



Cornell University
University Assembly

Matthew Battaglia
Chair, Codes & Judicial Committee
University Assembly
109 Day Hall
Cornell University
Ithaca, NY 14853
p. 607.255.3175

November 28, 2017

President Martha E. Pollack
Office of the President
300 Day Hall, Cornell University
Ithaca, NY 14853-2801

Subject: Re: UA Resolution #4: Addressing Housekeeping Changes and Laying the Groundwork for a Holistic Evaluation of the Campus Code of Conduct

Dear President Pollack,

Per your request for information at the University Assembly meeting of November 14, 2017 and written request communicated through the Office of the Assemblies, I am happy to provide additional information concerning the “process involved in gathering the perspectives of the wider campus community” that the Codes and Judicial Committee undertook in considering these Code of Conduct Changes.

I have attached a summary of the activities undertaken by the Committee and the University Assembly in this and prior years for each change delineated individually. This summary has been compiled from meeting agendas, minutes, audio recordings, as well as my personal records. We hope this information provides clarity about our engagement with the Campus Community however if you would like additional details about the individuals or offices engaged with, actions taken, or context about the changes themselves we would be more than happy to provide it.

On behalf of the Committee, thank you for your time and consideration, we look forward to working with you to maintain and improve the Campus Code of Conduct.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Battaglia".

Matthew Battaglia
Chair, Codes and Judicial Committee
University Assembly

Attachment: Summary of the activities undertaken by the CJC and UA

Cc: Gabriel Kaufman
Joel Malina
Gina Giambattista



Cornell University University Assembly

Summary of Activities Undertaken by the Codes & Judicial Committee and the University Assembly

1. Modifying suspension length and limitations period for university registered organizations

This request was brought forward to us by the Office of the Judicial Administrator (OJA) through the JA (M. Horvath) herself and was first mentioned informally during the prior academic year (2016 – 2017) as an area for potential improvement. In the prior academic year this provision was discussed informally in one on one meetings when I (M. Battaglia) took over a Chair after the removal of the prior Chair (M. McBride). It is my understanding that Mr. McBride also had at least some form of conversation with the OJA concerning this provision however I do not have records of his discussions aside from my recollections of discussing them with him.

This Academic Year this request was discussed at a meeting that the Chair of the Assembly (G. Kaufman) and I (M. Battaglia) had with the JA (M. Horvath) that took place on or about September 1, 2017. M. Horvath also discussed this proposed change at the first CJC meeting of the semester on 9/6/2017 and provided draft language for the Committee's Consideration at our meeting of 9/13/2017. That draft language was then held on the CJC's agenda until the changes were passed a number of meetings later. During this time the text of the proposal was circulated as an enclosure with all meeting agendas to members of the public on the Committee's listerv. Additionally, we had a number of guests from the Campus Community attend Committee meetings during our discussions.

This request was commented upon and supported by the Greek Tri-Councils who also met with the Chair of the Assembly (G. Kaufman) concerning the request (N.B. the Greek Tri-Councils as organizations are currently not within the scope of the Code however they have expressed interest in moving under the jurisdiction of the Code as opposed to being in a separate system and noted the current suspension length as somewhere they were interested in seeing modified). This request was also commented upon and supported by the Office of the Judicial Codes Councilor (JCC) through the 2017 – 2018 Judicial Codes Councilor (K. Karr). The JCC in both private conversations and in formal, full CJC meetings expressed her support for this change noting that it only modified organizations and not students themselves. The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017, it was also circulated publicly prior to those meetings (in all CJC and UA Agenda's).

THE AY 2017 – 2018 UNIVERSITY ASSEMBLY CODES & JUDICIAL COMMITTEE:

M. Battaglia, R. Bense, C. Hodges, N. Jaisinghani, J. Kruser,
R. Lieberwitz, V. Price, D. Putnam, N. Stetson, K. Zoner

2. Adding discretion to instance of non-compliance with sanctions and remedies

This request was also brought forward to us by the (OJA) through the JA (M. Horvath) herself and was mentioned informally during the 2016 – 2017 Academic Year as an area for potential improvement. Additionally, in the 2016 – 2017 Academic Year, this provision was discussed informally in one on one meetings when I (M. Battaglia) took over a Chair after the removal of the prior Chair (M. McBride).

