

Cornell University
University Assembly

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Agenda

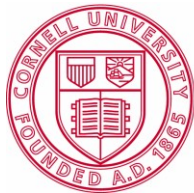
Codes and Judicial Committee
University Assembly
April 18th, 2018
4:30pm - 5:45pm
163 Day Hall

- I. Call to Order (Chair)**
 - i. Call to Order (2 minutes)
- II. Approval of Minutes (Chair)**
 - i. April 11, 2018 (2 minutes)
- III. Business of the Day**
 - i. Working Group Update (R. Lieberwitz) (10 minutes)
 - ii. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process (30 minutes) ^[1]
 - iii. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code (5 minutes)
 - iv. For Discussion: University Hearing and Review Boards Staffing Update (5 minutes)
 - v. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor (5 minutes) ^[2]
 - vi. For Discussion: Codifying Prior Practices for UHRB and Search Committee Appointees (10 minutes) ^[3]
 - vii. For Discussion: Reorganization of the Code Update (5 minutes)
- IV. Adjournment (Chair)**
 - i. Adjournment (1 minute)

Attachments

- 1. Draft Language for JA Reappointment (Version 3)
- 2. Policy 6.4 Hearing Panel Application Draft (Edited 4.17.2018)
- 3. Draft UA Bylaws Appendix A - UHRB Staffing Procedure (Edited 4.17.2018)

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.



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Minutes

Codes and Judicial Committee

University Assembly

April 11th, 2018

4:30pm – 5:45pm

163 Day Hall

I. Call to Order (Chair)

a. Call to Order

- i. M. Battaglia called the meeting to order at 4:33pm, at which point there were not enough members to reach a quorum. The Committee moved into an informal discussion on the University Hearing and Review Boards staffing update, codifying prior practices for UHRB and Search Committee appointees and reorganization of the Code until it reached quorum.

b. Roll Call

- i. *Present:* K. Ashford, D. Barbaria, M. Battaglia, R. Bense, M. Horvath, K. Karr, R. Lieberwitz, V. Price, E. Winarto
- ii. *Absent:* G. Kaufman, J. Kruser, D. Putnam, C. Riley, K. Zoner
- iii. *Others Present:* M. Lee

II. Business of the Day

a. For Discussion: University Hearing and Review Boards Staffing Update

- i. M. Battaglia said that there are currently 7 faculty, 7 staff, 12 student vacancies for University Hearing and Review Boards (UHRB) and that there were around 30 student applications. He noted that the turnout was lower than expected perhaps due to Student Assembly elections.
- ii. M. Battaglia said that the review process needs to be completed before next Friday and that the Committee will have a special meeting to review applications. He echoed Committee members' feedback from last meeting to have more thought process based questions in future UHRB applications.

b. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor

- i. K. Karr asked if there is currently a policy on removing a Title IX violator.

1. M. Battaglia said that he will look into it.
- ii. V. Price asked if the Title IX Office has seen this questionnaire for Policy 6.4 Hearing Panel applications.
 1. M. Battaglia said that this is a draft and that the new Title IX Coordinator has not been selected yet but should be disclosed soon.
 2. V. Price said that it may be beneficial for the current Title IX Coordinator candidate to have a look at these questions.
 3. M. Battaglia said that the Title IX Coordinator wouldn't interact with this questionnaire at all.
- iii. M. Horvath suggested amending the language on question 4 from "accused" to "respondent".
 1. M. Battaglia agreed.
- iv. E. Winarto suggested combining some of the questions, such as 6 and 7, as well as 5 and 16, which are relatively redundant.
 1. M. Battaglia said that the questions could possibly be combined. He noted that question 16 was added based on discussions from last meeting to specifically address issues of bias.
- v. D. Barbaria asked who serves on the selection panel.
 1. M. Battaglia said that it is comprised of the Dean of Faculty or designee, a member from the Office of Student and Campus Life or designee, the Vice President of Human Resources or designee, and a student of the Codes and Judicial Committee (CJC).
- vi. D. Barbaria asked where this information is available.
 1. M. Battaglia said that it is in the procedures of Policy 6.4.
- c. For Discussion: Codifying Prior Practices for UHRB and Search Committee Appointees
 - i. M. Battaglia said that the draft UA Bylaws Appendix A attempts to lay out how the CJC should handle UHRB appointees, to ensure responsiveness and that timelines are codified. He said that the charge of the CJC includes all UHRB matters and hence this document is meant to flesh out CJC's role in the UHRB.
 - ii. V. Price questioned what "publicly accessible" from line 97 means.
 1. M. Battaglia said that it refers to when the applications go live and advertisements begin. He noted that added clarity would be beneficial.
 - iii. V. Price said that it may be beneficial to codify what the Committee expects from the Office of the Assemblies (OA) to ensure there are no technical issues. She added possible expectations may include that the application is available on the OA website or sent out through an email blast, as well as having paper applications as backups in case of technical difficulties online.
 1. M. Battaglia said that the OA currently uses a Qualtrics survey, but the link was not fully shared in this round of UHRB applications. He said that clarification will be needed in the future in terms of what the Committee

