



Cornell University Student Assembly

Cornell University Student Assembly

Minutes of the Friday, April 13, 2018 Meeting
5:07pm-7:00pm in 251 Malott Hall

I. Call to Order/Roll Call

- a. J. Kim called the meeting into Committee of the Whole at 5:07 pm.
- b. Roll Call:
 - i. *Present*: D. Barbaria [0], A. Chowdhury [2], V. Devatha [1], D. Engelson [0.25], O. Egharevba [1], H. Hassan [3], N. Hernandez [0], M. Indimine [1.5], S. Iruvanti [0], G. Kaufman [0], J. Kim [1], S. Lim [0], D. Nyakaru [1], M. Peralta-Ochoa [2], C. Schott [1.25], E. Shapiro [1], J. Sim [1], A. Viswanathan [0]
 - ii. *Arrived After Roll Call*: O. Corn (*Excused*) [1], O. Din (*Excused*) [2], S. Park (*Excused*) [2.75], G. Park (*Excused*) [0], M. Valadez (*Excused*) [1]
 - iii. *Absent*: T. Ball (*Excused*) [0.75], R. Cornell (*Excused*) [2.5], R. Herz (*Excused*) [5], L. Lipschutz (*Excused*) [4.75], I. Wallace (*Excused*) [1]

II. Business of the Day

- a. Elections Discussion/Resolution 44
 - i. Discussion began under Committee of the Whole at 5:07 due to a lack of quorum.
 - ii. G. Kaufman said that he has received more information since the previous meeting, and said that a previous Director of Elections agreed with his interpretation of the election rules. He added that the Office of the Assemblies offered their interpretation of the rule and said that the Judicial Codes Counselor (henceforth JCC) has the authority to overturn the Elections Committee.
 - iii. N. Hernandez asked that SA members act with respect.
 - iv. G. Kaufman read the amended form of Resolution 44.
 - v. N. Hernandez asked why G. Kaufman did not reach out to the Director of Elections who held the position between the time of the current Director and the Director he did reach out to.
 - vi. D. Barbaria said that G. Kaufman was involved in the events that caused her to stop being the Director of Elections.
 - vii. J. Kim said that she was removed as Director of Elections.
 - viii. G. Kaufman said that she resigned as Director of Elections.
 - ix. J. Anderson asked how Resolution 44 would impact the results of the Undesignated Representative at-Large race if it passed today.
 - x. G. Kaufman said that any incorrect information would be corrected. He also said that there was an interpretation of the rules such that whoever is running

for president is automatically entered into the Undesignated race, and that the loser of the SA presidential race automatically becomes an Undesignated Representative at-Large. He added that this is the interpretation of both the Elections Committee and the Office of the Assemblies.

- xi. J. Anderson asked if that would mean that Catherine Li would not be seated on the committee.
- xii. The discussion was paused to conduct roll call, since quorum had been reached.
- xiii. G. Kaufman moved to amend Resolution 44 to reflect the changes made.
- xiv. A community member said that the SA meeting of the previous day had some of the most appalling behavior, and that the Assembly lost a complete sense of civility and decency. He also said that for three hours, Travis Cabbell was repeatedly attacked beyond the scope of reason to a basically personal level. He added that what makes this more maddening is that this is the second strike against the Student Assembly this year, the first being the Cornell Cinema, and that incidents such as this show why confidentiality is necessary. He also said that he fears for the physical and mental safety of all the members of the Elections Committee, and that the treatment of the members of the Committee by SA members has been shameful, as they faced and continue to face an unprecedented situation that there has never been a clear procedure for.
 - 1. T. Cabbell is the current Chair of the Elections Committee.
- xv. D. Engelson thanked the community member for his bravery, and said that he attached his name to this resolution because he feels that this resolution will be the best version to rectify all past wrongdoings. He added that the Assembly must move forward.
- xvi. T. Cabbell said that this current resolution is 100% better than the one presented yesterday, and that the previous form of the resolution was only brought to his attention one hour prior to the previous day's meeting. He added that despite the fact that his presence was not expected at the previous day's meeting, it was needed. He also said that this resolution says that power just goes to the Student Assembly whenever there is an ambiguous rule, and that it is a constitutional crisis to call the Elections Committee's decision invalid because of a different interpretation of a rule.
- xvii. G. Kaufman asked T. Cabbell whether or not the Elections Committee has the unlimited authority to interpret its rules and break them at will.
- xviii. T. Cabbell said that the Committee did not break its own rules.
- xix. Discussion continued between G. Kaufman and T. Cabbell.
- xx. J. Kim said that previous emails defining the intent of the clause were found, and that the intent of the rule was clearly that the JCC's recommendation is a binding decision.
- xxi. C. Schott said that he appreciated the statement from the previous community member, but that to say that Assembly members treated people as subhuman is not true. He added that he thinks this resolution is very kind to the Elections Committee, and that the bigger issue was that elections results were released after having thought to have full information, especially in regard to the chance that C. Li may be unable to have a seat on the Assembly.

