

Cornell University University Assembly

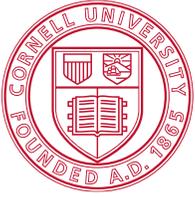
Cornell University Assembly Codes and Judicial Committee

Agenda of the May 12, 2021 Meeting

4:30 PM – 6:00 PM

via Zoom

- I. Call to Order
- II. Business of the Day
 - a. Welcome to visitors – Dr. Kevin Williams (Student Affairs Consultant, Student and Campus Life) and Marla Love (Robert W. and Elizabeth C. Staley Interim Dean of Students)
 - b. Presentation from Office of Judicial Administrator and Judicial Codes Counselors on code differences
 - c. Questions for Dr. Williams and Dean Love
 - d. [2020-2021 CJC meeting minutes approval](#)
- III. Adjournment



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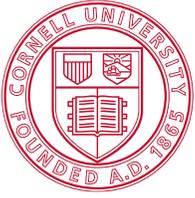
Cornell University Assembly Codes and Judicial Committee

Minutes of the November 6, 2020 Meeting

10:30 AM – 12:00 PM

Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 10:32am
 - b. Roll Call
 - i. *Present:* U. Chukwukere, N. Danev, B. Fortenberry, A. Hong, C. Huang, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* S. Woldai
 - iii. *Also Present:* V. Ciampolillo, C. Liang, B. Krause, M. O’Gara
- II. Introductions
 - a. B. Fortenberry opened the meeting by welcoming the committee members and asking for each member to introduce themselves with their names, where they work, what brought them to the Codes and Judicial Committee and how long they have been on the committee.
 - b. Committee members and ex-officio members introduced themselves and provided background information on their individual involvement with the Codes and Judicial Committee.
- III. Code Revision Feedback
 - a. B. Fortenberry informed the committee members that the cutoff to provide feedback on the campus code of conduct revisions is November 17, 2020. He implored the committee members to focus on what they can accomplish between today and the cutoff date in order to provide meaningful feedback as it pertains to the current revision.
 - b. B. Fortenberry stated that the commenting section for current revisions to the code is currently open and it is important to receive feedback from each of the constituencies. He asked each constituency to provide a status update on where they are on receiving feedback.
 - c. N. Danev stated that the Graduate and Professional Student Assembly has a resolution on the floor that summarized what they agree and disagree with regarding the revisions, along with a supplement that provides the reasoning behind their opinions.
 - d. R. Lieberwitz stated that the Faculty Senate has encouraged faculty senators to provide comments on the proposed code. She also stated that the freedom of



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speech aspect of the code would more directly implicate faculty and it is her hope that faculty will comment on it.

- e. C. Huang stated that the Student Assembly has been directing individuals to the website for review and comments.
- f. J. Michael stated that the Employee Assembly will be sent an email encouraging their constituents to visit the website and provide comments and feedback.
- g. W. Treat informed the committee members that the individual sections of both the substantial and procedural sections are posted, along with the entire document.
- h. M. O’Gara stated that she would be able to provide feedback, either in support of or concerns about, on the proposed code from the Judicial Codes Counselors Office. She also stated that she has been posting those comments and feedback on the public forum website.
- i. B. Krause clarified that the Office of the Judicial Administrator was not responsible for the proposed code revisions and that the University Counsel’s Office prepared the revisions and that the Office of the Judicial Administrator is in the position of responding to a draft. She also stated that a proposed revision was submitted by both the CJC and the Office of the Student Advocate through the Student Assembly.

IV. Feedback review

- a. B. Fortenberry informed the committee members that the Office of the Assemblies has provided a current summary of comments that had been submitted on the website pertaining to the code revisions. He asked the committee members for feedback or thoughts on how to provide the feedback to the Counsel’s Office.
- b. B. Fortenberry suggested removing redundant comments and providing a categorized summary to the Counsel’s Office.
- c. N. Danev stated that the purpose of the revisions is to make the code more understandable; however, the revisions don’t provide a way for individuals to understand it easily. He also stated that the comments that reflect opposition or frustration should not be disregarded and should be acknowledged in some form.
- d. R. Lieberwitz agreed that having the feedback in a categorized and digestible format would be a good idea and to ensure that it is inclusive of all feedback.
- e. B. Fortenberry asked for clarification from the Office of the Assemblies on the formality of voting and procedures for the CJC.
- f. G. Giambattista responded that the CJC is viewed in the same manner as the assemblies for the purposes of public record and the use of Robert’s Rules for procedure.

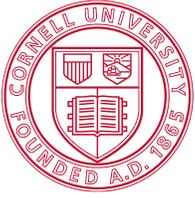


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- g. R. Lieberwitz inquired about who will be receiving the feedback and if it would be going to the University Assembly in addition to Counsel's Office.
- h. B. Fortenberry confirmed that the feedback would be provided to the University Assembly and they, in turn, would provide it to the appropriate parties.
- i. N. Danev expressed support for a town hall or a public forum sometime before the November 17 deadline.
- j. B. Fortenberry agreed and indicated he had identified date that key members (Counsel's Office, Office of the Judicial Codes Counselor and Office of the Judicial Administrator) would be available.
- k. C. Huang expressed support for a public forum and stated concern about making sure that all constituents were aware of the date and timing of the forum.
- l. B. Fortenberry reaffirmed that a public forum would have to be held prior to the November 17 deadline for comments and feedback to be shared with Counsel's Office. He stated that the date of November 12 from 12:30 pm until 2:00 pm would work for all of the key members.
- m. R. Lieberwitz stated that later in the day would be better for faculty and students so it doesn't conflict with classes or teaching.
- n. C. Huang suggested having the forum after the Student Assembly meeting that evening, possibly at 6:30 PM.
- o. There was a motion to hold a public forum that was **approved unanimously**.