- intends for public accessibility.
- iv. D. Barbaria suggested eliminating “for the Assembly’s confirmation” in lines 14-15 to minimize confusion.
 - 1. M. Battaglia said that the University Assembly (UA) needs to be informed of the Committee’s decisions. He added that he will tweak the language for improved clarity.
 - v. K. Ashford left the meeting.
 - vi. M. Horvath said that Appendix A is a good starting point, but the language is rather wordy and robust. She said that issues may arise by forming timelines based on the CJC instead of the UA and that it would be more beneficial to have simplistic deadlines.
 - vii. M. Horvath suggested having bullet points to the procedures to make it easier to understand. She gave her notes and suggestions to M. Battaglia.
 - 1. M. Battaglia said that he will update and clarify the draft.
 - viii. R. Bensei joined the meeting.
 - ix. M. Battaglia said that the draft to Appendix A will need to be approved by next Friday in theory, but that may be difficult on a practical level. He said that this will need to be on the UA’s agenda and publicly promulgated.
- d. For Discussion: Reorganization of the Code Update
- i. M. Horvath expressed concern that some of the CJC’s resolutions have been lingering for two or more years. She suggested to perhaps have a full Code revision instead of having piecemeal changes.
 - ii. R. Bensei asked how much turnover the CJC usually has from year to year.
 - 1. M. Battaglia said that this semester was odd in that half of the Committee has been turned over.
 - 2. R. Bensei said that the Committee needs to think about how to implement measures expeditiously.
 - iii. M. Battaglia said that public office hours will be held to engage community members in the Code amendment process.
 - iv. R. Lieberwitz joined the meeting.
 - v. D. Barbaria asked if there was any discussion from the UA on improving their relationship with the President in order to pass resolutions.
 - 1. M. Battaglia said that the goal is to work together.
 - vi. D. Barbaria asked if there were any confirmed recommendations from the Presidential Task Force.
 - 1. M. Battaglia said that the Task Force is not self-executing and hence their reports are mere recommendations. He said that their interim report is currently not available publicly.

III. Approval of Minutes (Chair)

- a. M. Battaglia noted that the Committee now has a quorum.
- b. March 14, 2018

- i. D. Barbaria made a motion to approve the amended minutes – approved.
- c. March 21, 2018
- d. March 28, 2018
 - i. R. Bensel moved to approve the amended version of the March 21 minutes and the March 28 minutes – approved.