- xxii. D. Barbaria moved to amend and keep the speakers list.
- xxiii. G. Kaufman's motion to amend Resolution 44 (see subpoint xiii) – amended.
- xxiv. A community member spoke regarding the Assembly's decision regarding the JCC.
- xxv. D. Nyakaru thanked the community member who spoke before regarding the Assembly's conduct, and said that the functionality of Resolution 44 must be debated, since it would effectively be removing the autonomous function of the Elections Committee and giving it back to the SA. She also asked Zachary Schmetterer a clarifying question regarding the election rules.
- xxvi. Z. Schmetterer said that his interpretation is that the JCC serves as a hard check on the Elections Committee.
- xxvii. D. Nyakaru said that this information was given after the Elections Committee's decision was made, and asked how someone can work under an interpretation that they are unaware of.
- xxviii. T. Cabbell echoed D. Nyakaru's sentiments, and said that none of this information was ever shared with him. He added that when the new rule was added, there was the opportunity to make the language more clear, but they did not.
- xxix. J. Kim said that it is not the Elections Committee's fault that no one knew the original intent because it was never shared with anyone.
- xxx. G. Kaufman said that the Elections Committee did their best to do things by the rules as much as possible, and that due to a lack of provided context, they broke the rules. He also said that the SA cannot have committees that do not follow rules, and that they must make sure that the rules are followed.
- xxxi. N. Hernandez referenced C. Schott's earlier comments.
- xxxii. C. Schott said that the fact that C. Li might not be able to get a seat on the committee despite having previously been reported as winning a seat is an unfortunate outcome based on what happened, and asked whether or not the SA should create a seat for her.
- xxxiii. N. Hernandez asked what needs to be done to get Resolution 44 passed.
- xxxiv. Shreya Mantrala of the Elections Committee asked whether or not historical intent will now become a consideration for every election rule.
- xxxv. J. Anderson said that everyone on the SA should have respect for everyone on the Elections Committee.
- xxxvi. T. Cabbell echoed S. Mantrala's sentiments, and said that Resolution 44 is unfair and a bare-bones job unless historical intent will be considered for every rule going forward.
- xxxvii. G. Kaufman said that the SA cannot audit every single email sent by every single Director of Elections to the Office of the Assemblies, and said that there is nothing that can be done now concerning the fact that the intent of the clause was not provided to the Elections Committee. He added that the logical conclusion of T. Cabbell's argument is that the Committee has unlimited authority.
- xxxviii. D. Engelson moved to amend Resolution 44.
- xxxix. T. Cabbell said that election rules will be redone soon regardless.
 - xl. D. Engelson withdrew his amendment.
 - xli. E. Shapiro said that everything that he wanted to say has been said, and that he thinks the resolution should be voted on now.

