



Cornell University
University Assembly

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Agenda

Codes and Judicial Committee
University Assembly
March 14th, 2018
5:05pm - 6:20pm
163 Day Hall

- I. Call to Order (Chair)**
 - i. Call to Order (2 minutes)
- II. Approval of Minutes (Chair)**
 - i. March 7, 2018 (2 minutes) ^[1]
- III. Business of the Day**
 - i. Working Group Update (R. Lieberwitz) (10 minutes)
 - ii. For Discussion: University Hearing and Review Boards Staffing Update and Discussion (5 minutes)
 - iii. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code (40 minutes) ^[2] ^[3]
 - iv. Update Concerning: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (5 minutes)
 - v. Update Concerning: UA Resolution #7 Charter Change Supporting the Office of the Complainant's Advisor (5 minutes)
 - vi. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor (5 minutes)
- IV. Adjournment (Chair)**
 - i. Adjournment (1 minute)

Attachments

- 1. CJC Meeting Minutes 3.07.2018
- 2. Language for Housekeeping Changes to the Campus Code of Conduct – President's Response Comparison with Possible Solutions (Edited 3.13.2018)
- 3. Interim No Contact Directive Options Chart

If you are in need of special accommodations, contact Office of the Assemblies at (607) 255-3715 or Student Disability Services at (607) 254-4545 prior to the meeting.



Cornell University
University Assembly

Minutes

Codes and Judicial Committee

University Assembly

March 7th, 2018

4:30pm – 5:45pm

163 Day Hall

I. Call to Order

- i. Call to Order
 - a. M. Battaglia called the meeting to order at 4:40pm.
- ii. Roll Call
 - a. *Present*: K. Ashford, D. Barbaria, M. Battaglia, R. Bense, M. Horvath, K. Karr, G. Kaufman, J. Kruser, R. Lieberwitz, V. Price, C. Riley, E. Winarto
 - b. *Absent*: D. Putnam, K. Zoner
 - c. *Others Present*: M. Lee

II. Approval of Minutes (Chair)

- i. November 15, 2017
 - a. Amended version approved by unanimous consent.
- ii. February 21, 2018
 - a. Amended version approved by unanimous consent.
- iii. February 28, 2018
 - a. Approved by unanimous consent.

III. Business of the Day

- i. For Discussion: University Hearing and Review Boards Staffing Update and Discussion
 - a. Chair M. Battaglia provided an update on the University Hearing and Review Boards staffing procedures. He said that the staffing process will begin on Monday and that he will be in further contact with the Office of the Assemblies regarding possible issues of miscommunication.
 - b. V. Price asked if it would be possible for the Committee to review the applications on its own.
 - 1. M. Battaglia said that it would be possible to separate the reviewing of applications and then reconvene.
 - c. G. Kaufman asked about the exact date and times for which the applications open and close.

Codes and Judicial Committee

University Assembly

March 7, 2018

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1. M. Battaglia said that the applications will open on March 12th, Monday morning. He said that he will be in contact with the Office of the Assemblies for an exact time of 10am and noted that the times provided by the Office do not align with the discussion he recalled. He said that the Committee would stop collecting applications on the 28th.
- d. R. Bensel asked when the staff decisions would be made, if the applications were to open on the 12th and close on the 28th of March.
 1. M. Battaglia said that the plan provided by the Office was to make decisions by May 4th, which is a date much later than what had been discussed. He noted that this plan may need to be altered.
- ii. Working Group Update
 - a. R. Lieberwitz, Chair of the Working Group, presented updates on the progress of the Working Group. She noted that there has been a discussion about the first forum, which is structured to begin with a large group discussion and move into smaller breakout groups. She said that the purpose of the first two sessions of the Working Group is to bring together ideas and look for emerging themes and commonalities of concerns. She noted that community input is significant to move towards the third set of forums which will be focused on gathering input on a specific set of proposals. She encouraged members to attend and send out announcements about the meetings.
 - b. D. Barbaria asked about the date and time of the first forum.
 1. R. Lieberwitz said that the first forum will take place on Friday the 9th from 3 to 5pm in 142 Goldwin Smith Hall. She said that the first forum will be focused on sharing information to all members of the community. She noted that the second forum will be on March 14th from 12 to 2pm.
- iii. For Discussion: University Hearing and Review Boards Staffing Update and Discussion (cont.)
 - a. M. Battaglia said that he went through his calendar and found that the Office of the Assemblies has provided March 12th and 28th as dates for applications to open and close. He said that the applications will be returned to the Codes and Judicial Committee on March 30th.
 - b. D. Barbaria asked why the applications would close on Wednesday the 28th instead of Friday the 30th if the Committee would not be reviewing them as a whole before spring break.
 1. G. Kaufman said that it would be ideal for the applications to

be automatically forwarded to M. Battaglia as they come in for the Committee to know when the majority of applicants submit their applications and to follow up on when to set the due date and conduct outreach. He said that it would be difficult if the closing date is set directly after spring break.

