

Cornell University University Assembly

Agenda

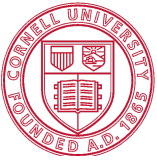
University Assembly: Codes and Judicial Committee

February 21st, 2020

9am-10:30am

316 Day Hall

- I. Call to Order
- II. Approval of the Minutes
 - A. February 14th, 2020 Meeting Minutes
- III. Business of the Day
 - A. Cornell Statement on Responsible Speech and Expression Draft (20 minutes)
 - B. Student Code of Conduct Draft (60 minutes)
 1. Jurisdiction (30 minutes)
 2. Violations (30 minutes)

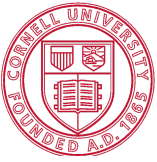


Cornell University
University Assembly

**The Codes and Judicial Committee
of the University Assembly**

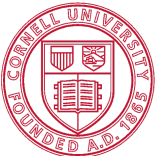
Minutes of the February 14th, 2020 Meeting
9:00 AM – 10:30 AM
316 Day Hall

- I. Call to Order
 - a. J. Anderson called the meeting to order at 9:07 AM.
 - b. Members (Voting) Present: M. Adeghe, U. Chukwukere, J. Michael, R. Lieberwitz, B. Corrigan, G. Martin, C. Huang, A. Llinas Vahos (via zoom).
 - c. Members Absent: L. Taylor.
 - d. *Also Present:* M. Horvath.
- II. Approval of the Minutes
 - a. Minutes from December 9th, 2019.
 - i. J. Michael made a motion to approve the Minutes. By a vote of 4-1-0 the motion passed.
 - b. Unofficial Minutes from February 5th, 2020.
 - i. M. Horvath made a motion to amend “University of Miami” to “University of Cincinnati,” the motion passed by unanimous consent.
 - ii. J. Michael made a motion to approve the Minutes. By a vote of 4-1-0 the motion passed.
- III. Business of the Day
 - a. Cornell Statement on Responsible Speech and Expression -- Draft
 - i. R. Lieberwitz posted an edited version with tracked changes in Box and brought printouts for the members.
 - ii. J. Anderson: the University separated this clause out. His hope is that the Committee can deal with this today as it is short.
 - iii. R. Lieberwitz: some of this is moving things around. Some of it is about the mission. She changed the title to remove “Responsible speech.” She moved the part about the President’s authority to take action where there are imminent threats to the end. She stated the way that Counsel wrote this was to lift from policy 6.4 which made no sense to her. She took the core of it, the old statement from 1960, and used the parts that were selected by Counsel and removed the 6.4 parts that seemed out of context.



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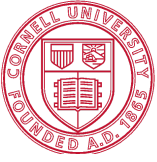
- iv. M. Horvath: it's important to talk about the balance of the policy 6.4 rights. So that folks do have notice that they can be held accountable for their speech when they are in an employment capacity.
- v. R. Lieberwitz: the way it is worded about policy 6.4 is confusing, and we should have something more general.
- vi. J. Anderson: it's also possible if we don't want to go into the word-smithing we can send our sentiments to University Counsel's Office for a draft of the language.
- vii. B. Corrigan asked why don't all of us have a responsibility to maintain this respect and academic environment? Why just the President?
- viii. C. Huang replied that it can serve as a prevention of vigilantism, and in crisis situations it's good.
- ix. G. Kanter: there is a way to balance that this is the President's authority and everyone's shared responsibility as well.
- x. J. Anderson: we can add another paragraph saying it's the responsibility of everyone to uphold this, even though that may be rare.
- xi. C. Huang agreed.
- xii. R. Lieberwitz said she really didn't like having the Public Order language in this section at all: it sticks out as something that doesn't fit in an aspirational document about rights.
- xiii. M. Horvath: it needs to stick out, we need limitations. Like doing card access today, balancing people's right to protest with fire codes and public safety. She is of the opinion that if we explain rights, we should explain limitations as well. Maybe we can draft this in a way that sticks out less, but it should be kept in this space.
- xiv. B. Corrigan pointed out it is good that the buck stops somewhere.
- xv. R. Lieberwitz was happy to do word-smithing on this document.
- xvi. J. Anderson asked if there were other concept points that we wanted to discuss.
- xvii. R. Lieberwitz stated she did change something substantive, after imminent threat--changed to the active voice and added "and shall consult with campus governance bodies".
- xviii. R. Lieberwitz asked if we should take out the hyperlink.
- xix. J. Anderson: we can say we do not approve of links.
- xx. R. Lieberwitz: we can have appendices instead.
- xxi. J. Michael: take out the link, but the statement of Core Values is important to have in there.
- xxii. J. Anderson asked for a motion to task R. Lieberwitz to draft these changes.
 1. G. Martin moved to do that. By a vote of 7-0-1 the motion passed.