IV. Business of the Day (cont.)

- a. Working Group Update (R. Lieberwitz)
 - i. R. Lieberwitz said that the Group is continuing to move forward with what has been outlined. She said that the Group is now at a point where it can pull from themes, based on information gathering sessions, to move forward and put proposals into place. She noted that the Group hopes for as much community engagement as possible.
 - ii. M. Battaglia requested members of the Committee to attend the forum on Friday if possible and send out information to respective constituent groups.
- b. For Discussion: Proposed Changes to the Judicial Administrator Re- Appointment Process
 - i. M. Battaglia said that the biggest proposed change is to change the Judicial Administrator(JA)'s position from a two-year renewable term to an indefinite term. He said that Cornell's location in Ithaca makes it difficult to staff the position considering the uncertainty of the term. He noted that, however, the two-year appointment keeps the JA in close contact with the UA and ensures a healthy working relationship.
 - ii. M. Battaglia said that there will be an opportunity for the public to provide feedback or engage in discussion about the Code, and that this would be a UA-run process.
 - iii. M. Battaglia said another proposed change included giving UA the authority to remove the JA by majority vote at any time, subject to the condition that the Board could formally vote to keep the JA.
 - iv. R. Bensel asked how many more meetings the Committee has left in the semester.
 - 1. M. Battaglia said that there are four meetings left total. He said that a subcommittee may be created for the purpose of conducting business in a separate meeting outside of regularly scheduled meeting times left.
 - v. M. Battaglia corrected his initial statement that the last meeting will be held on May 2. He said that the UA's last meeting will be held on May 8 and the CJC's last meeting is on May 9.
 - 1. R. Lieberwitz said that she anticipates having proposals from the Working Group to present to the Committee.
 - vi. R. Bensel expressed his concerns about getting things done expeditiously in the last four meetings left.

1. M. Battaglia said that some of what has been discussed in the Committee so far could be advanced at the UA's agenda. He anticipated next week's meeting to be a longer one than usual.
- vii. M. Horvath said that the JA's office is structured in a way such that it does not have an advocate for it when unpopular decisions are made publicly. She noted her concern about the proposed JA removal process, in that there is currently no other process to remove a staff member by majority vote.
- viii. R. Lieberwitz echoed M. Horvath's concern. She said that an indefinite, non-contractual term of a position would provide very little protection for the JA. She expressed her concern for fairness and due process in employment contracting.
- c. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code
 - i. M. Battaglia said that the "Language Comparison from Returned Changes" document consists of everything that has been generally approved by the Committee throughout the course of the semester. He noted a small change on page seven, which states, "Appointments made to fill a vacancy arising mid-term shall be granted the balance remaining of that term."
 - ii. R. Bensele made a motion to **call the question**.
 1. M. Horvath dissented. She suggested sending separate resolutions to the UA instead of the proposed language changes in its entirety.
 - iii. D. Barbaria asked if the President can accept and reject changes within the same resolution.
 1. M. Battaglia said that the President has exercised vetoes historically.
 - iv. M. Horvath expressed concerns that some resolutions may be rejected by the President. She noted that there are many resolutions that need to be passed and that the Committee needs to move expeditiously.
 1. M. Battaglia said that another option would be to pass as one resolution with 12 parts, while the President may choose to accept certain parts.
 - v. R. Bensele expressed that if there are 12 resolutions, there would be too much discussion and the resolutions would not pass in a timely manner. He suggested combining the resolutions, while allowing for them to be separable.
 - vi. D. Barbaria suggested separating the proposed language changes into two resolutions: one that the Committee expects to be accepted by the president, and another that the Committee is more uncertain about.
 1. R. Bensele said that he does not see what would be gained by tying the proposed languages together.
 2. M. Battaglia said that the Committee can do as it sees fit.

- vii. M. Horvath agreed with D. Barbaria's solution. She said that a detachable clause gives the President more power than she currently has, which contradicts the idea of shared governance.
- viii. D. Barbaria suggested that the Committee go through the document and vote clause by clause.
- ix. D. Barbaria made a motion to extend the meeting to 6pm – motion **passed** by unanimous consent.
- x. D. Barbaria moved to place the proposed language on the suspension length, definition, and reporting date for organizations in the "noncontroversial" category.
 - 1. R. Liberwitz noted that it may be more beneficial to categorize the resolutions by exigency more so than degree of controversy.
 - a. D. Barbaria said that non-urgent matters would be included in the same category as what the Committee anticipates that the President would accept.
 - 2. Motion **approved** by unanimous consent.
- xi. D. Barbaria moved to place the proposed language on immediate suspension for non-compliance of sanctions in the "noncontroversial" category of resolutions.
 - 1. Motion **approved** by unanimous consent.
- xii. D. Barbaria moved to mark the proposed language on role of non-matriculated minors as "controversial".
 - 1. Motion **approved** by unanimous consent.
- xiii. M. Horvath made a motion to add the proposed language regarding removal of indefinite suspension to "Resolution A" in the "non-controversial" category.
 - 1. Motion **approved** by unanimous consent.
- xiv. M. Battaglia noted the concerns raised by the President's Office in the proposed language clarifying UHRB appointment procedures.
 - 1. D. Barbaria asked if the Chair believes that the President will accept the proposed language.
 - a. M. Battaglia said that he expects she would.
 - 2. M. Horvath proposed to add the proposed language to "Resolution C" in the "new" category. She noted that the Committee has not received any feedback from the President on the new portion of amendments.
 - a. Motion **approved** by unanimous consent.
- xv. D. Barbaria made a motion to extend the meeting to 6:10pm – motion **passed** by unanimous consent.
- xvi. M. Horvath moved to place the proposed language adding discretion to No

