

Cornell University University Assembly

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Agenda

University Assembly Codes and Judicial Committee

November 4th, 2016

12:00-1:30PM

316 Day Hall Board Room

I. Call to Order (Chair)

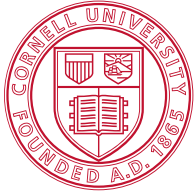
- i. Call to Order

II. Business of the Day

- i. Transcript Notation Next Steps [M. McBride] (40 minutes)
- ii. For Vote: 2016 – 2017 Campus Code of Conduct Update Part 1: Updating the University Hearing and Review Board Staffing Procedure [M. McBride] (20 minutes)
- iii. Discussion: 2016 – 2017 Campus Code of Conduct Update Part 2: Accepting Recommendation from Outdoor Space Working Group [M. McBride] (15 minutes)
- iv. Discussion: 2016 – 2017 Cornell University Campus Code of Conduct Update Part 3: Updating Interim Sanctions Procedures [M. McBride] (15 minutes)

III. Adjournment

- i. Adjournment



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U.A. Resolution # X

2016-2017 Cornell University Campus Code of Conduct Update Part 1: Updating the University Hearing and Review Board Staffing Procedure

[Date]

Sponsored by: Mitchell McBride, Undergraduate; Chair, Codes and Judicial Committee

On Behalf Of: UA Codes & Judicial Committee (M. Battaglia, N. Chovanec, R. Herz, C. Hodges, M. McBride, L. Munguia, N. Rogers, T. Shapiro, K. Zoner)

Whereas, according to the University Assembly's Charter, "By delegation from the [University] Assembly, the [Codes and Judicial] Committee will review any proposed motion related to:

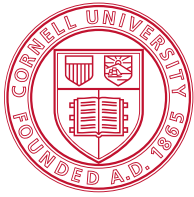
- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards."

Whereas, the University Assembly's Codes and Judicial Committee received an unusually high number of applicants to the University Hearing and Review Boards in Spring 2016; and

Whereas, the Office of the Assemblies provided valuable logistical support for the Codes and Judicial Committee during the staffing procedure; and

Whereas, there was some confusion as to what the specific roles the Codes and Judicial Committee and the Office of the Assemblies occupied,

Whereas, the current practice of appointing students to hearing boards permits one-year terms for graduating seniors;



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20 **Be it Resolved**, that Title Two, Article Four, Section C.1 be amended to read as follows,

21 “The University Hearing Board and University Review Board pool shall comprise 55 members
22 confirmed by the University Assembly: 25 students, 15 faculty members, and 15 nonfaculty
23 employees. Faculty members are nominated by the Dean of the Faculty. For other candidates, the
24 Codes and Judicial Committee will solicit written applications in consultation with the Office of
25 the Assemblies, which will provide logistical support. The Codes and Judicial Committee shall
26 nominate candidates to the University Assembly for its confirmation no later than the last regular
27 meeting of the outgoing University Assembly. ~~For other candidates, the Office of the Assemblies~~
28 ~~will solicit written applications, and the Codes and Judicial Committee shall nominate candidates~~
29 ~~to the University Assembly for its confirmation no later than the last regular meeting of the~~
30 ~~outgoing University Assembly.~~ The University Assembly Executive Committee may make
31 emergency appointments on a temporary basis.

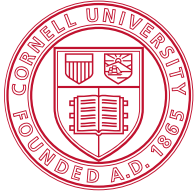
32 **Be it Resolved**, that Title Two, Article Four, Section C.3.a be amended to read as follows:

33 “Members of the University Hearing Board and University Review Board pool shall serve terms
34 of office as follows:

- 35 a. All members shall be appointed for two-year staggered terms, except for students
36 entering their final year of study, who shall be appointed for one-year terms.”

37

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.



U.A. Resolution # X

2016-2017 Cornell University Campus Code of Conduct Update Part 2: Accepting Recommendation from Outdoor Space Working Group [Date]

Sponsored by: Mitchell McBride, Undergraduate; Chair, Codes and Judicial Committee

On Behalf Of: UA Codes & Judicial Committee (M. Battaglia, N. Chovanec, R. Herz, C. Hodges, M. McBride, L. Munguia, N. Rogers, T. Shapiro, K. Zoner)

Whereas, according to the University Assembly’s Charter, “By delegation from the [University] Assembly, the [Codes and Judicial] Committee will review any proposed motion related to:

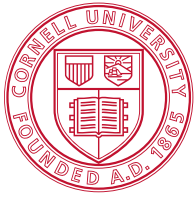
- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards.”

Whereas, President Skorton commissioned the Outdoor Space Working Group (OSWG) in 2014 to accomplish the following tasks, “Define what qualifies as an outdoor space that should have written ‘time and place’ rules” and “Suggest how those rules should be developed, coordinated and approved.”¹

Whereas, the Chair of the OSWG, James Blair, presented the groups findings and recommendations concerning the Campus Code of Conduct to the Codes and Judicial Committee on February 2nd, 2016; and

Whereas, the recommendations were accepted by President Garrett in the summer of 2015 and many recommendations are already included in the Campus Code of Conduct; and

¹ Page 2, Outdoor Space Working Group Final Report



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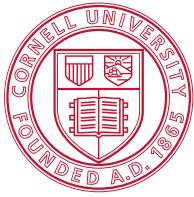
Be it Resolved, that the following paragraph be appended to the end of Title One, Article III, Section B.1 of the Campus Code of Conduct, “**Only members of the Cornell community may hold or host events on Cornell-owned property. External groups must be sponsored by a member of the Cornell community and the sponsor must have a representative present during the actual event. For these purposes, appropriate Cornell sponsors are: registered student organizations, departments and units of the university, and university-sponsored organizations and offices (e.g., Dean of Faculty, Faculty Senate, University Assembly, etc.);**”² and

