning difference would be.
- iv. R. Bensele inquired about the transfer points between routes for the circulator and the duration of which the circulator would run, whether it would run late into the night similar to the TCAT or not?
 1. K. Barth stated that transfer points, the duration of which the circulator would run, and the use of the circulator during snow days would all need to be addressed through the design process. K. Barth stated that he was not looking to vote on the resolution at the moment but rather to introduce it and have it be discussed before a vote would take place presumably within the next year. The CIC



Cornell University University Assembly

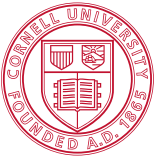
would continue to discuss the resolution as well as the circulator and input of UA members would be welcomed.

c. Committees Report

i. Campus Infrastructure Committee – K. Barth

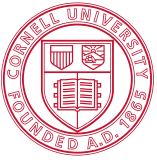
1. C. Levine (CIC member)

- a. K. Barth noted that another major topic of interest was divestment specifically divestment of fossil fuels from the portfolio of the university and its endowment. In 2015-2016, all of the university assemblies (UA, GPSA, EA, and SA) passed a divestment resolution that went to the Board of Trustees. The Board of Trustees conveyed that in order for the assemblies to propose a divestment resolution, their would need to be evidence of injurious harm and moral reprehensibility by the actors of the company in the portfolio. K. Barth said that major advocates of divestment included students and faculty members and not all trustees were opposed to divestment. C. Levine, as an English professor and member of the CIC, offered to draft a memo addressing the criteria's set out by the Board of Trustees with information on the current status of information pertaining to the matter from the past three years. The memo would also inform on what actions peer institutions were taking on the topic of divestment from fossil fuels in an effort to support the case of divestment.
- b. C. Levine stated that because the Board of Trustees did not convey that they were unwilling to divest but rather needed evidence and a reason to do so, the CIC thought it best to provide the arguments for divestment from the information being unearthed over the past several years. C. Levine stated that she was currently drafting the memo with substantiating evidence supporting the case of divestment. The goal would be to have the CIC put forth a resolution and then all five assemblies would vote on a resolution similar in nature. The resolution would then be conveyed to the Board of Trustees in the current year (2019-2020). C. Levine noted that with the latest news of the “tipping points” being reached faster than previously stated by scientists, climate change and the issue of divesting now had more urgency.



Cornell University University Assembly

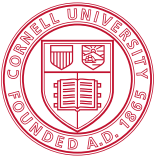
- i. R. Howarth stated that he supported the current draft of the CIC's resolution and hoped that the draft, after being reviewed by the CIC, would return to the UA body in the January meeting (01.21.20) for debate and discussion. The resolution would then be voted on at the February meeting (02.18.20). That timeline would run nearly parallel with that of the Faculty Senate if they decided to discuss the topic of divestment as well as that of the Student Assembly. Regardless, in order for the resolution to have power, it would need to move through all five assemblies in comparable form.
- ii. R. Bensel inquired about including an end date in the resolution since divestment would have to occur gradually. Secondly, would divestment also pertain to the subsidiaries of the larger companies and how would the decision of determining which companies would be divested be made?
 1. C. Levine noted that approximately 70% of carbon emissions come from fossil fuels and 80% of those emissions were from 20 companies solely. Those 20 companies included Exxon, Chevron, Shell, and BP and despite their mentions of solar usage, none of those companies had invested in renewable energy to full allowance. The companies being targeted would be the 20 main companies in an effort to eliminate mining and digging.
 - a. R. Bensel inquired if the companies would thus be named in the resolution.
 - i. C. Levine affirmed that the companies would be named in the resolution.
- iii. A. Barrientos-Gomez stated that the SA and GPSA were collaborating in an effort to complete the divestment report and inquired if it would be okay to



Cornell University University Assembly

share the information in the CIC's report and the resolution with that body as well as place them in contact with C. Levine.

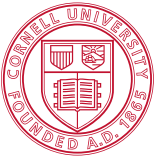
1. C. Levine stated that she was okay with that. She stated that she would be willing to share it for feedback as well as a resource for the other assemblies.
2. R. Howarth inquired if there was any points against not placing it on the University Assembly website.
 - a. K. Barth stated that the resolution was still in the draft form and that he would work with the Office of Assemblies to send it to all the University Assembly members. He stated that eight energy companies accounted for 20% of the world's carbon emissions. The standards that would need to be met to support divestment would include the companies inactions or actions being morally reprehensible, divestment having a meaningful impact on correcting a specified harm and not resulting in disproportionate offsetting of societal consequences, and the company exhibiting a harm that would be inconsistent with the goals and principles of the university.
- iv. C. Levine stated that the CIC felt that the trustees felt that they strongly knew the investments and the goal of CIC was not to lecture the trustees on the financials. The CIC report focused on the goals and principles of the university and the disjunction with that of not divesting.
- v. R. Howarth stated that in addition to addressing the criteria's (moral reprehensibility, etc.) set forth by the trustees, it would be reasonable for the assembly to



Cornell University University Assembly

consider that there are other factors that the trustees should be considering including being the last university to divest given the divestment status of other universities (ex. University of California system has divested). Being one of the last universities to divest would tarnish Cornell Universities image as a green, environmentally leading university. It would make sense to set a trajectory and deadline for divesting.