V. Public Forum format

- a. B. Fortenberry indicated that he will contact M. Gorney at CIT for the webinar support.
- b. R. Lieberwitz expressed concern about participants being able to voice their concerns individually.
- c. C. Huang stated that she has worked with M. Gorney previously on a webinar and he has the functionality to spotlight someone who submitted a question via the Q&A so they are spotlighted and can ask their question on screen.
- d. R. Lieberwitz suggested having panelists give a brief presentation and then opening it up to comments. She inquired on whether it would be better to just open up comments and questions or focus on specific categories or themes from the public feedback.
- e. B. Fortenberry acknowledged the suggestion and reminded the committee that there is a short time frame for the feedback.
- f. B. Krause suggested a combination of opening up to comments and responding to a common theme.



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- g. M. O’Gara seconded the suggestion from C. Huang about making sure that participants are directly heard.
- h. There was discussion on crafting a draft format of the public forum with regard to timing, introduction, brief remarks, question and answer session, public comments, etc.
- i. There was a motion to approve the general format that was seconded and **approved unanimously**.

VI. Roundtable

- a. J. Michael inquired if there is a standing meeting for the CJC.
- b. B. Fortenberry stated that he had intended on putting it on the agenda. He stated that he would like to schedule another meeting between this date and the date of the public forum. He will provide options sometime after the public forum to committee members for a standing meeting.
- c. N. Danev inquired if the standing meetings would be held outside of business hours or during the day.
- d. B. Fortenberry stated he will take that into consideration when providing options to the committee members.
- e. N. Danev asked if the email for the public forum could be sent out to everyone with an @cornell.edu email.
- f. G. Giambattista stated this would be possible; however, the Office of the Assemblies only has datasets for faculty, staff and students and not for alumni.
- g. There was a motion for the CJC to draft communication to go out to all available contacts through the Office of the Assemblies that was **approved unanimously**.
- h. B. Fortenberry inquired about sending the email over the weekend.
- i. G. Giambattista stated that if a draft was received by 7:00 PM, the communication could be sent out.
- j. Motion to extend the meeting by five minutes was **approved**.
- k. R. Lieberwitz indicated that she has started working on a draft of categories to cover and that she would be willing to continue the work on that on behalf of the CJC.

VII. Adjournment at 12:03pm

Respectfully Submitted,
Office of the Assemblies



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Cornell University Assembly Codes and Judicial Committee

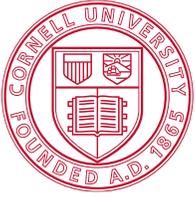
Minutes of the November 9, 2020 Meeting

4:30 PM – 5:30 PM

Zoom Meeting

**There are no minutes available for the first portion of this meeting
as the audio file was unavailable**

- I. Discussion about upcoming public forum
 - a. R. Lieberwitz stated that the questions will be answered to the best of their ability and follow up will be provided for questions that there isn't an immediate response to.
 - b. G. Giambattista confirmed that the administration didn't have a particular stance and the conversation was about finding the best use of time and what would the forum look like.
 - c. B. Fortenberry agreed that it was a conversation about the format of the forum and that it would be up to the Counsel's Office to decide whether or not to answer questions that are presented at the forum. He further stated that the forum is an opportunity for each group to provide their perspective on the current code and receive feedback.
 - d. R. Lieberwitz stated that the CJC should inform the participants of the forum timeframe and to follow it closely.
 - e. N. Daney indicated that it was voted on at the last meeting to not have R. Lombardi as a speaker/participant at the forum.
 - f. B. Fortenberry clarified that the addition of the complainant advisors as participants would allow for R. Lombardi to speak so it would balance between students and administration. He further added that there is potential for the code to be housed in Student and Campus Life and it would make sense to include the administration from that division.
 - g. R. Lieberwitz inquired about CJC members answering questions at the forum.
 - h. B. Fortenberry indicated that he would not be answering any questions; however, he would not be opposed to committee members answering questions if they feel they would be available to do so.
 - i. J. Michael indicated that she felt the committee members should refrain from responding and instead listen to the comments and feedback.
 - j. B. Fortenberry agreed that he felt the CJC should be there to listen and gather information. The comments and feedback could then be summarized and provided to Counsel's Office.

