



# Cornell University Student Assembly

## Cornell University Student Assembly

Minutes of the Thursday, April 12, 2018 Meeting  
4:45pm-8:01pm in Memorial Room, WSH

### I. Call to Order & Roll Call

- a. J. Kim called the meeting to order at 4:45pm.
- b. Roll Call:
  - i. *Present*: D. Barbaria [0], O. Corn [1], V. Devatha [1], O. Din [2], O. Egharevba [1], H. Hassan [3], N. Hernandez [0], R. Herz [5], M. Indimine [1.5], S. Iruvanti [0], G. Kaufman [0], J. Kim [1], S. Lim [0], L. Lipschutz [4.75], D. Nyakaru [1], S. Park [2.75], G. Park [0], M. Peralta-Ochoa [2], C. Schott [1.25], E. Shapiro [1], M. Valadez [1], A. Viswanathan [0], I. Wallace [1]
  - ii. *Absent*: T. Ball (*Unexcused*) [0.75], A. Chowdhury (*Excused*) [2], R. Cornell (*Excused*) [2.5], D. Engelson (*Unexcused*) [0.25], J. Sim (*Excused*) [1]

### II. Open Microphone

- a. Matthew Battaglia made a statement in regard to actions of the Elections Committee regarding election rules in past years.
- b. V. Devatha asked if M. Battaglia had an exact date for when the aforementioned election rules were.
- c. M. Battaglia said that the date was November 13<sup>th</sup>, 2014.

### III. Approval of the Minutes

- a. March 29<sup>th</sup> Minutes
  - i. Motion to approve the March 29<sup>th</sup> minutes – **approved**.

### IV. Announcements & Reports

- a. Graduate Trustee Candidates
  - i. Rebecca Harrison said that she graduated from Cornell as an Animal Science major in 2014, and has realized the importance of shared governance. She also said that not everyone has affordable access, and that she has 8 years of institutional knowledge of the University.
  - ii. Manisha Munasinghe said that she is a student advocate on the Graduate and Professional Student Assembly, and that her priorities are diverse student perspectives, promoting financial transparency, and an inclusive campus.
  - iii. Tatiana Padilla said that she is a first-year PhD student in Policy Analysis and Management and that there is a distance between students and the board. She also said that she seeks to frame student perspectives in a way that trustees will listen.

- b. Rep Schott
  - i. C. Schott said that Cornell has a free subscription to an app called “Calm” to help students be calm and concentrate.
  - ii. C. Schott said that there are structural inequalities that international students face, such as the fact that international undergraduate students who apply for financial aid and are not awarded any money cannot reapply later, regardless of economic changes that might happen. He also said that only 13-17% of international students are receiving aid, compared to 50% of domestic students.
- c. VP Valadez – Summer Experience Grant
  - i. M. Valadez said that the Student Assembly Summer Experience Grant is currently open, and that it helps with unpaid or minimally paid summer experiences. She also said that it takes applicants’ individual needs into consideration, and that the deadline is April 18<sup>th</sup>.
  - ii. Someone said that next week is the Fourth Annual Sexual Assault Awareness Week, and that anyone involved should reach out to her.
- d. There was a motion to put Resolution 44 on the agenda.
  - i. J. Kim said that Resolution 44 confirms that the Judicial Codes Counselor (henceforth JCC) provided ample evidence that proceedings by the Elections Committee in regard to the Student Assembly presidential race were biased, and asks the Office of the Assemblies (henceforth OA) to release the votes of the election, thereby determining the Student Assembly President.
  - ii. G. Park asked if the Assembly can accept on the condition that both candidates recuse themselves.
    - 1. The candidates in question are D. Barbaria and V. Devatha.
  - iii. There were replies in the affirmative.
  - iv. O. Corn dissented, saying that this will only cause a massive fight.
  - v. Motion to move Resolution 44 to the agenda – **approved** 21-1-3.