Contact Directive procedures to “Resolution C” in the “new” category.

1. Motion **approved** by unanimous consent.
- xvii. M. Battaglia said that the proposed language increasing the judicial boards pool size and clarifying the application process was formulated based on requests from UHRB Chairs. He said that it clarifies the appointment procedures and allows the Dean of Faculty to appoint faculty members directly to the Committee for review.
 1. D. Barbaria moved to add the proposed language to “Resolution C” and mark as “new”.
 - a. R. Bensei asked how many applications have been received so far.
 - i. M. Battaglia said that he does not know, but the packet is 101 pages.
 - b. Motion **approved** by unanimous consent.
- xviii. M. Horvath made a motion to mark the new proposed language clarifying Hearing Board removal process as “new” to “Resolution C”.
 1. Motion **approved** by unanimous consent.
- xix. M. Horvath made a motion to mark the new proposed language concerning Hearing Board oversight as “new” and add to “Resolution C”.
- xx. M. Horvath moved to add the new proposed language addressing public hearing notice timeframe to the “noncontroversial” category of “Resolution A”.
 1. R. Bensei suggested moving the proposed language to “new” out of concern for the UA’s deliberation over the language.
 2. Motion **failed** without a second.
 3. D. Barbaria agreed with R. Bensei on including the proposed language in “Resolution C”. He added that it would also be beneficial to group the resolutions by topic and have the language on no contact directives under “Resolution C” so that “Resolution C” has a common topic of hearings.
 4. D. Barbaria moved to include the language on public hearing notice timeframe in “Resolution C” and move the language on no contact directives to a separate “Resolution D”.
 - a. Motion **approved** by unanimous consent.
- xxi. D. Barbaria made motion to approve and send the resolutions to the UA – **approved** by a vote of 5-0-1.
- xxii. R. Bensei suggested ordering the resolutions in terms of priority, as the UA may not be able to get through all of the resolutions. He further suggested labeling Resolution A as “urgent” or “priority” instead of “noncontroversial”.

1. M. Horvath suggested ordering the resolutions by A, B, C, D, noting that issues with non-matriculated minors and no contact directives haven't particularly been raised in the past.
- d. For Discussion: University Hearing and Review Boards Staffing Update
 - i. M. Battaglia updated R. Benseal on R. Lieberwitz on what they had missed.
- e. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor
 - i. M. Battaglia said that there was a discussion to combine questions 5 and 16, 6 and 17 on the Policy 6.4 hearing panel questionnaire.
- f. For Discussion: Codifying Prior Practices for UHRB and Search Committee Appointees
 - i. R. Benseal asked if the Committee intended to have Appendix A publicly posted.
 1. D. Barbaria said that it could be included under contents of the CJC meeting.

V. Adjournment (Chair)

- a. The meeting was adjourned at 6:17pm.

Respectfully submitted,
Dongyeon (Margaret) Lee
Clerk of the Assembly

Current Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017)).	Proposed Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017)).
<p>3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and four members appointed by the University Assembly, to propose two or more nominees to the President. The President shall appoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.</p> <p>4. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation of the University Assembly.</p>	<p>3. The Judicial Administrator shall be appointed by the President with the concurrence of the University Assembly. for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or. Upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and four members appointed by the University Assembly, to propose two or more nominees to the President. The President shall appoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.</p> <p>4. The Judicial Administrator shall undergo an annual performance evaluation. This evaluation shall be conducted by an evaluation committee that reports to the University Assembly who shall coordinate with University administration.</p> <ul style="list-style-type: none"> a) The evaluation committee shall include the Judicial Codes Councilor or their designee, the Chair of the University Assembly's Codes and Judicial Committee or their designee, two additional members of the University Assembly, a representative of the Division of Human Resources, and a representative of the University President. The evaluation committee may consult additional individuals or groups as needed. b) The evaluation shall include both public and private components.