2. D. Barbaria said that he is fine with having the applications due before spring break, but was concerned about why the Thursday and Friday before spring break would not be included, unless the Committee is reviewing applications on the two days.
 3. R. Lieberwitz suggested to also amend the time at which the applications close to 11:59pm.
 4. M. Battaglia stated that the timelines provided by the Office are not in accordance with the discussions he had.
 5. G. Kaufman made a motion to revise the application opening and closing times to March 12th at 10am and March 30th at 11:59pm.
 - a) The motion was approved by a vote of 7-0-1.
- c. M. Battaglia said that the Office intended to contact Hearing Board members whose terms would expire and request them to reapply. He said that this isn't what had historically been done and that he was concerned about the need for current members to fill out a new form in its entirety.
1. M. Horvath suggested to have the decision made be sent out by the Administrative Chair instead of this Committee.
 2. R. BenseI asked how the Committee would know whether there is an issue with those reappointed.
 - a) M. Battaglia noted that there has not been a substantive issue in the past. He said that the Committee would circulate a list of renewals to Judicial Administrator and Judicial Codes Counselors, who would determine whether there have been issues.
 3. V. Price asked why it would be necessary for those who get reappointed to undergo the entire application process again if they had already applied and were confirmed to serve on the Board in the past.
 - a) V. Price made a motion to amend the reappointment procedures. The Administrative Chair would send a message to current members that their term is

expiring and ask whether they wish to renew, then consult with the Offices of the Judicial Administrator and Judicial Codes Counselor.

b) The motion was approved by a vote of 7-0-1.

4. D. Barbaria asked what the bylaws state for the renewal process.

a) M. Battaglia said that currently the CJC reviews the applications, then nominates to UA, but the Code does not prohibit renewal.

5. K. Ashford asked if members still need to take affirmative action to renew.

a) M. Battaglia said that yes, current members will need to indicate whether they intend to renew membership.

iv. For Discussion: Current Status of the Greek Judicial System at Cornell

a. M. Battaglia provided an update on the University Assembly's meeting last Tuesday, in which the Heads of the Greek Tri-Council attended. He said that several members of the Tri-Council discussed the possibility of being brought under the Code. He said that currently the Greek System is recognized but not registered, which places them outside of the Code.

b. V. Price asked for clarification on whether the organizations themselves are outside of the Code, while its members are students who abide by the Code.

1. M. Battaglia said that the individuals are still students of Cornell who can be charged under the Code, whereas the organization is "recognized" by the University placing it outside of the Code.

c. R. Bensel asked whether the Tri-Council wished to come under the Code due to difficulties in policing problematic chapters. He said that he is in favor of bringing them under the code, and that many parts of administration are also in favor of this.

1. M. Battaglia said that there are external barriers to placing the Greek System under the code but it is something that the Committee could possibly pursue.

2. R. Bensel stated that the greater issue seems to lie in how the Greek Council has policed themselves.

3. M. Battaglia said that the sheer act of reclassifying would be simple, but several checks need to be made in order to ensure that the process runs smoothly.