## V. Presentations

- a. President Martha Pollack, VP Joel Malina, and VP Ryan Lombardi
  - i. M. Pollack said that she wanted to provide updates on diversity and inclusion efforts, and that it is important to bring faculty and students from various backgrounds together. She also referenced numerous initiatives to improve diversity and inclusion.
    - 1. These initiatives include mandatory training for all Greek organizations, legal protections for DACA students, increased staff in diversity areas, and the LGBT resource center.
  - ii. Community member Ezra Stein said that last semester, the Student Assembly passed a resolution asking for endowment information to be disclosed, but that this resolution was rejected.
  - iii. M. Pollack said that Cornell is investing heavily in sustainability issues.
  - iv. J. Malina said that the resolution was rejected because it would only put additional resources into elevating something that is already stellar. He also referenced goals of carbon neutrality.
  - v. A community member asked if the administration is verifying that Cornell is trying to achieve carbon neutrality by 2035.
  - vi. M. Pollack replied in the affirmative.

- vii. The community member asked what is being done to ensure transparency, and asked how much of Cornell's endowment is invested in coal, gas, and oil.
- viii. M. Pollack said that two years ago, the trustees spent three hours in an open session carefully reviewing policies for divestment, and came up with a careful policy. She also said that endowments cannot be used for political interest, and that there is a very high threshold for divestment.
- ix. M. Peralta-Ochoa said that he sees no results from the task force and that he still does not feel safe on this campus.
- x. M. Pollack said that she is not saying that the efforts made so far are enough, and that the task force has only been working since January.
- xi. M. Peralta-Ochoa said that he has been waiting a month for his CAPS appointment, and said that the wait times have been ridiculous.
- xii. R. Lombardi said that he has had an update from Cornell Health that no one is waiting over a month, and that further growth in CAPS by two positions has been authorized.
- xiii. M. Peralta-Ochoa asked M. Pollack's thoughts on the Full Disclosure movement.
- xiv. M. Pollack said that she is still waiting to receive the petition.
- xv. Community member Kyra Butler asked why there are more math and economics classes being added while language requirements are being removed.
- xvi. M. Pollack said that the Arts and Sciences curriculum is up to the College of Arts and Sciences, as well as the Faculty Senate.
- xvii. A community member said that he is a transfer student from the University of Miami, and that he feels that there is a lack of a true student and community space for student life.
- xviii. R. Lombardi said that he wholeheartedly agrees, and that the first major change will be with the coming growth of residential space on North Campus.
- xix. M. Valadez said that she is collecting signatures to fully disclose legacy admissions policies, and asked if M. Pollack is willing to fully disclose data in regard to legacy student admissions.
- xx. M. Pollack said that one of her highest priorities is increasing socioeconomic diversity, but that she is not prepared to respond to the details of the petition until she is able to see it.
- xxi. M. Valadez asked a question in regard to the canceling of a potential meeting in regard to climate justice.
- xxii. M. Pollack said that the meeting had been rescheduled.

## **VI. New Business**

- a. Elections Discussion/Resolution 44
  - i. G. Kaufman said that he did not endorse anyone in the race for SA President, and that there is no reason that V. Devatha should have been disqualified. He also said that there were a number of procedural irregularities.
  - ii. Travis Cabbell said that he was not expected to be at the meeting, but that he has elected to come due to the extremity of the proposed resolution. He also said that the Elections Committee has not been given the opportunity to

1. speak, and that they have the final say in this regard. He added that democracy should take place in a proper fashion.