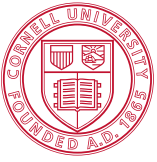
- vi. A. Howell declared his interest in using the memo as a resource for the Employee Assembly in writing a resolution supporting divestment.
- vii. C. Van Loan asked when the final resolution would be ready, and would the memo be used to inform the Faculty Senate about a proceeding divestment resolution.
 1. C. Levine stated that the resolution could be extremely brief supporting Cornell University's divestment from fossil fuels followed by the memo stating the rationale for divestment rather than a longer resolution following the memo.
 2. K. Barth stated that the manner in which the memo and the resolution would be conveyed had not been decided yet. The CIC was waiting for the SA to complete their resolution. The questions pertaining to which body would move first, language, and timing were still up for discussion. The CIC would be in favor of a resolution that supports the one being drafted by the SA and believes passing similar resolutions after the SA would make the most sense.
- viii. C. Van Loan stated that individuals would like to see what the rules are in terms of deciding which companies to divest from. There would need to be specific examples supporting divesting from



Cornell University
University Assembly

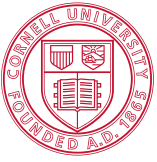
particular companies rather than a general core value being cited.

1. C. Levine said that commitments to divestment take several years. The goal would be to have the university decide to divest from coal, oil, and fossil fuel companies within the next 10 years. This timeframe would grant the opportunity to decide on details and logistics. C. Levine asked if it was important for the CIC to coordinate with the GPSA and SA language?
 2. C. Van Loan stated that he would be in favor of informing the GPSA and SA that a divestment resolution was in-progress and they could address the trustees on their own terms. The resolution would not need to be completed by the CIC yet.
- ix. R. Bensel stated that there would need to be mentions of morally irresponsible and morally responsible companies. An issue that could occur would be that the university would divest from one company and invest in another under the argument that it was not named in the resolution/memo.
1. C. Levine stated that the resolution would be to divest fully from coal, oil, and gas over a certain period of time. The moral reprehensibility aspect would be attached to the major 8 companies with proven research and evidence supporting divestment. The resolution would focus less on those major companies being the ones to divest from and more on the presence of reprehensibility.
- x. D. Hiner stated that with scientists emphasizing the issue of climate, would a 10 year divestment trajectory be too long? Additionally, how would the resolution handle future companies releasing IPOs (initial public offering) in the oil and gas industry?



Cornell University University Assembly

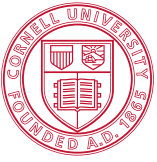
1. C. Levine stated that despite the timeline of committing to divest being far out, an immediate message would be sent. The commitment to divest sends the message that reputable institutions are no longer supporting fossil fuels. The message would have a major impact rather than the action of divestment itself. Additionally, IPOs are not the sole problem and thus the resolution would address divestment from all coal, oil, and gas.
- xi. D. Hiner conveyed concern with the potential of multiple resolutions being produced with varying language and varying supporting documents. This would give the Board of Trustees the ability to say the message is disjointed between the assemblies. D. Hiner asked if it would be feasible to have representatives of the different assemblies together in drafting a unified resolution? Having differing resolutions and documents being produced from different assemblies at varying times could work to undercut the major goal of divestment.
1. R. Howarth declared his support for the assemblies drafting a concerted resolution and stated that it had not been done in such a manner as far as he was aware. The situation for divestment was unusual in that the trustees had setup a rule in which all five assemblies need to pass the same resolution before proceeding to the Board of Trustees with the resolution.
 2. J. Anderson conveyed hesitance towards having a congress made up of representatives of the assemblies to draft the resolution due to the fact that the Student Assembly would propose the most immediate and pressing divestment plan. As a body composed of the youngest individuals on campus, the issue of



Cornell University University Assembly

divestment was not a 10 year issue but one in need of immediate action. J. Anderson stated that the protocol from the trustees does not specifically dictate a singular resolution but a resolution with a generalized sentiment of divesting from coal, oil, and gas being passed in all the assemblies. The Board of Trustees would consider the University Assembly's 10 year divestment timeline and the Student Assembly's immediate divestment timeline in their own respective playing fields. A conference would only serve to undermine a rapid divestment decision from the Board of Trustees.