- d. D. Barbaria noted that he was present at the meeting and that one of the reasons the Tri-Council wished to be a part of the Code was to warrant a higher standard evidence for finding an individual guilty.
 - 1. M. Battaglia noted the argument put forward by some that it would be better for the university as a whole for everyone to be put under one system.
 - e. M. Horvath said that in the event that the Greek System were to be placed under the Code, some precedents would need to be overturned. For example, any member of the organization cannot be called into JA's office if there is an ongoing investigation. She said that there would also need to be Code amendments.
 - f. M. Battaglia said that the issue would require several administrative changes, and the Committee could look into a list of things to do later when allotted with more time.
- v. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code
- a. M. Battaglia said that the options that the Committee and President agreed upon can be sectioned off and that the Committee can focus on handling other issues.
 - b. M. Battaglia said that the first housekeeping amendment would allow organizations to be suspended for up to 5 years, and that the President noted no concerns.
 - 1. D. Barbaria made a motion to mark the issue as resolved.
 - a) The motion was approved by a vote of 7-0-1.
 - c. M. Battaglia introduced the second housekeeping amendment which would add discretion in the event of non-compliance with a sanction. He noted that the president made a slight alteration to the proposed language.
 - d. D. Barbaria made a motion to include the president's language for the issue of immediate suspension for noncompliance sanctions and mark the amendment resolved.
 - 1. K. Ashford made a point of clarification on the President's language.
 - a) D. Barbaria withdrew his motion.
 - b) M. Horvath stated that the President's language states that the Judicial Administrator "may" suspend the offender but "shall" notify the Registrar,

so a notification needs to be made in the case of a suspension.

2. D. Barbaria reinstated his motion.

a) The revised language was **accepted** by a vote of 7-0-1.

e. M. Battaglia introduced the third housekeeping amendment concerning non-matriculated minors and noted that the President took the language proposed by the Committee and mirrored it down to an additional suggestion while also suggesting that the part of a proposed provision be stricken.

1. D. Barbaria made a motion to **table** discussion on the issue until other amendments are explored.

a) The motion was **approved** by unanimous consent.

e. M. Battaglia stated that the President had no concerns for the proposed language regarding removal of indefinite suspension.

1. D. Barbaria made a motion to mark the amended language as resolved.

a) The language was marked as **resolved** by a vote of 7-0-1.

f. M. Battaglia said that the President's main concern for the proposed language clarifying UHRB appointment procedures involved faculty members being reappointed to Boards. He said that he will be submitting the issue to Dean of Faculty, Charlie Van Loan, to ensure he has no concerns.

1. D. Barbaria made a motion to table discussion until after the discussion on non-matriculated minors.

a) The motion was **approved** by unanimous consent.

g. R. Bensel made a motion to table the provision on JA appointment procedures indefinitely.

1. The motion was **approved** by unanimous consent.

h. M. Battaglia said that the President was concerned with creating a new right of appeal in Option C of the proposed language to the No Contact Directive procedures. He said that he added comments that provided an alternative proposal for the issuance of the directives for up to 21 days.

1. M. Horvath said that there are three interim measures the Judicial Administrator could take –

- relocation, temporary suspension, or no contact directives. She suggested to amend the language in Comment MB6 to “[...] may petition the University Hearing Board **Chair** to extend the directive [...]” – that she would prefer for the process to be handled by the Chair instead of the Board.
2. M. Battaglia said that while the goal is not to pass judgment prior to a hearing on the merits, the number of days for which the directive would last is amendable.
 3. K. Karr – point of information – believes that a No Contact Directive is restrictive and has a big educational impact on students.
 4. M. Battaglia said that previous concerns have revolved around utilizing interim measures for too long, so of changing the duration would serve the purpose of having a form of check on the process.
 5. R. BenseI suggested to approve the new draft language, as it appears that the Committee is in agreement.
 - a) M. Battaglia said that the committee can alter the language as it sees fit.
 6. R. BenseI suggested to make all subsequent measures upon appeal to last for 21 days.
 - a) M. Battaglia said that the Committee could alter the language to 21 “academic”, instead of “calendar” days to ensure breaks are not included.
 - b) M. Horvath suggested increasing the period to 60 or 42 days.
 7. R. BenseI made a motion to amend the proposed language in the comments to “Such directives may be issued for a duration of up to **60 days** [...] may petition the University Hearing Board **Chair** to extend the directive for up to an additional 21 calendar days [...]”.
 8. M. Horvath proposed an amendment to the language to reflect that the renewal process can take place multiple times.