1. T. Cabbell is the Chair of the Elections Committee.
- iii. Kendall Karr said this situation is first and foremost about how V. Devatha was disqualified. She also said that she was given two reports, each of which consisted of five sentences that did not provide any details of procedure. She added that there were procedural problems and that she found instances of bias, and that she did not make a recommendation, but a ruling.
  1. K. Karr is the Judicial Codes Counselor (henceforth JCC).
- iv. T. Cabbell asked a clarifying question regarding the content of this discussion.
  - v. J. Kim said that the discussion would be in regard to whatever community members were to bring up.
  - vi. D. Nyakaru said that the election rules contradict themselves, and that the Elections Committee doesn't have the ability to decide what rules can and cannot be applied.
  - vii. Community member Shea Belsky asked what defines promotional material in regard to the rules of the election.
- viii. T. Cabbell said that this body voted on these rules last December, and that any candidate is responsible for anyone acting on their behalf. He added that the JCC's document was sent out in the middle of the night, and that the election rules are public knowledge.
  - ix. K. Karr said that the Elections Committee had the opportunity to define what is considered to be promotional material, but declined to do so. She also said that rules give people right, and that if those rights are violated then the rulings of the body that violated those rights cannot be upheld.
  - x. G. Kaufman said that the biggest problem at hand is that it is explicitly stated that an Elections Committee member cannot be an e-board member of an organization that has endorsed a candidate and simultaneously sit in on a challenge hearing involving that candidate. He added that it is preposterous to claim that a challenge hearing of one candidate in a two-candidate race does not involve the other candidate running for the position, and that the challenge against V. Devatha also involves D. Barbaria.
- xi. T. Cabbell said that the division of time does not allow for an equal playing field in this discussion.
- xii. O. Corn asked if the Elections Committee would have had quorum if the members in question had recused themselves.
- xiii. T. Cabbell replied in the affirmative.
- xiv. O. Corn said that the term "promotional materials" has taken on a different meaning, and that Facebook posts do apply in this case.
- xv. Austin McLaughlin said that he is the former Chair of the Elections Committee, and that he resigned on the Thursday before spring break because he witnessed bias both in the handling of V. Devatha and D. Barbaria. He also said that the Elections Committee had many opportunities to correct themselves but didn't, and called on the SA to release the votes of the election.
- xvi. I. Wallace asked whether or not, if the term "promotional materials" were to apply as claimed, 19 out of 32 total candidates would have been disqualified.

- xvii. T. Cabbell said that this is confidential, and that the Elections Committee is not meant to police candidates.
- xviii. K. Karr said that confidentiality is mandated for the Elections Committee, and that the question at hand is whether the rules were applied in a fair manner, not whether V. Devatha's promotional materials broke the rules.
- xix. O. Corn said that it appears that whether or not the election rules were broken was not looked at.
- xx. T. Cabbell said that the Elections Committee does rule whether or not a candidate broke a rule. He added that the JCC is concerned with procedural bias despite the fact that the document produced by the JCC, in the Elections Committee's opinion, is concerned with more than procedural bias.
- xxi. T. Cabbell spoke in regard to the resignation of A. McLaughlin, saying that the Chair must interpret the rules of the elections and not rely on past interpretations. He added that the Elections Committee is bound by confidentiality, and that the bias felt by the Committee now is that of the leak of personal information that jeopardized committee members.
- xxii. A. McLaughlin said that confidentiality has been used as a means of censorship, and that he saw something that was wrong and acted upon it.
- xxiii. K. Karr said that she and G. Kaufman do not share opinions, and that A. McLaughlin was irrelevant to her analysis. She added that her opinions are because of the analysis provided by the Office of the Assemblies.
- xxiv. G. Kaufman said that any reason was lacking from the reports, and that weaponizing confidentiality proves that the rules were broken.
- xxv. R. Herz said her concern with the decision that the Elections Committee made was that of clear bias in the ruling.
- xxvi. T. Cabbell said that confidentiality also exists to protect the students, and that there was never a question in any race up to this point regarding the content of the reports.
- xxvii. Community member Jacob Rubashkin asked who determines confidentiality. He also asked how there can be an open, transparent organization when half of things are held in secret. He added that this process should be more transparent since this is a public election.
- xxviii. V. Devatha asked who has the right to decide whether something is confidential.
- xxix. J. Kim said that this is decided by the Director of Elections.
- xxx. K. Karr said that she does not have any bias, and that through the plain reading of the election rules, the JCC has the power to overturn a final decision if bias is found.
- xxxi. A. Viswanathan said that V. Devatha should not be involved given that this is an open discussion.
- xxxii. Terrill Malone said that his organization, the Cornell Lending Library, endorsed D. Barbaria, and that every candidate that was challenged received a report with the same type of substance as the report in question, and that no other candidate has found issue with their report.
- xxxiii. T. Cabbell said that these are rules that the SA voted on.
- xxxiv. G. Kaufman said that it is untrue that all candidates who were supposed to recuse themselves did so. He also said that it is in the elections rules that the Director of Elections has the power to lift confidentiality.