3. C. Levine stated that she would like to coordinate the language of the CIC's resolution to that of the SA to give the CIC resolution greater power and asked J. Anderson if that would be possible.
 - a. J. Anderson said yes.
 4. C. Van Loan dictated that the idea would be to limit the ability to have the argument of any assembly undercut.
 5. K. Barth stated that arguably, the UA serves as the conference for writing the unified resolution and consequentially, the UA resolution would be the strongest. The goal of the resolutions would be to be consistent and clear about the message of divestment.
- ii. Campus Welfare Committee
1. Tobacco Survey – D. Hiner
 - a. D. Hiner stated that the nicotine use survey had been concluded and presented on the break-up of responses. Students were the largest responders followed by staff and then faculty. However, in terms of response rate by population, faculty were the largest group. The university has a low smoking population, but the perception is that individuals smoke on a regular basis. The results depicted



Cornell University University Assembly

that all groups would be in favor of moving to a tobacco-free campus.

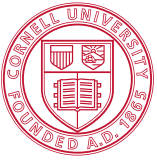
- i. R. Howarth noted the similar distributions across the communities in terms of favoring moving towards a tobacco-free campus.
- b. D. Hiner noted that a majority of the open-ended responses mentioned a nicotine-free campus. In terms of the online discussions, a popular theme was that of enforcing the current 25ft rule from buildings. D. Hiner stated that due to the lack of a functioning committee, the overall UA would need to step in and provide a sense of direction.
- c. K. Barth noted that the results show that most individuals are not smoking while thinking a lot of people are smoking, a result attributable to media (TV, movies, etc.). K. Barth stated that smoking is an addiction and that a smoke ban should be worked towards but not to a degree in which a ticket is issued. The individuals that would be penalized would be the ones with the largest challenge and the ultimate goal would be to support a change in behavior. At SUNY Albany, before a smoking ban was placed, there were discussions on aid to help individuals. There should be an emphasis on highlighting support in the health care plan and other university resources.
- d. R. Howarth stated that the results from the survey should be shared with the community as fast as possible rather than holding onto them. Additionally, the UA would need to decide on whether or not a ban be recommended and what form such a ban would have.
- e. C. Van Loan stated that every comment of the survey would need to be read and distilled.
- f. R. Howarth asked if there was any reason why the discussion and survey would not be able to be made public.
- g. C. Van Loan and A. Howell said no, and the online discussion was already public.
- h. R. Bensel noted the discrepancies between impressions and reality. Secondly, the online comments were strongly based on either side of the issue and a decision pleasing all parties would not be possible. Lastly, more than 80% of the



Cornell University University Assembly

community did not respond, thus, R. Bensel conveyed his reluctance on moving towards a ban due to the presence of intense opposition.

- i. R. Howarth stated that the data would be released now, the UA would work with the CWC to continue the discussion, and a decision would not be made soon.
- iii. Codes Judicial Committee
 1. Update – R. Bensel
 - a. R. Bensel stated that the CJC was arranging to meet on Monday for a 3 hour meeting in which to finish the last section of the draft for the Campus Code. The CJC was in the process of determining the relationship between outdoor posters and flyers and Freedom of Speech but the issue is that there is no policy pertaining to it. The draft would be circulated for public comment once completed. R. Bensel noted that an issue decided on putting forth to the community for public comment in the previous week was whether or not to bring the sororities and fraternities under the code. The addition, if supported, would be in the procedure section of the code and would be drafted in the following semester.
 - b. R. Howarth stated that M. Pollack had emailed him and L. Kenney asking when she would be able to receive the draft of the code to give to the trustees. L. Kenney had responded that the first section of the code would be available to M. Pollack by Monday (12.09.19) as well as the procedures possibly. R. Howarth noted that what L. Kenney had responded and R. Bensel had said were disjointed.
 - i. R. Bensel said that when M. Pollack was at the UA meeting, she had said that the first portion of the code (the Values and Prohibitions) would need to be completed by the end of the current semester. The completion of the procedures could then take place in the following semester. The Procedures section would be an equally arduous process. A majority of the editing has revolved around straightening the language of the code.



Cornell University
University Assembly

- c. R. Howarth asked when the UA would receive the draft of the first section of the code to have time to discuss and vote on it as well.
 - i. R. Bensel responded by stating that the hope would be to complete the draft by Monday (12.09.19) and post it for public comment. Additionally, it would also be given to the UA for comment. The end goal would be for the CJC to receive comments from all directions at once to make the revisions as efficient as possible and sending out for public comment would need to happen before the break.
 - ii. R. Howarth conveyed his opinion of having any documents available as soon as possible for public viewing. In the end, the comments and revisions however would need to return to the UA for discussion and approval from the CJC.
 - iii. R. Bensel noted that the code could not be submitted to the university without going through the UA. The CJC would like to get opinions from all sides before bringing it to the UA.
- d. K. Barth asked R. Bensel if there is a positive sentiment towards the state of the code and the completion progress.
 - i. R. Bensel stated that he did feel good about the state of the drafted code. He also noted that some of the issues related to the code will not go away.

IV. Adjournment

The meeting was adjourned at 6:00pm.

Respectfully Submitted,

Auriole C. R. Fassinou
Clerk of the Assembly