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- a. The public component shall, at minimum, include general guidance for the Office of the Judicial Administrator. The public component shall also afford opportunity for the University Community to provide feedback to the Judicial Administrator.
 - b. The private component shall, at minimum, address specific areas, if any, needing improvement, specific concerns, or instances of dissatisfaction.
 - c) In consultation with the evaluation committee, the University Assembly shall produce an annual evaluation document. This may note specific areas of concern and areas for improvement and may, if deemed necessary by the University Assembly, include a performance improvement plan to address concerns or deficiencies. The University Assembly shall approve the performance evaluation document by a majority vote of its seated membership.
5. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal ~~during the term of office~~ only by action of the ~~Board of Trustees upon recommendation or of the~~ University Assembly. The University Assembly may remove the Judicial Administrator by either:
 - a) A majority vote of its seated membership taken at a regularly scheduled meeting. Removal through this provision may be halted if the Board of Trustees affirmatively votes to retain the Judicial

	<p>Administrator at the next meeting of the full Board of Trustees.</p> <p>b) A majority vote of its seated membership taken at a regularly scheduled meeting after the Judicial Administrator has been found by the University Assembly to have not remedied issues/improved in areas previously noted in a prior performance evaluation and performance improvement plan.</p>
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Policy 6.4 - Resolution of Reports Against Students: Hearing Panel - Questionnaire for Pool Applicants

Name of Individual Completing Form:

Date Submitted:

*The Policy 6.4 procedures for student respondents, which became effective August 1, 2016, include a hearing with a three-member hearing panel of faculty and staff members as well as a non-voting hearing chair. Individuals who are willing to serve on hearing panels are asked to complete a brief application, which is set forth below. We appreciate your candor and time in completing the application, and your willingness to consider this appointment. If you have any questions or need additional information about either the application process or hearing panel responsibilities, please contact Sarah Affel, Cornell University Title IX Coordinator, at sba49@cornell.edu or 607-255-2242. **Please return your completed questionnaire to the Office of the Title IX Coordinator at titleix@cornell.edu.***

With respect to the nature of the commitment, panel members are asked to serve two-year terms, with a possibility of renewal; there is no term limit. Typically, panel members are asked to serve on two or three cases a year, and will not be asked to serve on more than four cases. However, we understand that hearings involve a substantial commitment of time and often involve difficult content and, thus, panel members may limit their involvement to just one case per year. Panel members may also decline panel requests on a case-by-case basis based upon their schedule or the facts of a given case, with the expectation that panel members will seek to accept panel assignments where feasible and within the number of assignments to which they have committed.

For any given case, panel members may be required to spend ten to fifteen hours preparing for the hearing by reading written materials, such as investigative interview statements, and meeting with the other hearing panel members and the hearing chair to determine witnesses for the hearing and draft examination questions for those witnesses and the parties. Hearing panel members needn't have any expertise; the chair provides guidance. The hearings themselves might take four to six hours, and the deliberations might take several hours. Some hearings will be conducted during business hours and some in early evening hours.

Under the new procedures, there is a three-member appeal panel that includes two ex officio members and a hearing panel member. Thus, hearing panel members will also be asked to sit on appeal panels, excluding cases for which they sat on the hearing panel. Appeal panel assignments are counted in the maximum of four panel assignments per year.

Hearing Panel - Questionnaire for Pool Applicants

Last Updated: **04/18/2018**



With respect to the educational expectations, panel members are required to attend approximately six hours of introductory educational sessions before serving on a panel. Ongoing education will be offered throughout the year.