9. D. Barbaria proposed to change the language from “may be issued for a duration [...]” to “may be initially issued”.
10. G. Kaufman said that if No Contact Directives are only to be used in extreme cases, the entire Board should be observing the matter. He said that the Board as a whole should review the matter and check in on a regular basis.
11. R. Lieberwitz agreed. She said that 60 days seems like a long time and the Chair should not be handling the issue alone.
12. M. Horvath said that if the Board were to handle the meeting, there should be a proper proceeding conducted through paper.
13. R. BenseI asked how often the Hearing Board meets.
 - a) M. Horvath said that the Board does not meet consistently.
14. R. BenseI suggested for the paper proceedings to take place for 60 days.
15. G. Kaufman said that the process should be shorter, and that the entire Board should be involved when the Directive is first issued.
16. R. Lieberwitz said that a mere paper extension would raise concerns about fairness and that due process calls for the entire Board to be involved. She said that 30 days would be better than 60.
17. M. Horvath said that a set number of days is needed to notify people in advance.
- i. M. Horvath made a motion to extend meeting for 10 minutes.
 1. The motion was approved by unanimous consent.
 2. G. Kaufman suggested to extend the directive review period to 35 days, and ask for renewal 7 days before expiration of the 35-day period.
 - a) M. Horvath said that there are procedural checks and few instances in which No Contact Directives would be issued.
 3. R. Lieberwitz agreed with the suggestion in the comments that eliminates the right of appeal issue,

as the burden is placed on the Judicial Administrator.

4. R. Bensel proposed to extend the duration for which the directives can be issued to 35 days.
 5. M. Horvath said that logistical procedures would require that the duration be longer than 35 days if the full Board were to be involved with the issue.
 - a) D. Barbaria agreed that having the Chair renew the directives would be enough.
 - b) M. Battaglia stated that a possible solution would be rotating between which Chair reviews the directive.
 6. K. Karr said that these are interim measures unlike Policy 6.4, in that it can only be put in place when charged.
 7. R. Bensel said that the full Board should be involved with the matter, but not every time. He suggested having the Chair review the matter alone in the first 35 days, and in a 21-day renewal period. After the 56 days, the full Board would become involved with the issue.
 - j. R. Bensel made a motion to extend the meeting by 15 minutes.
 1. G. Kaufman dissented.
 2. The motion **failed** by a vote of 2-3-3
 - vi. Update Concerning: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee
 - a. **Tabled** to the next meeting.
 - vii. Update Concerning: UA Resolution #7 Charter Change Supporting the Office of the Complainant's Advisor
 - a. **Tabled** to the next meeting.
 - viii. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor
 - a. **Tabled** to the next meeting.
- IV. Adjournment (Chair)**
- i. Adjournment
 - a. The meeting was adjourned at 5:57pm.

Respectfully submitted,

Dongyeon (Margaret) Lee
Clerk of the Assembly

Language Comparison from Returned Changes to the Campus Code of Conduct

Proposed language to role of non-matriculated minors

President's Language/Concern.	Proposed Language (Title Two, Art. I, Sec. B.2 (pg. 10, 2017).	Possible Compromise Language/Solution
<p>1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as:</p> <ul style="list-style-type: none"> a. a degree candidate in any of Cornell's undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. <p>2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:</p> <ul style="list-style-type: none"> a. currently enrolled in or taking classes at the University, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent; b. currently using University facilities or property, or the property of a University-related residential organization, in connection with 	<p>1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as:</p> <ul style="list-style-type: none"> a. a degree candidate in any of Cornell's undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. <p>2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:</p> <ul style="list-style-type: none"> a. currently enrolled in or taking classes at the University, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent, so long as such individuals are subject to written behavioral expectations, policies or procedures; 	<p>Accept the proposed additional exclusionary note under subpoint b. Retain the "saving statute" to avoid having individuals in "limbo" should no other policy exist and provide additional explanation to President's Office.</p>

Commented [MB1]: Upon verification with prior records, this "saving statute" was included in the original proposal directly from the Office of Risk Management as first communicated to the Codes & Judicial Committee.

Additionally, four sample policy documents provided by Risk Management have been included with the Agenda. In general, the more significant the involvement with the University, the more detailed the outlined policy. All the attached policies would apply in lieu of the Code should this language be passed.

academic activities, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent; or c. currently on leave of absence or under suspension from being a student of the University.	b. currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or c. currently on leave of absence or under suspension from being a student of the University.	
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Proposed language clarifying UHRB appointment procedures