- xlii. There was a motion to vote.
 - 1. There was a dissent.
 - 2. E. Shapiro **withdrew** his motion.
- xlili. A. Viswanathan said that this resolution sets a precedent that the SA has power over the Elections Committee, and moved to amend Resolution 44.
- xliv. J. Kim said that he will continue to move through the speakers list while A. Viswanathan gets the language for his resolution.
- xlv. Z. Schmetterer said that in terms of precedence, using the most recent precedent is the usual legal way of proceeding, and that it is disheartening as Parliamentarian to see the lack of information given. He added that the SA should bring back the position of Executive Archivist as appointed by the SA President, and that issues of precedent came up with the Cornell Cinema last semester. He also said that having a more complete database would be better moving forward.
- xlvi. O. Corn said that she would like to make clear that she will not vote “Yes” on Resolution 44, and that the way the rules are written at the time are how they must be followed. She added that if the Elections Committee’s decision is overturned, then the SA is saying that anyone can break the rules and can have their disqualification overturned, and that the two issues at hand must be separated, since everyone here had to follow the rules.
- xlvii. Discussion continued between O. Corn and G. Kaufman.
- xlviii. D. Barbaria asked who the most recent group to pass the election rules was.
- xlix. Manisha Munasinghe said that she would be fully supportive of efforts to create an Executive Archivist position.
 - 1. N. Hernandez said that the position is in the SA’s charter, and that the SA is supposed to have one.
 - li. There was a motion to vote.
 - 1. There was a dissent.
 - 2. J. Kim said that the language for A. Viswanathan’s proposed amendment is not yet finished.
 - lii. T. Cabbell said that these rules were voted on by the body that wrote them, and that the Elections Committee has interpretation powers since they effectively wrote the rules. He also said that the SA empowered the Committee to have the intent that they have with the document, and that he does not know why past opinions are being weighted as greater than their own.
 - liii. G. Kaufman said that the last body to pass these rules was the Student Assembly, not the Elections Committee.
 - liv. Discussion continued between G. Kaufman and T. Cabbell.
 - lv. G. Kaufman said that the problem is that the Elections Committee was told that they broke the rules and that the Committee said that they did not. He added that Resolution 44 is only saying that the JCC has the power to overturn the Elections Committee, and say that it happened because it did happen.
 - lvi. A. Viswanathan proposed his amendment to Resolution 44.
 - lvii. M. Valadez said that the student body will not take the Student Assembly seriously if they do not pass this resolution.

- lviii. N. Hernandez suggested that a footnote be added to the resolution that says that it is not their body, rather than A. Viswanathan's proposed resolution which just adds more confusing language.
- lix. T. Cabbell said that M. Valadez is correct in that the SA does not look the best in the eyes of the community right now, but that passing this resolution is not the only way to get the election results out, and that a new resolution can be written and voted on the way it is.
- lx. A. Viswanathan said that he prefers the amendment rather than the footnote since the problem being faced right now should be in the documentation.
- lxi. N. Hernandez said that she disagrees since the body was confused while reading the resolution.
- lxii. G. Kaufman moved to amend the amendment, such that "implicated bias" now reads "overturned the Elections Committee" – amended by unanimous consent.
- lxiii. Motion to vote on A. Viswanathan's amendment to Resolution 44 – amended.
- lxiv. N. Hernandez asked whether it is within the Assembly's power to provide a seat for C. Li should the resolution pass.
- lxv. J. Kim said that it is not within their power.
- lxvi. D. Engelson asked a question regarding the Elections Committee's interpretation of rules.
- lxvii. A member of the Elections Committee said that it would boil down to who can interpret the rules, and that the Committee ultimately has the power.
- lxviii. D. Engelson asked what impact the Committee thought the meme had on the election.
- lxix. J. Kim said that this is irrelevant to the resolution.
- lxx. G. Kaufman said that the SA should never be trying to interpret whether the Elections Committee applied a rule correctly, and that this is the purview of the JCC. He added that the Assembly will never presume to be able to overturn the JCC's ruling, and that the Elections Committee cannot overturn the body that overturns them.
- lxxi. T. Cabbell asked where in the resolution it says that this cannot be used to change interpretations of other rules or bodies.
- lxxii. G. Kaufman said that he believed it to be pretty obvious, but that he would not be opposed to writing it in.
- lxxiii. Discussion continued between G. Kaufman and T. Cabbell.
- lxxiv. D. Nyakaru said that the bigger issue at hand is that this resolution says that the Elections Committee will no longer be autonomous from the SA, and asked how the Assembly can still allow the Committee to be autonomous.
- lxxv. J. Kim said that he is not sure that the resolution does that, and said that it gives a final say to the JCC, not to the Student Assembly.
- lxxvi. D. Nyakaru said that the resolution says that it can change.
- lxxvii. J. Kim said that it is specific to this election, hence the use of V. Devatha's name.
- lxxviii. D. Nyakaru said that she is not saying that she agrees with the JCC's report, and that the SA is talking about the ruling.