This Academic Year this request was discussed at a meeting that the Chair of the Assembly (G. Kaufman) and I (M. Battaglia) had with the JA (M. Horvath) that took place on or about September 1, 2017. M. Horvath also discussed this proposed change at the first CJC meeting of the semester on 9/6/2017 and provided draft language for the Committee's Consideration at our meeting of 9/13/2017. That draft language was then held on the CJC's agenda until the changes were passed a number of meetings later. During this time the text of the proposal was circulated as an enclosure with all meeting agendas to members of the public on the Committee's listerv. Additionally, we had a number of guests from the Campus Community attend Committee meetings during our discussions.

This language was also commented upon by the JCCs (K. Karr) expressing their concern over an original draft circulated by the OJA. The provision that was passed is a complete rewrite of the proposed provision which incorporates concerns raised by the JCC as well as various members of the Committee as well as feedback with the OJA. The JCCs expressed their support for the provision as written and passed in both public and private meetings. The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017, it was also circulated publicly prior to those meetings (in all CJC and UA Agenda's).

3. Clarifying the role of non-matriculated minors

This request was brought to us by the Office of Risk Management (E. Young) in the Spring of 2017 and was discussed at our meetings of 2/16/2017, 3/7/2017, and 3/28/2017 in the 2016 – 2017 Academic Year. Mr. Young was in attendance for two of those meetings and provided additional information through correspondence with myself (M. Battaglia) and the Committee outside of the meetings. The prior Chair of the Committee (M. McBride) also discussed the proposed changes with Mr. Young and Ms. Horvath outside of formal meetings at various other times.

The provision was not formally voted upon last term and was brought as a holdover topic to this year's agenda. It was discussed at our meetings of 9/06/2017, 9/13/2017, 9/20/2017, and 9/27/2017. The provision was discussed and supported by the OJA (M. Horvath) at all times during meetings and was passed substantially as brought forward by the Office of Risk Management. The JCC (K. Karr) and her office

also supported the proposed changes in both public meetings and in private discussions. The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017, it was also circulated publicly prior to those meetings (in all CJC and UA Agenda's).

4. Discontinuing the usage of indefinite suspension

This request was brought to us by the JCCs Office in the 2014 – 2015 Academic Year through the 2014 – 2016 JCC (A. Minikus). It was discussed by the full Assembly in Ms. Minikus' report that year as well as informally at CJC and other informal meetings afterwards.

The change was discussed by the CJC during the 2015 – 2016 year at its meetings of 2/2/2016 3/1/2016, 3/18/2016, as well as additional meetings for which the exact dates are unavailable. During this time, the 2015-2016 JCC (E. Sanchirico) reaffirmed her support for the provision and the OJA (J. Kunk-Czaplicki) was also aware of the proposed change. The change was discussed by the full University Assembly at its meetings of 4/5/2016, 4/19/2016, and 4/26/2016. The change was passed by the UA and then returned by the President with a request to seek out additional community input.

This change was discussed during the 2016 – 2017 Academic Year at the 11/4/2017, 3/28/2017, and 4/25/2017 meetings of the CJC and was supported by the 2016-2017 JCC (A. Olofin) and by the OJA (M. Horvath) who in the interim stated her office's intention to no longer use indefinite suspension.

The provision was not formally voted upon last term and was brought as a holdover topic to this year's agenda. It was discussed at our meetings of 9/06/2017, 9/13/2017, 9/20/2017, and 9/27/2017. It was again supported by the OJA (M. Horvath) and the 2017-2018 JCC (K. Karr). The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017, it was also circulated publicly prior to those meetings (in all CJC and UA Agenda's).

5. Clarifying the University Hearing and Review Board Appointment process

This request was first discussed during the 2014 – 2015 Academic year when the Assembly noted that its practices had evolved beyond the formal language within the Code of Conduct. During that time discussions took place with the OJA (M. B. Grant) and the 2014 – 2015 JCC (A. Minikus). The language was discussed at meetings of the UA Executive Committee and the CJC though exact dates are unavailable.

During the 2015 – 2016 Academic year, the changes were discussed by the CJC at its meetings of 2/2/2016 3/1/2016, 3/18/2016, as well as additional meetings for which the dates are unavailable. During this time, the 2015-2016 JCC (E. Sanchirico)

reaffirmed her support for the provision and the OJA (J. Kunk-Czaplicki) was also aware of the proposed change. The change was discussed by the full Assembly at its meetings of 4/5/2016, 4/19/2016, and 4/26/2016 and was passed and then returned by the President with a request to seek out additional community input.