- xxxv. T. Malone said that the Committee members in question, him included, did recuse themselves from all votes involving D. Barbara.
- xxxvi. S. Park said that she does not believe that recusal matters, and that the lack of detail in the report does. She added that the SA needs the information in the report to make an informed decision.
- xxxvii. There was a motion to extend discussion by ten minutes – passed.
- xxxviii. A community member said that Cornell Dining workers must throw away individually prepared foods that have the Cornell logo, and asked what the logo is being saved for. He added that he firmly believes that the Cornell logo belongs in the larger community.
- xxxix. There was a motion to move this discussion to Business of the Day – failed 11-9-2.
  - xl. T. Cabbell said that the Elections Committee has been under immense scrutiny but has not been given a chance to speak on the issue. He also said that the discussion feels less like a conversation and more like a direct attack.
  - xli. G. Kaufman said that the Elections Committee broke the rules and got overturned, and that the Elections Committee created invalid results. He added that the JCC's decision stands, and that the SA must recognize that.
  - xl.ii. There was a motion to move this discussion to Business of the Day – failed 11-8-3.
    - 1. V. Devatha dissented, saying that there should be the opportunity to elaborate with full disclosure.
  - xl.iii. C. Schott spoke about the racism that T. Cabbell faced, and that the issue to be discussed is whether or not the Elections Committee followed the rules in their entirety.
  - xl.iiii. There was a motion to extend the meeting for 30 minutes – approved.
    - 1. V. Devatha dissented.
    - 2. V. Devatha withdrew his dissent.
  - xl.v. A community member asked if the votes exist anymore at this point.
  - xl.vi. An Assembly member said that the Assembly does not know, and that the Office of the Assemblies deals with this.
  - xl.vii. V. Devatha said that the JCC requested for material not to be destructed.
  - xl.viii. T. Malone said that no one is operating off of the full entirety of information. He also said that the Elections Committee operated with the highest integrity and due diligence, and that only when the Assembly has full information will they be able to decide whether the Committee violated its rules.
  - xl.ix. G. Kaufman asked T. Cabbell whether he would send a candidate who publicly released a report he sent to them to the Judicial Administrator (henceforth JA).
    - 1. T. Cabbell replied in the negative, and said that the entire validity of this election should be called into question, especially since the Elections Committee has not been allowed to have a level playing field in the discussion.
    - li. D. Engelson asked whether or not there was only one violation of election rules.
    - lii. J. Kim said that, to his knowledge, there was only one violation.
    - liii. T. Malone specified that the rule in question was the insignia rule.

- liv. G. Kaufman said that the Elections Committee broke the rules over and over again, and asked whether the candidate in question was told that they would be referred to the JA if they released information.
- lv. T. Malone said that they were made aware that they could be sent to the JA.
- lvi. Shivani Parikh asked for the list of SA members and community members on the speaker's list to be read, and asked for a better distribution of time such that more community members would be able to speak.
- lvii. T. Cabbell said that he understands the resolution being submitted, but that it is strongly taking away from time.
- lviii. T. Ball said that the resolution being introduced by G. Kaufman would open up the election results and ignore the decision of the Elections Committee. He also asked whether or not it would be possible for the disqualification to be valid regardless of whether the Elections Committee was biased in their decision.
- lix. D. Engelson said that he does not think any attacks on social media are fair, and that it is ambiguous whether or not the meme was actually in violation.
- lx. John Dominguez said that the crime must fit the punishment, and that disqualification for a meme posted on social media by a third party is lowering the bar for disqualification, which sets a judicial precedent. He also said that the SA could not have foreseen this outcome when voting on election rules, and that the JCC is an objective appellate.
- lxi. T. Cabbell said that the previous statement was dehumanizing, and that he does not understand how J. Dominguez thinks that outside opinions do not impact the members of the Elections Committee.
- lxii. A community member said that the outcome should be as simple as having the most votes.
- lxiii. V. Devatha said that the individual who posted the meme was a supporter of his who put it out as an act of good faith.
- lxiv. The community member spoke regarding ambiguous rules.
- lxv. T. Malone addressed D. Engelson's previous statement, saying that the disqualification was not ambiguous.
- lxvi. G. Kaufman said that the Elections Committee was not only biased, but also violated a host of other rules. He also said that a lower court does not have the power to overturn the decision of a higher body.
- lxvii. M. Valadez said that the Director of Elections has the power to make things public, and that everything should be made public.
- lxviii. J. Kim said that this conversation was based on the resolution introduced, not about whether or not Varun broke the rules.
- lxix. N. Hernandez said that the body has been previously criticized, and that the SA's objective is to decide whether or not the Elections Committee's decision should be overturned, not to cross-examine anyone.
- lxx. E. Shapiro said that this decision must be overturned today.
- lxxi. T. Cabbell said that no criteria was stated, and that he does not know how something that was never stated can be fixed.
- lxxii. A community member said that the community just wants a third party to hold relevant parties accountable.
- lxxiii. A community member asked why the results were not made nonconfidential earlier.