President's Language/Concern.	Proposed Language (Title Two, Art. IV, Sec. C.3 (pg. 14-15 2017)).	Possible Compromise Language/Solution
I generally support the proposed change, but request that the UA make clear the process by which a currently serving member may request reappointment. Under the current process, which does not expressly allow for reappointing existing Hearing and Review Board (HB) members, a reappointment to the HB would follow the same process as any initial appointment: for faculty members, nomination by the Dean of the Faculty, and for all other appointments, nomination by the CJC following written solicitation for applicants by the Office of the Assemblies. The proposed reappointment process removes the Dean of the Faculty and the Office of the Assemblies from exercising any oversight over HB members after their initial appointment to the HB. In order to ensure the appropriate levels of transparency and independence for reappointment of HB member,	3. Members of the University Hearing Board and University Review Board pool shall serve terms of office as follows: a. All members shall be appointed for two-year staggered terms, except for students entering their final year of study, who shall be appointed for one-year terms. b. Terms of office shall begin June 1 of the year appointed. Any appointment to fill a vacancy or to address an emergency shall become effective immediately. c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee. d. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the	Noting that the Office of the Assemblies has no oversight role over this process (per the Code, they solicit written applications) provide clarification to the Office of the President. To address the concern for the Dean of the Faculty we could utilize the following: c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee. Faculty members seeking renewal will be reviewed by the Codes and Judicial Committee who shall receive input from the Dean of the University Faculty prior to

I recommend this provision be further amended to require input from the Dean of the Faculty.	member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.	reconfirmation by the University Assembly. Goal is to ameliorate concern and allow for DoF input however as vetting generally does not take place on the UA floor, still enabling the CJC to be involved in the process.
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Commented [MB2]: Reaching out to the Dean of the Faculty to ascertain his thoughts on this proposal per the Committee's discussion.

Proposed language adding discretion to No Contact Directive procedures

President's Language/Concern.	Proposed Language (Title Three, Art. III, Sec. B.2 (pg. 19, 2017).	Possible Compromise Language/Solution
I support the UA's proposed change, in part. In addition to the JA and JCC, victim advocates should have the opportunity to comment on a change making all no-contact orders mutually binding. Also, I question the wisdom of creating a new right of appeal to a process that is, by its nature, intended to be interim and would suggest that lines 479 - 489 be eliminated.	<p>a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive, binding upon all involved parties.</p> <p>b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.</p> <p>c. In the event the Judicial Administrator is notified of a violation of the terms of the No-Contact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may impose additional interim measures or suspend the accused temporarily, pending resolution of the underlying case.</p>	Provide additional time for comment and clarity as to how the Code applies in varying cases and the interaction with Policy 6.4 Provide context as to past issues with interim directives being utilized in long-term manners.

Commented [MB3]: Per the Committee's discussion, these provisions will be included in the packet to UHRB Chairs prior to their attendance at a CJC meeting.

	<p>c. In the case of such directive, the accused may petition the University Hearing Board in writing for a review of the decision. That board shall meet to consider the petition as soon as possible, but no later than seven business days after it receives the petition. However, that board may grant a postponement upon the request of the accused, to a date not later than 21 calendar days after the petition is received. If that board determines that the No-Contact Directive was improper or is no longer necessary, it shall lift the directive immediately. The board's decision may not supersede an active court order.</p>	
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Commented [MB4]: Interim measures and concerns over them being unreviewable are discussed at some length in the Minikus Report (issued on June 11, 2015).

Commented [MB5]: The Committee in the past has provided the President with multiple options, all of which are approved by the CJC in cases where the Committee believes multiple options equally achieve the goals of the Committee. In this case, alternative language that does not directly create a right of review but accomplishes a similar goal could read:

Such directives may be initially issued for a duration of up to 21 calendar days. Should the Judicial Administrator believe a No-Contact Directive remains necessary after that time, he or she may petition the University Hearing Board to renew the directive for up to an additional 21 calendar days. If that board determines that the No-Contact Directive is no longer necessary, it shall not extend the directive. Should the board choose to extend the directive, it may modify the directive's terms but may not supersede an active court order.

New Proposed Language Clarifying Hearing Board Removal Process

Current Language (Title Two, Art. IV, Sec. C.3.c (pg. 15 2017).	Proposed Language
<p>c. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.</p>	<p>c. Any Chair of the Hearing Board(s) or Review Board(s) shall have the authority to begin removal proceedings against a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process. Upon a Chair beginning removal proceedings, the Chair shall furnish to the Codes & Judicial Committee of the University Assembly the following:</p> <ol style="list-style-type: none"> 1. The name of the board member. 2. A rationale for their removal from the boards. 3. Prior steps taken to attempt to resolve the relevant issue(s).

