

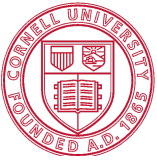
# Cornell University University Assembly

Agenda

April 10, 2020

University Assembly: Codes and Judicial Committee  
Zoom

1. Call to Order
2. Approval of the Minutes
3. Business of the Day
  - a. Standard of Proof Discussion and Vote
  - b. Draft Procedures Run-Through



Cornell University  
University Assembly

The Codes and Judicial Committee  
of the University Assembly

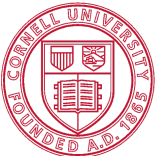
Minutes of the February 14th, 2020 Meeting  
9:00 AM – 10:30 AM  
316 Day Hall

- 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.



## Cornell University University Assembly

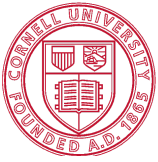
- iv. M. Horvath: it's important to talk about the balance of the policy 6.4 rights. So that folks do have notice that they can be held accountable for their speech when they are in an employment capacity.
- v. R. Lieberwitz: the way it is worded about policy 6.4 is confusing, and we should have something 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.



## Cornell University University Assembly

### 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



Cornell University  
University Assembly

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

Minutes of the March 6th, 2020 Meeting

9:00 AM – 10:30 AM

316 Day Hall

I. Call to Order

- a. *J. Anderson called the meeting to order.*
- b. *Members Present:* C. Huang, A. Hong, A. Llinas Vahos, B. Corrigan, R. Lieberwitz, J. Michael, G. Martin, U. Chukwukere.
- c. *Members Absent:* M. Adeghe, L. Taylor.
- d. *Also Present:* M. Horvath, G. Kanter, C. Liang.

II. Student Code

- a. 3.5 Disruption of University Activities
  - i. R. Lieberwitz explained her changes to the language of the section.
- b. 3.8 Harassment
  - i. No changes.
- c. 3.6 Drug Related Behavior
  - i. J. Michael asked why drug-related paraphernalia was excluded. This led to a discussion on whether or not paraphernalia should be included.
  - ii. J. Anderson asked the Committee to vote on:
    1. Getting rid of drug paraphernalia: 3 votes in favor.
    2. Keeping “Possessing drug paraphernalia”: 1 in favor.
    3. Keeping “Possessing drug paraphernalia with intent to use”: 4 in favor.
    4. Nothing had a majority, so they will all be a part of the public forum.
- d. 3.10 Invasion of Privacy and Appropriation of Identity
  - i. No changes.
- e. 3.11 Misrepresentation
  - i. No changes.
- f. 3.12 Misconduct Related to Student Organizations and Groups
  - i. J. Anderson’s edits replaced the preceding 2 paragraphs.
  - ii. C. Liang suggested changing the title to “Affiliation with unrecognized student organizations or groups.”



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- iii. M. Horvath: difference between registered and recognized groups will be dispelled if Greek life comes under the Code. Footnote should be if Greek life does not come under Code we need to put in that distinction.
- g. 3.13 Property Damage
  - i. No changes.
- h. 3.14 Theft and Intellectual Property Infringement
  - i. No changes.
- i. 3.15 Unauthorized Entry or Use of Space
  - i. Tampering with fire alarms was moved to Fire Safety by OJA, but the Committee preferred to keep this here.
  - ii. M. Horvath: it made more sense to have the fire stuff in one provision.
  - iii. J. Anderson asked if the Committee wants to pull the fire stuff into one provision.
  - iv. The committee's general sense was to take this out and put it in one fire section.
- j. 3.16 Violations of Public Laws
  - i. No changes.
- k. 3.17 Weapons
  - i. No changes.
- l. Abusive conduct procedures ("Obstruction with Code of Conduct Investigation and Adjudication Process")
  - i. M. Horvath: historically OJA has used it under obstruction.
  - ii. There was a discussion on wording of the section.
- m. Attempt to violate the Code
  - i. No changes.
- n. Discussion was brought back to alcohol abuses.
  - i. Discussion of whether intent to consume matters even if an under age person is in possession of alcohol.
  - ii. There was a vote on keeping "intent to consume" in the Code. The vote was 4-0-1; the provision stayed in.
  - iii. There was a Re-vote on keeping "intent to consume". The provision is now out of the Code by a vote of 2-0-3 [2 in favor of keeping, 3 in favor of striking].
- o. Attempt to Violate the Code
  - i. No changes.
- p. Bribery
  - i. No changes.
- q. Public Urination or Defecation; Lewdness
  - i. J. Anderson stated he doesn't like these provisions being labeled as they are.