Before answering the below questions, please take time to review:

- "Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4," available at <http://titleix.cornell.edu/procedure/>.
- Cornell University Policy 6.4, "Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct," available at https://www.dfa.cornell.edu/sites/default/files/vol6_4.pdf.

1. What is your job title and departmental affiliation?

[Insert Text]

2. Why are you interested in serving (in at least 100 words)?

[Insert Text]

3. Do you have any reservations about your ability to follow the policy and procedures? How would you respond if you personally disagree with a part of the policy or procedures? ~~especially if you do not agree with them?~~ Would you recuse yourself from the panel, potentially penalize and individual through a process with which you disagree, or take a different course of action? Please explain your reasoning.

[Insert Text]

4. For this question, assume the Policy requires that an accused individual be notified at least one week before a hearing. Further assume, that both parties are required to be allowed at least five business days to submit questions and topics for witnesses prior to a hearing.

Suppose you are on a panel hearing a case in which you believe the accused

Commented [MB1]: There was discussion about modifying the questions generally to revolve around a specific situation "what if" or "how do you feel about X"

Commented [MB2]: Hypo based upon actual procedures in 6.4



individual violated the Policy. However, the accused was provided notice five days prior to the hearing, and only allocated one business day to submit questions and topics. The advisor representing the accused individual has not raised these procedural flaws as problematic. What would you do?

[Insert Text]

-
5. Do you have any reservations about your ability to remain impartial and make decisions in any given case based solely upon the evidence presented in the case, rather than upon preconceived notions, prior experience, or any other factors external to the record of the case? **Please explain why or why not.**

[Insert Text]

-
6. Cases may involve students using drugs and alcohol, having multiple sexual partners, and engaging in a range of sexual activities.
- a. Do you have personal opinions about student use of drugs and alcohol, gender roles, gender identity, sexual orientation, or sexual mores that could interfere with your ability to be impartial, dispassionate, and make decisions based solely upon the evidence presented in a case?
Please explain why or why not.
 - b. **What, if any, portions of** ~~Do you think that~~ explicit testimony about sex acts or use of drugs or alcohol **do you anticipate might** bothering you to the point where you are unable to serve as an effective panel member?

Commented [MB3]: Combined from subsequent question

[Insert Text]

-
7. How much weight in a case, if any, do you place upon initial charges being filed against an individual? How does this relate to your understanding of the presumption of innocence and what does being presumed innocent mean to you?

[Insert Text]



8. Which factors, in your estimation, would warrant suspension or expulsion of an individual? Additionally, what would you see as mitigating factors and what do you see as aggravating factors?

[Insert Text]

9. Cases frequently depend on the credibility of witness statement and the amount of weight assigned to various pieces of evidence. How would you approach evaluating the credibility of witnesses and deciding how much weight to place on a piece of evidence?

[Insert Text]

10. As a member of the Hearing Pool, you would be expected to recuse yourself from a particular panel if you doubt your ability to assess the case fairly. If asked to serve on a hearing panel, under which potential cases, if any, would you recuse yourself and why?
- a. a case involving an alleged infraction that you had witnessed?
 - b. a case involving an acquaintance of yours?
 - c. a case which you had read or heard a fair amount?

[Insert Text]

11. When discussing contentious matters, how do you approach interacting with others and advocating for your point of view? Further, generally, how open are you with your opinions even when they might not be shared by others present?

[Insert Text]



12. How do you believe Policy 6.4 and its procedures should be applied when an ambiguity arises?

[Insert Text]

13. If when serving you observe that the policy or procedures are not being followed fully how would you respond? How, if at all, would this procedural flaw effect your judgment in the case? How, if at all, would the timing and magnitude of the flaw play into your thought process?

[Insert Text]

14. Are there any specific things that you believe a panel must focus on above others when examining a case? Please explain why or why not.

[Insert Text]

15. How, if at all, do you believe bias, your own bias and the biases of others, effect this process? If seated how would you work to counteract those biases? For example, biases concerning sexual orientation, gender, race, guilt by association, etc.

[Insert Text]

16. If you wish to explain any of your answers further, please do so in the below space.

[Insert Text]

Commented [MB4]: Discussion about combining this with Q5.