Commented [MB6]: Rewritten in response to discussion at a prior CJC meeting.

	<p>4. Indication that the board member received at least fourteen days' notice of a Chair's intent to seek removal.</p> <p>Upon receipt of the information, the Codes & Judicial Committee may remove the board member by a two-thirds vote of its seated membership. The Codes & Judicial Committee may request additional information from a Chair or other parties as part of their deliberation. For instances involving faculty members, the Dean of the Faculty shall also be consulted.</p>
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New Proposed Language Concerning Hearing Board Oversight

Current Language (Title Two, Art. IV, Sec. C.5 (pg. 15 2017)).	Proposed Language
<p>5. Although the judicial boards decide cases and appeals when sitting in panels, the pool as a group, convened by the Administrative Chair, shall perform the following functions:</p> <p>a. The judicial boards shall be responsible for establishing their own internal rules and procedures not specified elsewhere, and making them available through the Offices of the Judicial Administrator and the Judicial Codes Counselor.</p> <p>(1) Such rules and procedures must be published in the Cornell Chronicle before going into effect.</p> <p>(2) Any changes in rules and procedures must be published in the Cornell Chronicle at least 30 calendar days before taking effect.</p> <p>b. Upon request, the judicial boards shall report on their operations to the Codes and Judicial Committee of the University Assembly.</p>	<p>5. Although the judicial boards decide cases and appeals when sitting in panels, the pool as a group, convened by the Administrative Chair, shall perform the following functions:</p> <p>a. The judicial boards in consultation with the Codes & Judicial Committee of the University Assembly shall be responsible for establishing their own internal rules and procedures not specified elsewhere, and making them available through the Offices of the Judicial Administrator and the Judicial Codes Counselor.</p> <p>(1) Such rules and procedures must not conflict or contradict provisions in this Code.</p> <p>(2) Such rules and procedures must be published in the Cornell Chronicle before going into effect.</p>

	<p>(3) Any changes in rules and procedures must be published in the Cornell Chronicle at least 30 calendar days before taking effect.</p> <p>b. All changes to the judicial board's rules and procedures must be provided to the Codes & Judicial Committee of the University Assembly at least 14 calendar days prior to approval by the boards. The Codes and Judicial Committee may reject any proposed change by a majority vote of its seated membership.</p> <p>c. The Codes & Judicial Committee of the University Assembly may choose to modify the judicial board's rules and procedures by a majority vote of its seated membership. Changes made by the Codes & Judicial Committee follow the same public notice procedures as apply to the judicial boards.</p> <p>d. Upon request, the judicial boards shall report on their operations to the Codes and Judicial Committee of the University Assembly. When a report is requested, the boards shall provide it in the manner requested within thirty days of receipt.</p>
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Commented [MB7]: Points B & C rewritten to increase clarity after discussion in prior CJC meetings.

New Proposed Language Addressing Public Hearing Notice Timeframe

Current Language (Title Three, Art. III, Sec. E.3.b (pg. 28 2017).	Proposed Language
(7) All hearings shall be private unless (a) the accused notifies the Judicial Administrator, no later than two business days before the hearing, that he or she wishes a public hearing and (b) the Hearing Board Chair determines that a public hearing would not result in undue intimidation of the complainant, the victim, or the witnesses.	(7) All hearings shall be private unless (a) the accused notifies the Judicial Administrator, no later than two three business days before after the scheduling of the hearing, that he or she wishes a public hearing and (b) the Hearing Board Chair determines that a public hearing would not result in undue intimidation of the complainant, the victim, or the witnesses.

Such directives may be initially issued for a duration of up to XX calendar days. Should the Judicial Administrator believe a No-Contact Directive remains necessary after that time, he or she may petition the University Hearing Board to renew the directive for up to an additional XX calendar days. If that board determines that the No-Contact Directive is no longer necessary, it shall not extend the directive. Should the board choose to extend the directive, it may modify the directive's terms but may not supersede an active court order.

Initial Duration

- 21 days
- 40
- 60 days
- Other time

Reviewing Party

- Full Hearing Board
- Hearing Board Chair
- Rotating Hearing Board Chair
- "Review Group" E.g. 1 faculty, 1 staff, 1 employee from the judicial boards or other group

Reviewing Process

- In-person hearing
- Paper hearing
- Virtual/remote
- Other review

Extended Duration

- 21 days
- 40
- 60 days
- Other time