This change was discussed during the 2016 – 2017 year at the 11/4/2017, 3/28/2017, and 4/25/2017 CJC meetings and was supported by the 2016-2017 JCC (A. Olofin) and by the OJA (M. Horvath). The incongruity between UHRB practices and stated procedures was also noted by the Office of the President when the UA confirmed additional Hearing and Review Board members in the Spring of 2017 and it was requested the Assembly examine how to align practice and procedure. The OJA also raised concerns about this incongruity in one on one meetings with the Chair of the CJC (M. McBride & M. Battaglia) and the OJA met with M. Battaglia, G. Kaufman, and G. Giambattista (Office of the Assemblies) to discuss how to best improve the UHRB process in the Spring of 2017.

Additionally, this request was discussed at a meeting that the Chair of the Assembly (G. Kaufman) and I (M. Battaglia) had with the JA (M. Horvath) that took place on or about September 1, 2017. The language of the change was discussed at CJC meetings of 9/06/2017, 9/13/2017, 9/20/2017, and 9/27/2017 and had its language modified from earlier drafts as well as what was passed in Spring 2016. It was again supported by the OJA (M. Horvath) and the 2017-2018 JCC (K. Karr). The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017 (it was also circulated in all relevant CJC and UA Agenda's).

6. Clarifying Judicial Administrator Reappointment Procedures

This request was brought to the CJC and Assembly's attention by the Office of the Assemblies (G. Giambattista) on behalf of the OJA (M. Horvath) upon their noticing a provision in the Code that requires the UA Chair to convene a search committee "In October of the year preceding the expiration of the term of the Judicial Administrator."

The language of the change was discussed at CJC meetings of 9/06/2017, 9/13/2017, 9/20/2017, 9/27/2017, and 10/4/2017 and incorporated feedback brought forward by the OJA (M. Horvath), the JCC (K. Karr) and the Committee as a whole. The provision inserted is modelled after the standard search procedure and is meant to keep the spirit of the original provision, in that the JA should be evaluated and reaffirmed biennially, while balancing the needs of the modern university.

The provision also reflected feedback provided by the OJA through then serving JAs (M. B. Grant and J. Kunk-Czaplicki) received in the 2014 – 2015 and 2015 – 2016 Academic Years in conversations to the Assembly during their oral annual reports, notes in their written reports, discussions within the CJC, and informal conversations about having a process for feedback and oversight be more formalized and regular.

As this provision concerned the reappointment of the JA, the OJA (M. Horvath) largely abstained from discussion and formal support though the Committee did incorporate feedback and interests raised by her into the language. Additionally, the 2017-2018 JCC (K. Karr) supported this provision. The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017 (it was also circulated in all relevant CJC and UA Agenda's).

7. Aligning practices with procedures regarding No-Contact Directives

This request was brought to us by the JCCs Office in the 2014 – 2015 Academic Year through the 2014 – 2016 JCC (A. Minikus). It was discussed by the full Assembly in Ms. Minikus' report that year as well as informally at CJC and other informal meetings afterwards.

The change was discussed by the CJC during the 2015 – 2016 year at its meetings of 2/2/2016 3/1/2016, 3/18/2016, as well as additional meetings for which the dates are unavailable. During this time, the 2015-2016 JCC (E. Sanchirico) reaffirmed her support for the provision and the OJA (J. Kunk-Czaplicki) was also aware of the proposed change. The change was discussed by the full University Assembly at its meetings of 4/5/2016, 4/19/2016, and 4/26/2016. The change was passed by the UA and then returned by the President with a request to seek out additional community input.

This change was discussed during the 2016 – 2017 Academic Year at the 11/4/2017, 3/28/2017, and 4/25/2017 meetings of the CJC and was supported by the 2016-2017 JCC (A. Olofin) and by the OJA (M. Horvath) who stated that in the interim her office intended to utilize many of the proposed changes as their internal policies.

The provision was not formally voted upon last term and was brought as a holdover topic to this year's agenda. It was discussed at our meetings of 9/06/2017, 9/13/2017, 9/20/2017, 9/27/2017, and 10/4/2017. It was again supported by the OJA (M. Horvath) and the 2017-2018 JCC (K. Karr). The full Assembly discussed and publicized this change at its meetings of 10/3/2017 and 10/17/2017, it was also circulated publicly prior to those meetings (in all CJC and UA Agenda's).