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b. Student Code of Conduct -- Draft

- i. R. Lieberwitz introduced the changes she had made.
- ii. R. Lieberwitz voiced discomfort with the language designating responsibility for a guest's misconduct.
- iii. M. Horvath: one of the things that she likes about the current code is the language dealing with protection of the community, and it is missing in this current draft. It seems like the edits are only talking about education, but this goes outside of the classroom as well. If you have a non-punitive code how can you suspend or dismiss people? Sometimes the most important educational intervention is a departure from campus. She would like to get rid of "Fall 2019," and do some word-smithing.
- iv. G. Kanter: echoed M. Horvath's statement about the punitiveness/non-punitiveness.
- v. J. Anderson: please edit in the Google Doc. Box is the holding tank for everything, but Google Docs is better for edits.
- vi. J. Michael stated she has not worked on a campus where the Code does not cover behavior off campus. If a student commits a crime in Ithaca, are we not concerned about them coming back into the Cornell community? Does behavior of students outside Cornell not impact how they behave at Cornell?
- vii. J. Michael's questions sparked debate on the implications of off-campus jurisdiction, and who/when someone is a student.
- viii. M. Horvath: with off-campus jurisdiction, there are academic and reputational things to look at. Sometimes off-campus actions affect hiring prospects of future students.
- ix. B. Corrigan asked where are the boundaries to reputational considerations.
- x. M. Horvath: the reason there is so much vetting for the JA is because of the discretion the JA exercises. And there are checks and balances in the system.
- xi. J. Anderson got the sense that overall the Committee likes the language in Jurisdiction once University reputation is stricken out, and we can pose this as a question in public forums and give the public context.
- xii. M. Horvath will add the current parameters for off-campus jurisdiction used today. There is currently off-campus jurisdiction only for 5 serious types of actions.
- xiii. G. Kanter would like to use the public forums to explore this issue more.
- xiv. J. Anderson: there are significant questions in this off-campus jurisdiction question, especially concerning Greek Life. He asked if members have a set of questions that he can ask Counsel's Office.



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1. J. Anderson: for example, if Greek organizations with houses on campus are under this Code, why are/aren't Greek annexes off-campus under this?
 2. R. Lieberwitz: what is the nature and scope of jurisdiction of the Code over Greek organizations and over individuals within these Organizations?
- xv. B. Corrigan left the meeting.
- xvi. M. Horvath: this is the first campus she has been on where Greek organizations are not under the Code.
- xvii. J. Anderson will pose a set of questions on Jurisdiction of the Code to Counsel to get those answered asap. For the next meeting, he would like to finalize the academic freedom and freedom of discussion language. The Committee worked on Prohibited Conduct last semester, he would like to give it one more look over and check it off. We can go back to Jurisdiction. There isn't much to do in the Student Code after we get clarification on Jurisdiction.
- xviii. M. Horvath stated she would be happy to send out some edits on prohibited conduct.
- xix. J. Anderson: please put everything in Google Docs as suggestions and we'll start knocking them out at the next meeting. Next week we get the Procedures section, but will likely not talk about it. If anyone has questions for Counsel, send them to J. Anderson and he can ask them.

The meeting was adjourned at 10:30 AM.

Respectfully Submitted,
Matthew Ferraro
Clerk of the Committee