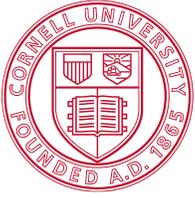


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- k. N. Danev stated his perspective that the CJC, as a committee of the University Assembly, should represent their constituents.
- l. C. Huang agreed about appropriately representing the university constituents and acknowledged that the Counsel's Office is a major stakeholder in this process.
- m. B. Fortenberry summarized that the CJC stands behind their resolution and hosting a public forum to allow for questions and answers and acknowledged that some questions may not get answered and would require follow up. He asked the committee members to confirm what the goal of the forum should be and that R. Lombardi would be an invited guest and be allowed to introduce himself.
- n. J. Michael indicated that R. Lombardi should be in attendance given the possibility that the code will fall under Student and Campus Life. This would allow for him to speak and be available should any questions arise.
- o. R. Lieberwitz stated that R. Lombardi should be there as a resource and answer questions pertaining to the process.
- p. There was a motion on the floor to invite R. Lombardi to the forum and it was passed by a vote of 4-1-0.
- q. B. Fortenberry asked the committee members for their thoughts on finalizing the format of the forum, including the keeping the time and date of the forum. He indicated that there would be a meeting on Wednesday, November 11 to finalize details for the forum and M. Gorney from CIT would be invited to assist with logistics for the forum.

II. Adjournment at 5:25pm

Respectfully Submitted,
Office of the Assemblies



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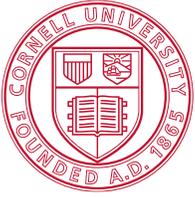
Cornell University Assembly Codes and Judicial Committee

Minutes of the November 11, 2020 Meeting

4:45 PM – 6:15 PM

Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:54pm
 - b. Roll Call
 - i. *Present:* N. Danev, B. Fortenberry, C. Huang, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* U. Chukwukere, H. Donato, A. Hong, S. Woldai
 - iii. *Also Present:* L. Kenney, B. Krause, M. O’Gara
 - iv. *Special Guest:* Matt Gorney
- II. Discuss panelist format for forum
 - a. B. Fortenberry discussed the Counsel’s Office asking the CJC for an answer on standard of evidence.
 - b. L. Kenney suggested looking at comments from last May to address this particular question.
 - c. J. Michael expressed that comments may be biased and skewed towards those who oppose the changes to the code.
 - d. N. Danev added on to the previous comments by expressing his fear that those who are afraid of sharing their opinion will not be heard.
 - e. C. Huang agreed with N. Danev emphasizing that public comments that are digitized can be tracked to students who are potentially looking for jobs in the future, so people may be hesitant to say their true opinion when it can be so heavily monitored and tracked.
 - f. R. Lieberwitz hoped the forum will be informative and allow for discussion to occur.
 - g. B. Krause expressed confusion on complainants advisors.
 - h. M. O’ Gara clarified the role of Professor Claremont and his holding the office accountable as the complainants advisors.
 - i. N. Danev motioned to have Professor Claremont as a panelist for the forum. R. Lieberwitz seconded and the motion **does not pass** however with only three yeses.
- III. Review Zoom process with Matt Gorney
 - a. M. Gorney asked B. Fortenberry to clarify the goals of the meeting.
 - b. B. Fortenberry expressed that the forum’s goal is to have panelists express their opinions of the new code and have public comment on the topic.



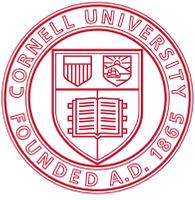
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- c. M. Gorney expressed that the goals are attainable through a webinar format where individuals can raise their hands and be called on to talk.
- d. R. Lieberwitz wanted to ensure that the calling on people for questions would be equitable
- e. B. Fortenberry brought up the case of an individual asking a question that no panelists want to answer. M. Gorney responded by recommending those questions default to the CJC.
- f. R. Lieberwitz and N. Danev both advocated for comments to be open and unfiltered.
- g. B. Fortenberry discussed moderating and clarified that CJC members will answer as members of the CJC not individuals.

IV. Adjournment at 6:15pm

Respectfully Submitted,
Dakota Stennett-Neris
Clerk of the Committee

DRAFT



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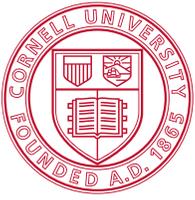
Cornell University Assembly Codes and Judicial Committee

Minutes of the November 16, 2020 Meeting

4:30 PM – 5:30 PM

Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:36pm
 - b. Roll Call
 - i. *Present:* U. Chukwukere, N. Danev, B. Fortenberry, C. Huang, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* H. Donato, A. Hong, S. Woldai
- II. Business of the Day
 - a. Public Forum and Comment Debrief
 - i. B. Fortenberry focused the meeting on current comments received (27 pages and around 45 individual commentators) and the forum comments/questions.
 - ii. N. Danev clarified that anonymous committee member means a member of any committee not just the CJC.
 - iii. B. Fortenberry acknowledged the complexity of the issue regarding the code and encouraged individuals who are representing constituents to voice their opinion whether anonymously on the website/public comments or in the meeting.
 - iv. N. Danev suggested posting all the comments mentioned in the public forum to the public comment section on the website to submit to the counsel so that both methods of communication are recorded and public.
 - v. B. Fortenberry responded stating that the intention was to have the comments from each be separate so the counsel can distinguish where the comments came from.
 - vi. J. Michael suggested not focusing on the small percentage of students that commented and to center the current meeting around the CJC's thoughts and opinions going to counsel.
 - vii. N. Danev pointed out that in democratic systems often times many people have the ability to exercise a right, but do not for various reasons. Despite this however, he believes that the CJC should listen to the people who decided to comment and not discredit them due to their small percentage of the total Cornell population.
 - viii. J. Michael expressed she hears constituents, but the comments make up 1% so they may not get their way.