- lxxix. A. Viswanathan said that the resolution does not say that the SA is overturning, but that it is recognizing in bylaws that the JCC has the final say and ensuring that happens.
- lxxx. T. Cabbell asked whether or not the bylaws actually state anything in regard to the JCC.
- lxxxi. J. Kim replied in the negative.
- lxxxii. An Elections Committee member said that this still sounds like the Assembly is picking and choosing which election rules to interpret, and that they would be more in favor of pursuing a different option, such as adjudication by a neutral third party.
- lxxxiii. J. Kim said that the JCC is a neutral third party.
- lxxxiv. Discussion continued.
- lxxxv. A community member said that one thing students would appreciate regardless of the outcome would be to see the vote tallies, and that maybe this should be voted on separately.
- lxxxvi. J. Kim said that disqualified candidates cannot have their vote tallies released, and that for that to happen this resolution would have to be adopted.
- lxxxvii. A community member said that something should be done in regard to C. Li.
- lxxxviii. M. Indimine said that he disagrees with the way that election rules go in regard to the Undesignated seat and the Presidential race.
- lxxxix. J. Anderson said that, fundamentally, he agrees that the vote tally needs to be released. He also said that the resolution has the right intent, and that it is the best way to go forward regardless of the minutiae that may be parsed out of it. He added that, post-resolution, the election rules must be looked at intensely, and that the resolution should not affect how they're looked at. He also said that, going forward, the minutes of the Elections Committee will determine intent, not language.
- xc. T. Cabbell said that J. Anderson's response does not address the idea that the Assembly is now ruling on a decision that would remove the autonomy of this current Elections Committee.
- xc. J. Kim said that this resolution does not overturn the Elections Committee, and that the Assembly is clarifying that the JCC, which is by definition third-party and nonbiased, has the final say.
- xcii. T. Cabbell said that the resolution does make the statement that the original intent was wrong.
- xciii. Discussion continued between T. Cabbell and J. Kim.
- xciv. Terrill Malone of the Elections Committee said that the Committee does not support the resolution or what it intends to do.
- xcv. D. Nyakaru said that a lot of members of the SA endorsed either D. Barbaria or V. Devatha in the election, and asked what should be done in this regard as it pertains to conflicts of interest and biases.
- xcvi. G. Kaufman moved to amend Resolution 44.
- xcvii. M. Indimine said that there are many issues on campus right now that the Assembly is disregarding to talk about this, and that this must be voted on soon.
- xcviii. Motion to amend Resolution 44 – amended 19-0-3.
- xcix. There was a motion to vote on Resolution 44.

1. D. Nyakaru dissented, saying that the aforementioned concerns regarding conflicts of interest must be decided on.
- c. J. Kim asked T. Cabbell if he would be okay with the JCC interpreting the rules for conflicts of interest.
 - ci. Discussion continued in this regard.
 - cii. There was a motion to overturn the chair's call for a vote – **failed**.
 - ciii. A. Viswanathan moved for a roll-call vote including who each voter endorsed.
 - civ. D. Barbaria said that members cannot be forced to disclose their endorsements.
 - cv. D. Barbaria and V. Devatha left the room for the vote.
 - cvi. J. Kim said that he received proxy votes prior to the meeting, and read them.
 1. These will be included in the full report of votes later on in the minutes.
 - cvii. T. Cabbell said that the Elections Committee believes that certain members of the Student Assembly are outwardly against the Committee at this time and cannot separate their opinion from this. He also named G. Kaufman, L. Lipschutz, M. Indimine, and M. Valadez as members who could be considered as biased and should therefore abstain.
 - cviii. G. Kaufman said that he will not abstain from the vote, and that he does not care who wins the election.
 - cix. N. Hernandez left the meeting, and announced her vote at this time as a proxy.
 1. This will be included in the full report of votes later on in the minutes.
 - cx. Motion to vote on Resolution 44 – approved 17-2-6.
 1. T. Ball – yes (proxy)
 2. A. Chowdhury – yes
 3. O. Corn – no
 4. O. Din – yes (proxy)
 5. O. Egharevba – yes
 6. D. Engelson – abstain
 7. H. Hassan – yes
 8. N. Hernandez – abstain (proxy)
 9. R. Herz – yes (proxy)
 10. M. Indimine – yes
 11. S. Iruvanti – yes
 12. G. Kaufman – yes
 13. S. Lim – yes
 14. L. Lipschutz – yes (proxy)
 15. D. Nyakaru – abstain
 16. S. Park – yes
 17. G. Park – abstain
 18. M. Peralta-Ochoa – no
 19. C. Schott – yes
 20. E. Shapiro – yes
 21. J. Sim – abstain
 22. M. Valadez – yes

- 23. A. Viswanathan – yes
- 24. I. Wallace – abstain (proxy)
- 25. J. Kim – yes
- cxii. T. Cabbell said that the Elections Committee has no stake in this election, and that the Committee believes that democracy deserves to take place on campus.
- cxiii. T. Malone said that the Elections Committee does not agree with the outcome of this resolution.

III. Adjournment

- a. J. Kim adjourned the meeting at 7:00pm.

Respectfully Submitted,
John Hannan
Clerk of the Assembly