



## Minutes

Codes and Judicial Committee  
University Assembly  
October 4, 2017  
5:00pm - 5:45pm  
305 Day Hall

### I. Call to Order

M. Battaglia called the meeting to order at 5:00 PM.

Attendance:

Present: M. Battaglia, R. Bense, M. Horvath, G. Kaufman, K. Karr, J. Kruser, R. Lieberwitz, S. Park D. Putnam

Absent: C. Hodges, N. Jaisinghani, K. Zoner

### II. Approval of Minutes

- i. March 28, 2017
- ii. September 6, 2017
- iii. September 13, 2017
- iv. September 20, 2017
- v. September 27, 2017
  - a. There was a motion to table the minutes from previous meetings as a group as copies had not been provided by the Office of the Assemblies. The motion passed by unanimous consent.

### III. Business of the Day

- i. For Discussion: Examining Hate Speech and the Campus Code of Conduct
  - a. M. Battaglia provided an overview of the actions taken thus far. They included a review of the prior decisions of the Hearing and Review Boards in the Office of the Judicial Administrator to examine how “harassment” as an offense had been applied in the past in this area, an examination of the various policies/codes from other universities, consultation with student groups, etc.
  - b. M. Battaglia also discussed the composition of a working group and their plan to examine this topic in more depth. C. Hodges had been asked and agreed to serve as Chair of the working group and N. Stetson had also agreed to serve.
  - c. R. Lieberwitz raised a point about faculty involvement with the Working Group.
  - d. General discussion among Members present followed until the time allotted was exhausted.
- ii. For Wrap-up: Housekeeping Changes to the Campus Code of Conduct

- a. M. Battaglia provided an update on the previous changes and their discussion in front of the University Assembly.
- b. M. Battaglia noted that there were three remaining items for the Committee to resolve:
  - i. A proposed provision to add disclosure of confidential information as a violation of the Code.
  - ii. A proposed provision to address the reappointment process of the Judicial Administrator.
  - iii. A proposed provision to add an appeals provision to interim No-Contact directives.
- c. The Committee then proceeded into discussion about these three items.
  - i. Regarding the proposed provision about confidential information:
    - 1. The Committee felt that the provision merited additional discussion and was best suited being withdrawn from the omnibus changes to facilitate that discussion.
    - 2. By a motion and vote of 5-0-1 the provision was **withdrawn**.
  - ii. Regarding the proposed provision about the Judicial Administrator reappointment process:
    - The Judicial Administrator, M. Horvath, excused herself from the room so the Codes and Judicial Committee could have a robust discussion.
    - 2. The Committee discussed the language and heard feedback brought forward by the Judicial Administrator prior to her departing.
    - 3. The Committee discussed that the current language represented a step forward and an appropriate balancing between advance notice and feedback and a two-year appointment.
    - 4. By a motion and vote of 5-0-1 the provision was **approved** by the Committee.
  - iii. Regarding the proposed provision about adding an appeals provision to interim No-Contact directives:
    - 1. M. Battaglia noted that the appeals process was modeled after the other processes utilized to appeal interim measures.
    - 2. After discussion, the speakers list was exhausted and the Chair put the question.
    - 3. By a motion and vote of 5-0-1 the provision was **approved** by the Committee.
- iii. For Discussion: Discussing recent Department of Education policy shifts, our Quantum of Proof, and Policy 6.4
  - a. The meeting time expired prior to the topic being reached.

#### **IV. Adjournment**

M. Battaglia adjourned the meeting at 6:07 PM.

Compiled from notes, papers, and recollection of events,

Matthew Battaglia

Chair, Codes and Judicial Committee