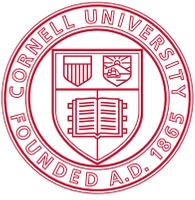


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- ix. R. Lieberwitz pointed out that the level of participation was substantial given the current pandemic and school schedule. Additionally, she pointed out that even in the group of comments there were still apparent trends and reoccurring comments.
- x. N. Danev mentioned the supervision over the code and who has that jurisdiction. He recommended that there be changes to what the proposed document to the counsel from the CJC will say regarding this topic.
- xi. J. Michael expressed that the committee would be going backwards to change what the CJC as already agreed to pass on to the counsel
- xii. R. Lieberwitz motioned for the CJC to recommend the following to counsel: The university assembly retains a supervisory role over the code as it has been in the past and utilizing the same language of the current code, which states that this code may be amended by the way, subject to the approval of the President.
- xiii. The motion **passed** with three yes votes.
- xiv. R. Lieberwitz motioned for the CJC to support clear and convincing evidence.
- xv. U. Chukwukere stated that there are opposing opinions from various diverse groups of people who oppose the essence of this motion. He also pointed out that many individuals have not commented on the current draft.
- xvi. N. Danev mentioned the two opposing views of leaving the wording as is or lowering the bar for what is needed to find someone guilty of something they are accused of.
- xvii. R. Lieberwitz communicated that she would be willing to withdraw her motion if the committee could decide when to vote definitively. The motion is voted on and does not pass with two yes votes and one no.
- xviii. B. Fortenberry motioned to extend the meeting 10 minutes. R. Lieberwitz seconds this.

III. Adjournment at 6:13 pm

Respectfully Submitted,
Dakota Stennett-Neris
Clerk of the Codes and Judicial Committee



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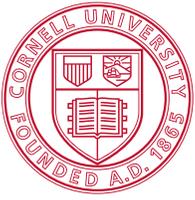
Cornell University Assembly Codes and Judicial Committee

Minutes of the November 17, 2020 Meeting

4:00 PM – 5:19 PM

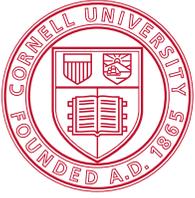
Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:06pm
 - b. Roll Call
 - i. *Present:* N. Danev, B. Fortenberry, G. Giambattista, A. Hong, C. Huang, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* U. Chukwukere, H. Donato, S. Woldai
- II. Business of the Day
 - a. Public Forum- Debrief
 - i. B. Fortenberry passed on this portion of the agenda and moves into Public Comments, the next item on the agenda.
 - b. Public Comments- Discussion around formatting (Deadline 5:00PM)
 - i. B. Fortenberry suggested identifying key areas of topics/ conversation that is occurring in the comments section after the influx to 80 comments from 67 individual commenters. He then opens the discussion to the floor.
 - ii. N. Danev expressed that R. Lieberwitz's summary of the public comments were sufficient to send to the council. He also clarified that one of his comments was corrected by B. Klause and he agreed with this by stating he does not believe the CJC targets students.
 - iii. R. Lieberwitz clarified that the summary is simply a document expressing themes found in the comments section, but the document lacks some crucial comments and does not convey repetition of comments which she hopes the committee can remedy in the current meeting. She also mentions the vote regarding retention of the supervisory role over the code.
 - iv. B. Fortenberry confirmed that the CJC will convey to the counsel's office, potentially in this document, that a motion for the University Assembly to retain the supervisory role over the code as it has been in the past, utilizing the same language of the current code and subject to approval from the President passed.
 - v. N. Danev mentioned the possibility of the CJC expressing an opinion regarding the standard of evidence and the wide array of perspectives on the topic.



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- vi. B. Fortenberry acknowledged N. Danev's comments and redirects the conversation to the format of the comments and agreeing on that first and then possibly discussing the intricacies of the CJC's opinion.
- vii. R. Lieberwitz described how she formatted and created the overarching document describing the comments which included highlighting repeated concerns. After which, she determined major themes such as the public's positive agreement on restorative justice being an optimal method, significant concern over the loss of independence of the judicial codes council, and the potential lowering of the stand of proof. Lastly, there was concern about direct questioning as well.
- viii. A. Hong agreed with the document R. Lieberwitz created and supports mixed proposition regarding the document and opinion of the CJC itself.
- ix. N. Danev stated that the document now reflects a number of different constituents such as the undergraduate population and motions to vote on making R. Lieberwitz's summary of the public comments the official document along with the PDF's of the full comments
- x. A. Hong seconded this motion.
- xi. U. Chukwukere disagreed with the claim that the comments from undergraduates is diverse and wants to investigate the racial makeup of commentators.
- xii. The motion **passed** with a unanimous vote of 8.
- c. Standing Meeting - Identifying timeframe that will work for majority constituents
 - i. B. Fortenberry is asked whether standing meetings will last for the remainder of the semester or year by C. Huang.
 - ii. G. Giambattista suggested having standing meetings booked/ voted on for each individual semester as student/ faculty schedules change each semester.
 - iii. B. Fortenberry recognized this fact and decides a doodle poll is best to decide the meeting time.
- d. CJC opinion regarding changes in code
 - i. R. Lieberwitz would like to hear the student perspective advocating for preponderance of evidence over clear and convincing because she believes the change is to protect student rights.
 - ii. N. Danev motioned to reconsider the vote that occurred in yesterday's meeting since quorum was met, but some members such as A. Hong was not present.
 - iii. B. Fortenberry asked for confirmation to ensure the motion abided by Robert's Rules. G. Giambattista confirmed the motion was a motion to rescind. Four favored the motion to reconsider the vote from yesterday to



