



Cornell University
Codes and Judicial Committee

Minutes

Codes and Judicial Committee

University Assembly

March 28th, 2017

4:30pm – 6:00pm

316 Day Hall

I. Call to Order

- a. M. Battaglia called the meeting to order at 4:30 PM.
- b. Attendance
 - i. *Present:* N. Chovanec, G. Kaufman, D. Putnam, N. Rogers, T. Shapiro, K. Zoner
 - ii. *Absent:* E. Baptist, K. Fitch, G. Giambattista, R. Herz, C. Hodges, M. Horvath, R. Lieberwitz, L. Munguia, A. Olofin
 - iii. *Others present:* V. Bhaya, A. Loiben, E. Young,

II. Approval of Minutes

- a. March 7, 2017
 - i. Minutes were approved by unanimous consent.

III. Business of the Day

- a. Recap of March 17, 2017 Working Session
 - i. M. Battaglia said the working session worked to clarify Campus Code violations with regard to transcript notations. He said the working session sorted offenses into three categories: those which would automatically result in a transcript notation, those which might result in a transcript notation, and those which were felt to merit further discussion.
- b. For Discussion: Request by Risk Management to clarify the definition of “student” in the Campus Code of Conduct
 - i. M. Battaglia said that the definition of student in the Campus Code is currently broad, but there are currently people who are students under the Code who are not actually students.
 - ii. J. Kruser said he thinks the direction of the Resolution X is correct, but that he wants a system that ensures that people who are not considered students under the Code end up with nothing.
 - 1. E. Young said that any program that operates on campus must be vetted through the Office of Risk Management and part of that process is checking to make sure that they have a code of conduct or behavioral expectations.
 - iii. E. Young said that TST Boces students are on campus almost every day. He said they have document that serves as their code of conduct. He said that the Summer College has a different code of conduct that works for them. He said they want to make sure that these programs have codes of conduct and that students are held to them, which frees up what the OJA

does as well as helps clear up ambiguity regarding the Campus Code of Conduct

- iv. G. Kaufman said he thinks it is important that there should be some kind of oversight mechanism before removing students from the jurisdiction of the Campus Code of Conduct, since other programs may have unusual policies.
- c. For Discussion: Proposed Transcript Notation Policy
 - i. J. Kruser said that the problem he sees with incorporating the Cleary Act in total is that the Cleary Act includes things that they said they do not want included in the resolution, like drug use and possession of firearms.
 - ii. M. McBride said the Code does not lay out what the sanction should be for violating certain offenses. He said he thinks they should not go beyond what the law requires them to do because it is a purely punitive law and that he thinks it is not the mission of the university. He said he also thinks that including judicial action changes the nature of a transcript.
 - 1. M. Battaglia said that transcript notations would aim to be a safety issue, not punitive. He said there are many offenses under the Code that are in vain with what the law requires.
 - iii. N. Rogers said that he thought the CJC was aiming to make transcript notations a safety measure for the community, not a punitive measure.
 - iv. J. Kruser said that he is open to the possibility of safety issues not included in the Cleary Act and that he is not opposed to the CJC considering those issues. He said they should be aiming for no discretion and focusing on whether an act is dangerous or not.
 - v. G. Kaufman said that it is important to set the standard that they should only annotate for public safety issues. He said it is important for the UHRB to determine whether a violation is a public safety issue. He said it will be difficult to be proactive and predict what violations will be a public safety issue or not, because some other violations may give rise to public safety issues.
 - vi. M. Battaglia said that M. Horvath requests that an appeals process not be included until a later date.
 - vii. N. Chovanec said he believes there should be an appeals process because people change over time.
- d. For Discussion: Reviewing returned Campus Code of Code Amendments from AY 2015 – 2016
- e. University Hearing and Review Boards (UHRB) update
 - i. M. Battaglia said that UHRB applications should have gone live on Friday but that it is concerning that they have not.
 - ii. G. Kaufman said he has not received a notification that the UHRB Qualtrics survey has gone live and that is concerning because spring break is coming up soon, and undergrads may not have enough time to apply.
 - 1. M. Battaglia said he shares the same concerns and will meet with the Office of the Assemblies to clarify that the application has gone live.

IV. Adjournment

- a. The meeting was adjourned at 6:02PM.

Respectfully submitted,

Vishal Bhaya
Assemblies Clerk