Be it Resolved, that the following paragraph be appended after the first paragraph to Title One, Article III, Section B.3 of the Campus Code of Conduct, “**Use of public address systems and amplified sound will be permitted without prior approval during the hours of 12:00pm and 1:00pm, at Ho Plaza and in front of Day Hall. Public address systems and amplified sound will be permitted in other outdoor locations only with prior approval. Approval may be obtained using the Event Registration Form located at: <https://activities.cornell.edu/EventReg/>.**”³

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² Appendix C, Page 1, Outdoor Space Working Group Final Report

³ Appendix C, Page 1, Outdoor Space Working Group Final Report



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U.A. Resolution # X

2016-2017 Cornell University Campus Code of Conduct Update Part III: Updating Interim Sanctions Procedures

[Date]

Sponsored by: Mitchell McBride, Undergraduate; Chair, Codes and Judicial Committee

On Behalf Of: UA Codes & Judicial Committee (M. Battaglia, N. Chovanec, R. Herz, C. Hodges, M. McBride, L. Munguia, N. Rogers, T. Shapiro, K. Zoner)

Whereas, according to the University Assembly’s Charter, “By delegation from the [University] Assembly, the [Codes and Judicial] Committee will review any proposed motion related to:

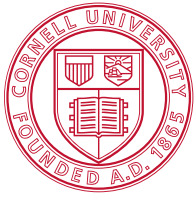
- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards.”

Be it Resolved, that Title Three, Article Three, Section B.2 be amended to read as follows:

“2. No-Contact Directive

a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive, [binding upon all involved parties. \[Insert Footnote here reading: This Code Section is subject to the provisions in Appendix A, Article I in cases of sexual harassment.](#)

b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.



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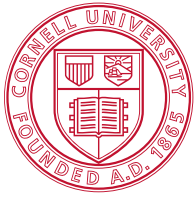
c. In the case of such directive, the accused may petition the University Heard Board in writing for a review of the decision. That board shall meet to consider the petition as soon as possible, but no later than seven business days after it receives the petition. However, that board may grant a postponement upon the request of the accused, to a date not later than 14 calendar days after the petition is received. If that board determines that the No-Contact Directive was improper or is no longer necessary, it shall lift the directive immediately. The Board's decision may not supersede an active court order directive.

d. ~~e.~~ In the event the Judicial Administrator is notified of a violation of the terms of the No-Contact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may impose additional interim measures as necessary which in exceptional cases may include suspending ~~suspend~~ the accused temporarily, pending resolution of the underlying case.

e. ~~d.~~ In the case of such suspension, the accused may petition the University Hearing Board in writing for a review of the decision. That board shall meet to consider the petition as soon as possible, but no later than five business days after it receives the petition. However, that board may grant a postponement upon the request of the accused, to a date not later than 21 calendar days after the petition is received. If that board determines that the No-Contact Directive was not violated or the suspension was improper or is no longer necessary, it shall lift the suspension immediately.

f. ~~e.~~ The Judicial Administrator may, in his or her discretion, rescind a No-Contact Directive or lift such a suspension if he or she determines that the circumstances no longer require such action."

Be it Finally Resolved, that Title Three, Article Three, Section B.3 be amended to read as follows:



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“3. Temporary Suspension Pending Resolution

a. Suspension of an Individual

(1) In extraordinary circumstances and for the purpose of ensuring public order and safety, the President or a designated representative shall have discretionary power to suspend the accused pending resolution of the underlying case. Suspension in the case of a student may include the withdrawal of any or all University privileges and services, including class attendance, participation in examinations, and utilization of University premises and facilities, as determined by the President or his or her designee.

(2) The Judicial Administrator may accept from the President this power to suspend temporarily, but only if the Judicial Administrator can exercise the power at his or her own discretion.

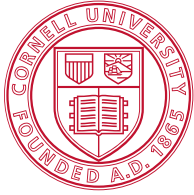
b. Suspension of a University-Registered Organization

(1) In extraordinary circumstances and for the purpose of ensuring public order and safety, the President or a designated representative, after consulting with the Office of the Dean of Students and/or other offices as deemed appropriate, shall have discretionary power to suspend the activities of a University-registered organization pending resolution of the underlying case.

(2) The Judicial Administrator may accept from the President this power to suspend temporarily, but only if the Judicial Administrator can exercise the power at his or her own discretion after consulting with the Office of the Dean of Students and/or other offices as deemed appropriate.

c. When the President or his or her designee exercises ~~this~~ the power to suspend **individuals or University-Registered Organizations** temporarily, these procedures shall be followed:

(1) In the case of such suspension, the accused may petition the University Hearing Board in writing for a review of the suspension. That board shall meet to consider the petition as soon as possible, but no later than five business days after it receives the petition. However, that board



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may grant a postponement upon the request of the accused, to a date not later than 21 calendar days after the petition is received. Any temporary suspension shall automatically be brought before the University Hearing Board for a review of the suspension no more than 21 calendar days after the petition is received, and shall automatically reviewed by the board every 10 days thereafter.

(2) If the University Hearing Board determines that (1) good cause has not been shown for the exercise of the President's suspension power or (2) that circumstances have changed so that suspension is no longer necessary, the suspension shall be lifted immediately.

(3) If the suspension remains in effect after the University Hearing Board's initial meeting, that board may decide to reconvene, upon motion by any member or the chair of the panel or upon the request of the suspended person or University-registered organization, to determine whether circumstances no longer require suspension."

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