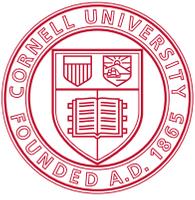
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happen that supported clear and convincing evidence. There were 3 votes that opposed and B. Fortenberry abstained so the motion **did not pass**.

- iv. C. Huang emphasized and advocated for restorative justice in addition to explaining the program and asking the CJC to perhaps take a stand for restorative justice through recruiting/prioritizing individuals with a background in the field.
- v. R. Lieberwitz agreed that restorative justice is a great resource as long as carefully instituted.
- vi. R. Lieberwitz motioned to support the restorative justice alternative dispute resolution provisions in the post proposed student code of conduct. This motion passes with all in favor.
- vii. C. Huang suggested involving diverse students from various backgrounds (races, genders, ages etc.) in the recruiting process for the administration. She motions to add this to the document sent to the council and it passes unanimously.
- viii. A motion was made by N. Danev to have the student and graduate professional student assemblies and the UA retain approval for the finalist in terms of hiring administration. This motion **did not pass** with 4 in favor and 3 opposing.

III. Adjournment at 5:19pm

Respectfully Submitted,
Office of the Assemblies



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Cornell University Assembly Codes and Judicial Committee

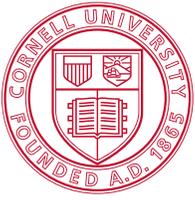
Minutes of the December 14, 2020 Meeting

4:00 PM – 5:05 PM

Zoom Meeting

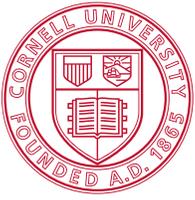
- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:02pm
 - b. Roll Call
 - i. *Present:* N. Danev, B. Fortenberry, G. Giambattista, A. Hong, C. Huang, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* U. Chukwukere, H. Donato, S. Woldai

- II. Business of the Day
 - a. B. Fortenberry expressed that the Student Code of Conduct was approved and opened the floor for any questions/comments.
 - b. R. Lieberwitz inquired about the topic of authority over the amendment process and why the trustees did not approve this aspect because the governance bodies such as the CJC and GPSA all agreed and passed resolutions regarding retaining jurisdiction.
 - c. B. Fortenberry responded by acknowledging that resolution was indeed passed but ultimately in the approved and voted on guidelines the notion was not included.
 - d. R. Lieberwitz felt it was important to note that the trustees decided not to institute a belief that the governing bodies unanimously agreed on.
 - e. N. Danev echoed R. Lieberwitz's sentiments and expressed dismay at the letters and voices being ignored, but also recognized that the new code is better than the current one and compromise was a necessary element to get the code done.
 - f. J. Michael emphasized that she may not have gotten everything she wanted, but it is crucial to acknowledge that the CJC was heard on multiple occasions and accept the outcome as the result of a fair democratic process.
 - g. R. Platt mentioned academic freedom and freedom of speech with regards to references in the new Code of Conduct. To which, R. Lieberwitz said that this will be addressed in later meeting but is a very important point. She mentioned a potential meeting in January with the Faculty Senate where the new Code of Conduct could possibly be amended.
 - h. B. Krause agreed and recommended that R. Platt follow up with the counsel's office.
 - i. M. O'Gara asked about the timeline regarding when the new code will be implemented.