UA Bylaws Appendix A: UHRB Staffing Procedure

Per the Campus Code of Conduct, the University Assembly (~~the Assembly~~) is charged with confirming members of the University Hearing and Review Boards. As the Assembly has an interest in ensuring the integrity and clarity of the confirmation process, the Assembly shall confirm members in accordance with the following procedures. If conflicts arise between this document and the Campus Code of Conduct, the Campus Code of Conduct shall supersede.

Nothing herein shall be construed to constrain or modify the authority of the University Assembly's Executive Committee to make temporary, emergency appointments when required.

A. The Codes and Judicial Committee of the University Assembly (the Committee)

- ~~a.~~ The Committee is charged with nominating candidates to the University Assembly ~~through the form of a resolution~~ before the last regular meeting of the outgoing Assembly. ~~Upon receipt of the nominations, the Assembly shall consider the nominations in a manner similar to other resolutions as it sees appropriate. for the Assembly's confirmation.~~
- b. The Assembly interprets the Committee's nomination responsibility in the Campus Code of Conduct to include its independent ability to determine and enforce its own procedure for carrying out its nomination responsibility. This discretion includes, but is not limited to, whether or not and how to:
 - i. Set the criteria by which the candidates are to be assessed
 - ii. Decide the eligibility qualifications of students, staff, and faculty to apply, subject to the requirements of the Campus Code of Conduct
 - iii. Enter executive session to discuss the applications
 - iv. Interview the applicants
 - v. Redact the names of the applicants¹
 - vi. Create and amend the content and format of all application materials
- c. Any discretionary decisions taken by the Committee may be suspended and reversed by a majority vote of the Assembly.
- d. The Committee is empowered to designate a subsection of its voting membership as a primary selection committee. ~~Should the committee choose to do so, the recommendations made by the subsection may advance directly to the floor of the Assembly as nominations after notification to the full Committee.~~

A. Timeline and Procedure

¹ To ensure the integrity of the process, if names are redacted, the Chair of the Committee and Chair of the Assembly shall maintain the un-redacted master list specifying which names correspond to which applications, delivered simultaneously with the anonymized applications.

- 37 a. The Chair of the Committee is responsible for determining the total number of
38 ~~appointments~~ **nominations** to be made by the Committee through reconciling the
39 current roster on file with the Office of the Assemblies, Office of the Judicial
40 Administrator, **Hearing Board Administrative Chair**, or successor entities. The
41 expected number of appointments to be made is equal to the number of expiring
42 seats. The Chair will report this number, the number of returning members
43 indicating their desire to continue service, and the number of new appointments in
44 writing to the Committee and the Assembly by the Assembly's first regularly
45 scheduled meeting in March.
- 46 b. Returning Member Appointments:
- 47 i. The Chair of the Committee will work with the Administrative Chair of
48 the UHRB to contact, in writing, the members of the University Hearing
49 and Review Boards currently holding expiring seats by the second
50 Tuesday in February to offer to submit their name to Committee for
51 reappointment to serve another term or part thereof, provided the member
52 remains in good standing.
- 53 ii. Returning members must indicate their desire to continue their service by
54 the ~~Friday before~~ the last ~~business~~ day of February.
- 55 iii. Upon hearing from those members who wish to continue, the Chair of the
56 Committee will contact the Hearing and Review Board Chairs, the Office
57 of the Judicial Administrator, and the Office of the Judicial Codes
58 Counselor with the list of members seeking to renew their terms to
59 determine if any reasons exist that an individual's term should not be
60 renewed.
- 61 iv. The Chair of the Committee will also forward the list of all faculty
62 members seeking renewal to the Dean of the University Faculty to receive
63 input if any reasons exist that an individual's term should not be renewed.
- 64 v. **The Committee shall notify the Assembly both in writing and at a**
65 **regularly scheduled meeting of those UHRB members who wish to**
66 **continue their service. Such notice shall be public.**
- 67 vi. Upon receipt of a statement that a particular individual's term should not
68 be renewed, the statement will be forwarded to the full Codes and Judicial
69 Committee for review.
- 70 1. The Committee will then vote to determine if the individual should
71 be recommended for a term renewal.
- 72 2. The Committee is empowered to request information relevant to
73 determining the merit of any concern raised. ~~by either the Hearing~~
74 ~~Board Chair's, the Judicial Administrator's Office, the Office of~~
75 ~~the Judicial Codes Counselors, or a member of the Cornell~~
76 ~~Community.~~

vii. All individuals who are recommended for additional terms will be listed alongside the new members recommended by the Committee to the full Assembly.