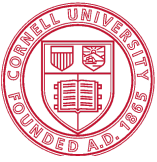


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- ii. They were originally under disorderly conduct.
- iii. C. Liang is in favor of keeping them in.
- iv. J. Anderson doesn't want this on a student's record after Cornell.
- r. False Imprisonment
  - i. J. Anderson: asked if the Committee would prefer to keep this in Assault and Endangerment or make it a separate section.
  - ii. M. Horvath: we see it a lot with hazing cases. Sometimes with roommate disputes.
  - iii. J. Anderson would the OJA prefer to pull it out?
  - iv. C. Liang wants to pull this section out. This could be psychological not just physical.
- s. Misconduct of Guests
  - i. J. Anderson: this already exists in the jurisdictional section, the question is whether to add it to the violations section.
  - ii. M. Horvath would like to have this provision for reporting purposes.
  - iii. R. Lieberwitz: uncomfortable with the term complicit.
- t. 3.7 Failure to Comply
  - i. Discussion on R. Lieberwitz's changes.
- u. R. Lieberwitz: worries about protective provisions that have dropped out of the Code, particularly on speech.
- v. J. Anderson: we may have time to add those in.
- w. J. Anderson: send questions you have on procedures to him.

Respectfully Submitted,  
Matthew Ferraro  
Clerk of the Committee





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

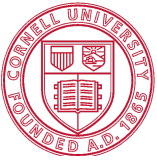
Unofficial Notes and Official Minutes of the March 13th, 2020 Meeting

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.

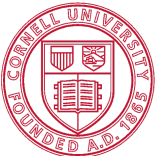


- b. G. Kanter: this is not the version she would have chosen, but wanted to make sure that if Procedures is going to be like this that she had a say.
- c. M. Horvath: idea was to use a single investigator model, with checks and balances. Looked at the document: "OJA Outline for CJC (February 2020)"
  - 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



**Cornell University**  
**University Assembly**

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

Minutes of the March 27th, 2020 Meeting

9:00 AM – 10:30 AM

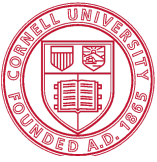
Held via Zoom

I. Call to Order

- a. J. Anderson called the meeting to order at 9:05am.
- b. Voting Members Present: *R. Lieberwitz, L. Taylor, C. Huang, B. Corrigan, U. Chukwukere, J. Hong, A. Llinas Vabos, J. Michael, G. Martin.*
- c. Voting Members Absent: *M. Adegbe.*
- d. Also present: *G. Kanter, B. Krause, C. Liang, B. Howarth, J. Pea.*

II. Schedule

- a. J. Anderson explained his email to the Committee, and requested a formalized vote on which version (OJA's or Counsel's) to work off of.
- b. R. Lieberwitz: it would be good to agree on a good goal as a group. Everything is different now. We're not saying we want an extension, we are saying under the present circumstances, we believe this is a reasonable timeline.
- c. B. Howarth: he understands the extreme difficulty of working remotely. We need to get community engagement. But he would ask that the CJC get it to the UA as soon as possible. In terms of asking for an extension, keep in mind it is not the President but the Trustees the Committee needs to ask. He wouldn't count on them giving an extension. Keep in mind there will be a brand new CJC next fall. If the Committee can get the UA a draft by the end of April that would be best.
- d. R. Lieberwitz doesn't think the CJC is in a conflict with what B. Howarth is saying. The Committee has the ability to put together a draft. But what about the public comment?
- e. G. Giambattista: in the past, all public comments were incorporated by the CJC and then sent to the UA.
- f. J. Anderson introduced B. Krause, who will be serving as interim JA.
- g. G. Kanter: believes there is a way we can get it to the UA by April, but not sure the UA should vote on it until public comment is done.