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- j. B. Fortenberry stated that the code says it will be implemented before the Fall semester of 2021; however, it is up to the VP of Student and Campus Life. He also mentioned that R. Lombardi and his office had reached out regarding the approval of the new code and with that in mind keeping communication between the governing bodies and the respective school offices will be crucial during the transition period for the code.
- k. B. Krause mentioned Dr. Kevin Williams, who is a consultant that will work with all necessary bodies to ensure a smooth transition to the new code.
- l. B. Fortenberry thanked B. Krause for that information and also offered comments from J. Michael describing R. Lombardi potentially meeting in the Spring semester of 2021 to discuss the transition further and collaborate with the CJC.
- m. J. Michael suggested that R. Lombardi and Dr. Kevin Williams be invited next semester to a spring meeting.
- n. N. Danev asked to invite them separately as he is in favor of inviting one, but not the other.
- o. R. Lieberwitz motioned to have R. Lombardi invited to a CJC meeting during the Spring semester of 2021 which was seconded.
- p. B. Fortenberry opened the floor for questions and comments which no one had, so they voted
- q. The motion passed with 5 yeses, 1 no, and 1 who abstained.
- r. R. Lieberwitz and J. Michael asked what Dr. Kevin Williams role consisted to which B. Krause responded that he is a consultant and an individual who will assist R. Lombardi and his office in determining the best way to implement the new code.
- s. B. Fortenberry then discussed and opened the floor to discussion regarding Dr. Kevin Williams visiting the CJC.
- t. C. Huang was in favor of this proposition as well as N. Danev who is passionate about inviting Dr. Kevin Williams but is hesitant out of personal principle to invite others who have ample resources/opportunity to reach out to students and constituents.
- u. R. Lieberwitz expressed wanted the two, Dr. Kevin Williams and R. Lombardi, to come separately as the CJC can address different topics of the new Code of Conduct with each of them.
- v. R. Lieberwitz motioned to have Dr. Williams and R. Lombardi invited to separate CJC meetings which was seconded.
- w. J. Michael opposed having separate meetings because she felt having the two perspectives combined was not only efficient, but easier for Dr. Kevin Williams as he would be new during the time of the meeting.



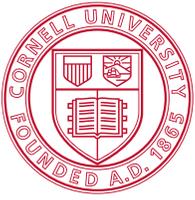
Cornell University University Assembly

- x. N. Danev pushed back on this notion because he felt it was not on the CJC to provide a platform for the two of them to talk with one another. He also found value in the notion of a separate meeting to get to know Dr. Kevin Williams as an individual separate from the united front that is presented with R. Lombardi.
- y. C. Huang agreed that there are pros and cons to both but in an effort to be efficient she agreed with having one meeting. However, after that introductory meeting she agreed with N. Danev to have them come to the CJC separately as Dr. Kevin Williams appears to be a specialist in the area rather than someone like R. Lombardi who is familiar with the code in a more general sense.
- z. The motion passed with 4 yeases, 1 no, and 2 who abstained.
- aa. B. Fortenberry discussed the future of the CJC and recommendations on how to go about the CJC for the next semester. He also recommended to have a motion regarding a potential standing meeting.
- bb. A Doodle poll to solve this issue was recommended and G. Giambattista said this proposal was also a viable option.
- cc. There was a motion to extend the meeting by 5 minutes. This was seconded.
- dd. B. Fortenberry just wanted to thank everyone for their work this semester and encouraged everyone to look forward into the next semester focusing on the role of the CJC and the new code.

III. Adjournment at 5:05pm

Respectfully Submitted,

Dakota Stennett-Neris
Clerk of the Codes and Judicial Committee



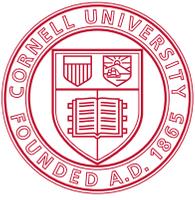
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University Assembly

Cornell University Assembly

Minutes of the March 23, 2021 Meeting
4:30 PM – 6:15 PM
Zoom Meeting

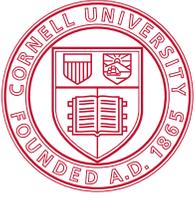
- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:30pm
 - b. Roll Call
 - i. *Present:* N. Danev, H. Donato, B. Fortenberry, R. Lieberwitz, J. Michael
 - ii. *Members not Present:* C. Huang, L. Taylor, S. Woldai
- II. Business of the Day
 - a. B. Fortenberry explained today's meeting is to discuss the University Hearing and Review Board (UHRB) as well as the upcoming visit by Ryan Lombardi to the CJC on April 30th, 2021. To start, he provided a brief description of the UHRB as a group of faculty, staff, and students who are interviewed and apply for positions to hear cases regarding the Code of Conduct. He emphasized that these individuals are crucial to ensure the Code of Conduct is upheld as written and the cases brought to the University's attention are reviewed.
 - b. UHRB appointments
 - i. B. Fortenberry proposed offering individuals currently on the UHRB an opportunity to serve their full 24 month term operating under the current code for cases that have occurred under the current Code of Conduct. He mentioned the large caseload as well as the significant portion of time it will take for the UHRB appointments to get through them.
 - ii. After these cases, B. Fortenberry recommended implementing a new UHRB that is appointed by the CJC for the new Student Code of Conduct.
 - iii. R. Lieberwitz agreed with this proposal calling it "straightforward" and "covering all the bases".
 - iv. S. Swanson also expressed positive reactions towards extending to the 24 month term for the existing appointments to ensure a smooth transition and management of the cases that are backlogged right now.
 - v. R. Lieberwitz inquired about how many people are actually available to continue past the 12 month term that the appointments were finishing up. B. Fortenberry explained that there are around 29-30 individuals given they accept the proposal of extending their appointments. To R. Lieberwitz's point, G. Giambattista also offered to determine how many students would be excluded from this extension by virtue of their graduation.
 - vi. B. Fortenberry asked for guidance around how to appoint individuals if there are only a few vacancies on the board while the board is needed for a hearing. G. Giambattista replied describing the two processes available of



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informal and formal appointments. Informal being mostly during the summer and when a vacancy was needed to be filled so students would be quickly recruited. Formal being alternatives that were selected when the full cohort was chosen to serve; essentially, individuals who were close to being chosen, but did not quite make the cut.