- lxxiv. T. Cabbell said that he has felt attacked by this committee and by people chosen to be representatives. He also said that he is unconcerned with the outcome of the race, and that what matters is bias. He added that he does not believe that the Elections Committee committed any form of bias.
- lxxv. T. Malone said that it is appropriate to rule once all the relevant information is out.
- lxxvi. G. Kaufman asked who has the ability to determine if the Elections Committee was biased.
- lxxvii. T. Malone said that the JCC does, but that she was not operating under all available information.
- lxxviii. J. Anderson said that the documents were given by Gina Giambattista of the Office of the Assemblies.
- lxxix. T. Cabbell said that if the JCC did have the final decision, then the Elections Committee would have ruled as such.
- lxxx. G. Kaufman said that the Elections Committee does not get to determine if the JCC has the final say, and asked T. Cabbell who he believes has the final say.
- lxxxi. T. Cabbell said that it is currently biased in that both parties do not get the chance to respond.
- lxxxii. G. Kaufman asked if T. Cabbell meant that the rules themselves are biased.
- lxxxiii. T. Cabbell replied in the affirmative.
- lxxxiv. Z. Schmetterer said that this resolution is pertinent to the JCC, and that based on his reading of the rules he sides with the JCC's decision as an appellate body.
- lxxxv. T. Cabbell asked whether or not Z. Schmetterer endorsed any of the candidates in the SA presidential race, and who he endorsed if so.
- lxxxvi. Z. Schmetterer said that he endorsed V. Devatha, and that his decision lies upon his interpretation of the election rules.
- lxxxvii. D. Nyakaru asked a question regarding the election rules.
- lxxxviii. Z. Schmetterer said that there is a section that includes precedent.
- lxxxix. There was a motion to move this into Business of the Day – **failed** 11-9-1.
  - xc. J. Anderson moved to extend the meeting by 20 minutes.
    - 1. T. Ball dissented, saying that he does not believe that this will change in the next 20 minutes.
    - 2. N. Hernandez said that the SA can call a special meeting in the future.
  - xc. Motion to extend the meeting by 20 minutes – **passed** with a majority.
  - xcii. A community member said that if the SA is going to keep talking about getting community members involved, then they should just go right to the votes and see the votes to determine the winner of the election.
  - xciii. A community member asked a question regarding the institutional check of the JCC.
  - xciv. D. Engelson spoke about ambiguous wording, and said that there needs to be cold facts about the specific violation in question.
  - xcv. T. Cabbell said that the violation was that promotional materials cannot use the Cornell insignia or logo.