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- h. G. Kanter: the first 2-15 pages of Counsel's draft are completely contrary to OJA's version. We can copy and paste parts that are applicable. Thinks it would be a mistake to work off Counsel's draft because they are inconsistent.
- i. G. Giambattista: keep in mind all the processes can be changed, amended, especially in light of the present situation.
- j. R. Lieberwitz stressed how wrong it would be to adopt these changes without a robust public comment.
- k. J Anderson: it seems like we want to finish a draft and figure out public comment later in conjunction with the UA.
- l. B. Howarth was not convinced that they have to wait until the Fall for public comment, can do an online public comment. There will be a lot of turnover on the CJC and the UA. Not convinced the Board of Trustees will give an extension.
- m. R: Lieberwitz: we should pick a date to send a draft to the UA.
- n. B. Corrigan: can the UA commit to having a robust public comment?
- o. J. Anderson: from his conversations, it seems like the leadership of the UA has the time and will to do this.
- p. J. Pea: very much agree with that sentiment.
- q. R. Lieberwitz: asked when the next board meeting would be.
- r. J. Anderson: May, but not sure of the dates in May. Mid-to-late. Then October.
- s. R. Lieberwitz: so if public comment is feasible in Fall, the deadline would be October.
- t. B. Howarth: the Board would like it in May.
- u. B. Howarth: if it is not delivered in May, they will have Counsel write it and rewrite the UA's charter to take that power away.
- v. J. Michael: it feels like we owe it to ourselves to do the work we were asked to do. She doesn't want to be on a committee that doesn't fulfill what it was asked to do. Sometimes it feels like we are talking ourselves in circles.
- w. G. Kanter: fearful of the overhanging suggestions that Counsels draft will replace this. We should have a complete draft by April 17th, with public comment April 20-24. She is happy to reach out to organizations to talk about revisions.
- x. J. Anderson endorsed that timeline. We have the substantive violations section done. There can be online comments on that.
- y. J. Anderson **motioned** to accept the April 17th deadline, and to put Violations up for public comment now. The motion **passed** 9-0-0.

### III. Procedures

- a. C. Liang put together a document of what the OJA currently does in Educational Conferences.



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- b. G. Kanter put together revisions of the Administrative panel.
- c. G. Kanter explained the document “Advisors and Support People JCC Draft for OJA Version”.
- d. G. Kanter noted a couple of important pieces that need to be completed: question about complainant, appeals process, standard of proof.
- e. J. Anderson wanted to assign that work out. He asked C. Liang, G. Kanter, and B. Krause to tackle the administrative panel formal hearing and educational conference aspects. Asked R. Lieberwitz to work on complainants. J. Anderson can take the lead on standard of proof. G. Kanter can do appeals. C. Liang can help with appeals. J. Michael, C. Liang and R. Lieberwitz will work on the investigative process.
- f. The meeting was adjourned at 10:30am.