- vii. G. Giambattisa suggested drawing a hard line for the current and new Student Code of Conduct rather than dealing with alternatives/appointments who may or may not be familiar with the relevant code of conduct at the time of their hearings.
- viii. B. Fortenberry proposed possibly proposing a motion that the current appointments extend their terms by 12 months to make a 24 month term and handle all cases pertaining to the current code of conduct. Then the CJC will make appointments for cases pertaining to the new Student Code of Conduct.
- ix. N. Danev motioned to vote on this proposition. H. Donato seconded this motion. B. Fortenberry opened the discussion for this motion.
 - x. The motion passed with 5 yeses and 0 voting no.
 - xi. B. Fortenberry suggested motioning to have these appointments done by May 31, 2021. R. Lieberwitz motioned this suggested and N. Danev seconded.
 - xii. The motion passed with 5 yeses and 0 voting no.
- c. Ryan Lombardi Visit
 - i. B. Fortenberry reminded everyone about the Ryan Lombardi visit that will take place April 30, 2021 as well as what will be discussed in the meeting such as balancing the two Codes of Conduct and their implementation.
 - ii. B. Fortenberry asked C. Liang to clarify whether she can assist in communicating the different factors of each Code of Conduct to which she responded that there is an ongoing process/project to locate the differences of the Codes of Conduct and she would be happy to share the information she finds (granted the information will not find every single difference, but likely the important differences relevant to the CJC).
 - iii. S. Swanson highlighted that there needs to be a deep-dive into the new Student Code of Conduct and she has in regards to hiring practices, but would like to further this knowledge.
 - iv. R. Lieberwitz expressed a desire to understand what Ryan Lombardi perceives as the large scale and impactful differences between the two Codes of Conduct.
 - v. B. Fortenberry asked if S. Swanson and C. Liang could circulate some sort of material regarding the differences prior to the April 30th, 2021 meeting with Ryan Lombardi. C. Liang suggested that she and S. Swanson touch base offline to



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propose something that can work for the CJC and the timeline of each respective group's capacity.

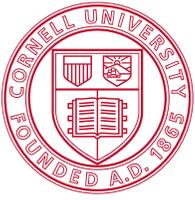
- vi. B. Fortenberry appreciated this and asked if anyone had further questions.
- vii. R. Lieberwitz inquired about Kevin Williams and his attending the CJC at some point. G. Giambattista offered extending an invite to Kevin.

III. Adjournment at 5:34pm

Respectfully Submitted,

Dakota Stennett-Neris
Clerk of the Codes and Judicial Committee

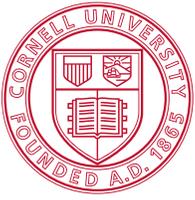
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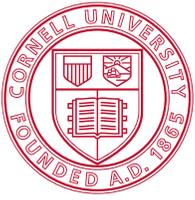
Cornell University Assembly
Minutes of the April 27, 2021 Meeting
4:30 PM – 6:15 PM
Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 4:33pm
 - b. Roll Call
 - i. *Present:* H. Donato, B. Fortenberry, R. Lieberwitz, L. Taylor, J. Michael
 - ii. *Members not Present:* N. Danev, C. Huang, S. Woldai
- II. Business of the Day
 - a. B. Fortenberry mentioned Resolution 22's passing in the University Assembly, Kevin William's future visit to the CJC, and his asking G. Giambattista for an overview on next-steps with regard to appointments.
 - b. UHRB Appointment Execution
 - i. G. Giambattista emphasized that a balancing between the current and new Student Code of Conduct must occur with these appointments. She pointed out that in the new code there is an April 1 deadline for new nominees for the different assemblies which would have gone to the director and the respective office outlined in the new code; however, there is no office or director yet appointed for this, so the CJC must step in to fulfill the appointments. G. Giambattista suggested appointing those who can address the current Code of Conduct and then implement a few for the new Student Code of Conduct that way the current cases can be handled as well as the new Student Code of Conduct can be slowly introduced to a few appointments.
 - ii. R. Lieberwitz asked about the new Student Code of Conduct and its location on the Assemblies' website which G. Giambattista located and sent in the chat.
 - iii. B. Fortenberry asked for clarification around the list of candidates and how the vetting process works.
 - iv. G. Giambattista outlined a rubric that had been used in previous applications as well as the aspects of anonymity that is included with this method of vetting through anonymous questions. After, the CJC selects candidates based on their anonymous answers G. Giambattista certified that the CJC will formalize their appointments with the real names of the individuals.