- xcvi. Barbara Cruz of La Asociación Latina said that her organization did endorse D. Barbaria, and said that the members of the Student Assembly were conducting themselves in an unprofessional manner.
- xcvii. Bryan Weintraub said that the massive amount of bureaucracy on display is disappointing. He also said that the JCC ruled that the Elections Committee was biased, and that the JCC has the final say.
- xcviii. I. Wallace said that if the Elections Committee's decision is overturned, then the candidate for Undesignated Representative at-Large who would have obtained the fourth available seat would suddenly no longer have that seat, since the loser of the presidential race would automatically gain that seat.
- xcix. G. Park asked a question regarding the Elections Committee's adherence to rules, and whether or not the 2-8-1 vote referenced in the A. McLaughlin article was true.
  - c. T. Cabbell said that the vote in the document was not 2-8-1.
  - ci. G. Park said that there were four members who should have recused themselves.
  - cii. T. Cabbell said that that applies to the endorsed candidate, and that a decision can still be made without changing that.
  - ciii. G. Park said that it is less about the person and more about the process, and that regardless of what happens in a two-person race, the actions of each affect the other. She also asked if the four members recused themselves.
  - civ. T. Cabbell replied in the negative.
  - cv. G. Park asked if one wouldn't naturally think the voting in a 2-8-1 vote might be biased.
  - cvi. T. Malone replied in the negative, and said that no one recused themselves in votes concerning V. Devatha.
  - cvii. V. Devatha said that the importance of confidentiality is also to protect from the opinions of others.
  - cxviii. There was a motion to move this to Business of the Day – **failed** 13-6-1.
    - 1. There was a dissent.
  - cix. O. Corn moved to extend the meeting by 30 minutes – **passed**.
  - cx. D. Engelson said that there needs to be a returning of the decision.
  - cxii. T. Cabbell said that he has a problem with saying that the Elections Committee was biased.
  - cxiii. O. Din said that the SA is trying to rush this resolution.
  - cxiiii. M. Valadez said that it takes six SA voting members to call a special meeting.
  - cxv. A community member spoke regarding the problems with the term "bias".
  - cxvi. A. McLaughlin said that the SA has all the necessary information, and that the community wants to see a vote.
  - cxvii. T. Cabbell said that the Elections Committee overturned their previous decision because they evaluated the process, and evaluated what was in front of them.
  - cxviii. S. Parikh said that there is a lack of democracy in the meeting, and that there is a sheer amount of bias in the way that the SA, the Cornell Daily Sun, and other organizations have operated, and that it is the responsibility of every person elected to the SA. She added that she highly encourages the SA to stand by the decision, and that the SA should hold themselves to better standards and decency.

- cxviii. R. Herz said that there must be a way for the Elections Committee to be overturned, and that they must let the students decide if they want D. Barbara or V. Devatha for SA president.
- cxix. T. Malone said that a rule was broken, and that the Elections Committee have disqualified people for rule infractions many times. He added that the rule against use of the Cornell logo or insignia applies to all candidates.
- cxx. R. Herz asked whether infraction of a rule automatically leads to disqualification.
- cxxi. T. Cabbell asked how the Elections Committee would be able to weigh one rule as being better than another, and that votes still mattered in every other race.
- cxixii. There was a motion to go into voting on Resolution 44 – failed.
- cxixiii. A representative of the Cornell Daily Sun said that the editorial board of the Sun did endorse D. Barbara, and asked for community members to reach out to them if they have any questions about bias. He also recommended for community members to write letters to the editor if they have problems with election coverage.
- cxixiv. S. Iruvanti said that he is urging the Elections Committee to release the votes.
- cxixv. T. Cabbell replied in the negative.
- cxixvi. G. Kaufman said that the only thing that the SA should be doing is verifying that election rules were broken. He added that the Elections Committee’s decision was overturned, and that the Committee refused to acknowledge this.
- cxixvii. D. Nyakaru referenced the election rule regarding the JCC, specifically the clause “may be overturned”.
- cxixviii. T. Malone said that the Elections Committee was unaware of any other interpretation of the rule, and that they interpreted the rules to the best of their knowledge. He added that the JCC was not operating under full information.
- cxixix. C. Schott said that the votes should be released and that the Elections Committee did break the rules.
- cxixxx. T. Cabbell said that if SA members remove the claims of bias in the resolution, then they can move forward to show the results. He also said that this is the first time that the JCC has ever been used in the SA, and that all information was provided in the election rules.
- cxixxxi. O. Corn said that she fully believes that the elections process was not biased, and that V. Devatha’s campaign broke the rules twice. She added that she fully trusts T. Cabbell and all those on the Elections Committee.
- cxixxxii. E. Shapiro said that the problem is not whether or not the Elections Committee broke the rules, but that the JCC is a check. He also said that the Elections Committee had every opportunity to write a full report.
- cxixxxiii. Z. Schmetterer said that the chair may call the question without requiring a second or a vote.
- cxixxxiv. J. Kim called the question.
- cxixxxv. There was a motion to overturn – motion overturned.
- cxixxxvi. There was a motion to table discussion – tabled.

**VII. Adjournment**

- a. J. Kim adjourned the meeting at 8:01pm.

Respectfully Submitted,

*John Hannan*

Clerk of the Assembly