c. New Member Appointments:

i. The number of new member appointments is defined as the total number of expiring seats less the number of continuing members.

d. Faculty Member Appointments:

i. Consistent with the Code, faculty candidates for the Boards shall be nominated by the Dean of the Faculty. ~~Upon receipt of a faculty nomination,~~ The Committee shall review ~~faculty nominations it alongside~~ and in a ~~similar~~ manner ~~similar~~ to applicants from other constituents. ~~Faculty nominations received prior to the close of applications for other constituencies shall be reviewed alongside other received applications. The Committee may, at its discretion, consider faculty nominations received outside the application period for other constituencies as needed.~~

ii. The Committee is empowered to request additional information in their evaluation of faculty nominees and may request they fill out an application of the same or similar nature as other constituencies to aid the Committee in evaluation.

e. Application Period:

i. All amendments to the application materials, including but not limited to the content and format of the application questions, must be approved by an affirmative vote of the Committee ~~no fewer than seven calendar days before the application materials is published~~ prior to the beginning of the application period.

ii. By the ~~last~~ third Monday ~~of the last full week~~ of February, the Office of the Assemblies will publish the ~~draft~~ application utilizing the questions approved by the Codes and Judicial Committee. The Chair of the Committee will inspect the application, may modify its appearance, ~~and~~ ancillary text, ~~and~~ correct errors. ~~with the questions after consulting with the Committee, and The Chair must approve it the application~~ prior to it being ~~made~~ publicly ~~advertisable~~ or accepting applications. The Office of the Assemblies will advertise the application alongside and in consultation with the Committee.

iii. Application materials will be ~~made~~ publicly accessible ~~and made open for community application~~ by the Office of the Assemblies no later than the last Wednesday ~~of February. of the last full week in February.~~

iv. ~~The~~ Application materials ~~should~~ shall be publicly accessible ~~and accepting applications~~ for ~~no less than~~ at least 10 calendar days, at the discretion of the Committee.

- 117 v. During the application process, the Office of the Assemblies will provide
118 an update on the number of applicants, their constituency, and other
119 information related to the applications upon request of the Chair of the
120 Committee or majority vote of the Assembly. The Office of the
121 Assemblies shall also provide an update on the number of applicants and
122 their constituency when the application period ~~is half over~~ ~~time has half~~
123 ~~elapsed~~.
- 124 vi. The Office of the Assemblies will transmit the received applications to the
125 Committee in the manner of the Committee's choosing no later than 3
126 business days after the application period has concluded.

127 f. Selection

- 128 i. The Committee shall strive to fill all anticipated vacancies on the boards
129 but is not required to do so should insufficient qualified candidates apply
130 or be nominated.
- 131 ii. The Committee may designate or rank an appropriate number of alternate
132 candidates sufficient to fill anticipated vacancies during the year at the
133 Committee's discretion. Such alternates will be approved by the
134 Committee and given to the Chair and Executive Vice Chair of the
135 Assembly and will be confirmed by additional resolution or emergency
136 authority should the need arise. Such alternate list will be treated
137 confidentially.
- 138 iii. At the start of each semester, the Chair of the Committee will reconcile the
139 UHRB membership roster on file with the Office of the Assemblies,
140 Office of the Judicial Administrator, or successor entity. Should a need
141 arise to seat additional members, the Chair of the Committee shall contact
142 individuals in order of their appearance on the previously approved list
143 verifying their continued interest in serving. Upon verification, the Chair
144 of the Committee shall consult with the Executive Committee of the
145 Assembly to determine if emergency appointment is necessary prior to a
146 formal resolution being presented. Should the Executive Committee
147 exercise its emergency authority, the full Assembly must be notified at its
148 next regularly scheduled meeting and a resolution for formal confirmation
149 must follow within a reasonable timeframe.