Respectfully Submitted,  
Matthew Ferraro  
Clerk of the Committee



Cornell University  
University Assembly

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

Minutes of the April 3rd, 2020 Meeting

10:00AM - 11:30AM

Held via Zoom

- I. Call to Order
  - a. J. Anderson called the meeting to order at 9:05am.
  - b. Voting Members Present: *R. Lieberwitz, L. Taylor, U. Chukwukere, A. Llinas Vahos, J. Michael, C. Huang, B. Corrigan.*
  - c. Voting Members Absent: *M. Adegbe, G. Martin, J. Hong.*
  - d. Also present: *G. Kanter, B. Krause, C. Liang, G. Giambattista, J. Pea.*
- II. Announcements
  - a. The substantive Code is posted on [assembly.cornell.edu](http://assembly.cornell.edu) for public comment.
  - b. The UA has been informed of the April 17th due date for Procedures.
  - c. The SA is sending the substantive Code through its listservs and will discuss it.
  - d. J. Anderson suggested April 17th as the date to close public comment on the substantive Code. He suggested May 1st as the date to close public comment for Procedures.
  - e. A vote was held to adopt the May 1st deadline for public comment on Procedures; the motion passed 6-0-1.
- III. Business of the Day
  - a. OJA Themes
    - i. B. Krause introduced the broad OJA themes. She felt like it would be most helpful if the OJA just commented on different versions as opposed to writing them.
      1. Referrals are from university officials, not individuals: this needs to be reflected in counsel's draft.
      2. OJA would like to revisit the recording of interviews in counsel's draft; that doesn't seem to be supportive of the educational conversations we want to have.
  - b. Draft Procedures
    - i. G. Kanter and R. Lieberwitz walked the committee through their full draft of the Procedures section.



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1. R. Lieberwitz went through the first section on the complainant. They tried to make it readable and logical and tried to show how things move from less formal to more formal. They left a placeholder for a narrative section to understand the process.
  2. B. Krause and others discussed the first section in the complainant section.
  3. G. Kanter went over administrative panels, hearing panels, and appeals panels. She explained what happens when cases are referred to an administrative panel.
  4. B. Krause: her biggest concern with this is that it draws from criminal law practices. It includes the role of law students and lawyers in this process. If the goal is to be educational, one of the real challenges is for the student who is accused to speak for themselves.
  5. G. Kanter: the goal is to not use the hearing process at all, push to other outcomes.
  6. R. Lieberwitz: the due process increase is warranted.
  7. C. Liang brought up that public hearings are very much just a Cornell thing. Urges the Committee to reconsider that.
  8. R. Lieberwitz views the public hearings as a good thing. Private hearings protect the respondent. There are some issues, political protests for example, where the public has a right to know. We can think about it some more.
  9. B. Krause believes there are privacy concerns. FERPA concerns.
  10. J. Anderson has put this document in a google folder. Please make comments. The Committee will go through the comments at the next meeting.
- c. Standard of Proof
- i. J. Anderson showed his slide, which explained Preponderance of Evidence
- v. Clear and Convincing Evidence.
1. Preponderance of evidence is used in Policy 6.4 and the Greek system, and is the current best practice in the field. Clear and convincing is currently used in the code.
  2. R. Lieberwitz has been proud that Cornell uses Clear and Convincing--views it as a statement of principle. This is a frightening process for people. Clear and Convincing is more than





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- Preponderance, but not beyond a reasonable doubt. The reason 6.4 uses it is a misinterpretation of a DoE policy from 2011.
3. J. Michael spoke in support of Preponderance. The resources needed for Clear and Convincing are not housed in this process.
  4. B. Krause: these are community standards of behavior. We have to establish misconduct took place to have educational sanctions. Clear and Convincing would tilt the playing field to students who are accused. She thinks it is correct that attorneys viewed the DoE letter as instructions to use Preponderance. Institutions disregard dear colleague letters at their own peril.
  5. G. Kanter supports Clear and Convincing. There is no reason why Clear and Convincing and an educational atmosphere can't come together.
  6. J. Anderson stated the goal for the next meeting is to have more of a discussion on this and then take a Committee vote on it.
  7. R. Lieberwitz: Clear and Convincing uses substantially persuasive evidence as opposed to 50%+1 feather like Preponderance does.
  8. C. Liang stated she is in favor of Preponderance. Clear and Convincing is the hardest standard to define. She asked what happens if the University doesn't follow its own code of conduct? The University can be sued, and civil suits are judged based on Preponderance. The standard for the Code should be Preponderance.
  9. J. Anderson thanked everyone for all the hard work they put in, and the discussion today. They will meet at 9-10:30am next week.

Respectfully Submitted,  
Matthew Ferraro  
Clerk of the Committee