



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

Unofficial Notes and Official Minutes of the March 13th, 2020 Meeting

9:00 AM – 10:30 AM

B12 Day Hall

**NOTE: Quorum was not established until late in the meeting. As a result, the first part of this document is a record of the unofficial meeting, and the last portion serves as the official Minutes.**

- I. Call to Order
  - a. J. Anderson called the unofficial meeting to order--there was not a quorum present at the beginning of the meeting. **However, quorum was established later in the meeting.**
  - b. *Voting Members Present: R. Lieberwitz, L. Taylor, B. Corrigan.*
  - c. *Also present: G. Kanter, M. Horvath, C. Liang.*
- II. Path Moving Forward for the semester (Move to online instruction, social distancing in response to COVID-19 Pandemic)
  - a. Those present discussed an online public forum.
    - i. It was noted that discussing a student code when there are no students on campus was not a good idea.
  - b. Possible goal: get the procedures section in a place where some group next semester can basically approve it.
    - i. Procedures and Student Code can have robust public comment period.
  - c. G. Kanter asked if the Board of Trustees would agree.
  - d. J. Anderson hopes so but is not sure.
  - e. L. Taylor: if they want us to move faster we could finish this semester, and do a long public forum that reaches into the Fall.
    - i. R. Lieberwitz: if we do that, we have to make clear that the University will wait for people to comment on that in the Fall.
  - f. J. Anderson: if there are other suggestions let him know. The Committee will work on Procedures for the rest of the semester, and do public forums and public comment next semester.
- III. Procedures
  - a. J. Anderson asked G. Kanter and M. Horvath to explain the Procedures section.



- b. G. Kanter: this is not the version she would have chosen, but wanted to make sure that if Procedures is going to be like this that she had a say.
- c. M. Horvath: idea was to use a single investigator model, with checks and balances. Looked at the document: "OJA Outline for CJC (February 2020)"
  - i. Went over terms (definitions)
  - ii. Went over the Overview
  - iii. Wants to move away from the JA as a prosecutor.
- d. G. Kanter: this gets us closer to the current code than counsel's version but there are things that are concerning. Members don't rotate on the administrative board.
  - i. Number of cases that involve UHB is very small, so a rotating administrative panel is important because it will be dealing with most cases.
- e. C. Liang: we need to think about the roles of people involved in this process.
- f. R. Lieberwitz asked about the burden of proof.
- g. M. Horvath: burden of proof will still stay on University. She wants to get away from look that a University official is going after a student
- h. R. Lieberwitz: but that is what the university official is doing.
- i. M. Horvath: this is where we might have some philosophical disagreements. Used examples of appeals to appellate courts being in writing. If the hearing board wants to call the individuals who have done the investigation to tease that out that is fine. She is passionate about the idea of moving away from the hearing board model. Hearings represent less than 0.3% of cases.
- j. R. Lieberwitz: arbitration is a more therapeutic process. Has great concerns with not having fact finding hearings. Very concerned with a lite version of the process.
- k. M. Horvath: this is trying to come into alignment with best practices in the field. Cornell is super off from peers in this.
- l. G. Kanter: the initial 6.4 panel does rotate (the appeal does not).
- m. R. Lieberwitz: it's the nature of the process, people being heard vs. read. A process that removes witnesses and is only on the written record is not good. People need to be heard. It may not be a suspension or dismissal, but to the student having something on their record, it is a big deal.
- n. J. Anderson asked for clarification on what types of cases will be heard by administrative panels.
- o. M. Horvath: there are very few suspension and dismissal cases. A lot of those students settle. There are some hazing cases. Most of the time hearings go for low violations, like first time alcohol use.
- p. C. Liang: the amount of work and energy that administrative hearings entail is unsustainable.



- q. R. Lieberwitz asked about transcript notation.
- r. C. Liang: that is governed by Policy 4.7 and there are layers to transcript notation.
- s. R. Lieberwitz said the bizarre level of detail in Counsel's draft of the investigative process is intimidating, and increases the formality.
- t. M. Horvath: the OJA proposal was drafted before Counsel's draft and is more of an outline.
- u. G. Kanter preferred this to Counsel's 6.4 model. Maybe take some of what Counsel wrote. She was in support of oral opening and closing arguments.
- v. L. Taylor also didn't like Counsel's draft.
- w. B. Corrigan liked the idea of a detailed Processes section. Didn't like Counsel's version because of the punitive nature of the interaction.
- x. **QUORUM ESTABLISHED**
- y. J. Anderson noted that quorum was established: right then there were 7 voting members on zoom and in the room.
- z. A **motion** was made to use the OJA document as the base document. The motion **passed** 6-0-1.
- aa. J. Anderson will put this in a google document for the group.
- bb. R. Lieberwitz brought up the free speech document. She had modified it slightly.
- cc. The meeting was adjourned.

Respectfully Submitted,  
Matthew Ferraro  
Clerk of the Committee