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- v. L. Taylor expressed positive experiences in the past with the line of questioning and process of anonymous vetting.
- vi. B. Fortenberry suggested potentially motioning to use the previous line of questions.
- vii. R. Lieberwitz expressed approval of using the questions but requested to potentially see the questions first if possible.
- viii. Gina offered to find the questions regarding the past UHRB candidate process.
- ix. C. Liang wondered if there is confirmation regarding how many seats are needed to fill the students and faculty seats and suggested doing purposeful outreach to groups that are specifically needed for these appointments.
- x. L. Taylor makes a motion to use the same questions for the candidate process as last time. This motion is seconded and B. Fortenberry opens the floor to discussion.
- xi. C. Liang points out the importance of substance based questions rather than purely scheduling questions is crucial as well as having the correct references to office in the questions. Substance based questions include inquiring about what candidates think “fair processes” and “conflict of interest” mean.
- xii. R. Lieberwitz asked what we are looking for in application process and agrees with C. Liang.
- xiii. C. Liang asked whether this is being used for the new board or the current board vacancies because meeting times are also very specific in the questions and need to be changed.
- xiv. L. Taylor asked about campus code of conduct vs student code of conduct and what is being asked of students applying.
- xv. G. Giambattista explained that the Student code of conduct still has punitive consequences for action in addition to restorative justice.
- xvi. C. Liang asked if we can appoint people for vacancies and then a new board this summer for the new code.
- xvii. G. Giambattista reminded everyone that the resolution that was just passed by the UA uses the UA as a body to approve the appointments and she fears if the appointments happen over the summer for the first time then there may be confusion regarding the usage of each respective Code and dysfunctionality.
- xviii. R. Lieberwitz amended the motion to add questions that will include the new student code of conduct and other language consistent with the code as needed. H. Donato seconded this motion.



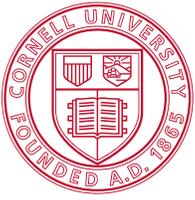
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- xix. G. Giambattista suggested leaving the code as is for this summer to get the board through the summer under the old code and then amend the motion for the future boards under the new student code of conduct.
- xx. Quorum was lost due to L. Taylor leaving.
- xxi. R. Lieberwitz asked what the Resolution 22 requires of the CJC and appointments with the UHRB.
- xxii. G. Giambattista described the process of the UHRB and appointments as mentioned before as well as the proposed timeline in the new Student Code of Conduct.
- xxiii. Fortenberry suggested a first step of offering extensions and then evaluating vacancies.
- xxiv. R. Lieberwitz withdrew her amendment to the motion.
- xxv. B. Fortenberry began a vote for the motion to use the previously used questions for the candidate process and that motion received 3 yeses.
- xxvi. C. Liang mentioned the possibility of summer/fall hearings as well as all the movement parts of the timing/availability in summer period. Additionally, she touched on the issue of the number of cases from the current code and the possibility of hearing cases regarding the old code for a while.
- xxvii. B. Fortenberry empathized with the complexity of the issues and hoped clarity would be offered in the upcoming CJC meetings as more is planned with regards to the new code and its implementation.
- xxviii. B. Fortenberry encouraged all to bring questions to the meeting with Ryan Lombardi.

III. Adjournment at 5:58pm

Respectfully Submitted,

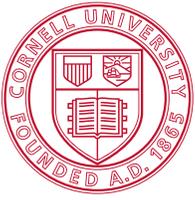
Dakota Stennett-Neris
Clerk of the Codes and Judicial Committee



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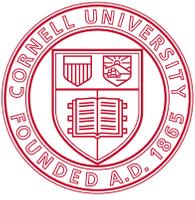
Cornell University Assembly Minutes of the April 30, 2021 Meeting 8:30 AM – 10:00 AM Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. B. Fortenberry called the meeting to order at 8:32am
 - b. Roll Call
 - i. *Present:* H. Donato, B. Fortenberry, R. Lieberwitz, J. Michael, L. Taylor
 - ii. *Members not Present:* N. Danev, C. Huang, S. Woldai
 - iii. *Special Guest:* Ryan Lombardi
- II. Business of the Day
 - a. B. Fortenberry described the overview of the meeting as discussing Resolution 22 (going into depth for R. Lombardi), updating everyone on the actions taken last meeting, reviewing the current Code of Conduct caseload and deadlines, and then asking questions to R. Lombardi as well as roundtable discussion.
 - b. B. Fortenberry explained the CJC's original conundrum of having to propose UHRB appointments while also balancing the current Code of Conduct and the new Student Code of Conduct. Additionally, the CJC had to address the new appointments and that of the current members of the UHRB who are serving 12-month terms under the current code. He explained Resolution 22 as a solution to this reality for the CJC. Resolution 22 allows for current UHRB members to extend their 12-month terms to 24-month terms which ensures that members will be familiar with the current code as they would only deal with current code cases up until May 2022. He also mentioned a letter with this proposal being sent out earlier this week and getting a fair amount of folks interested in extending their appointments. Essentially, new cohort will consist of individuals that are only current code and then another for the new Student Code of Conduct. Lastly, B. Fortenberry mentioned the communication to the University constituents regarding the new Code of Conduct and whether R. Lombardi could discuss this being that the CJC is discussing recruitment for the UHRB and would like to hopefully utilize the communication to advertise the open vacancies/opportunities.
 - c. R. Lieberwitz mentions that it is important to recognize that the CJC simply can not meet the deadlines (April 1st for example) for the UHRB because the positions/entities required for appointments under the new Student Code of Conduct do not exist. Essentially, she asked R. Lombardi whether it was okay to have that suspension for the deadline and ensure that the CJC can still appoint members even when a director is appointed.



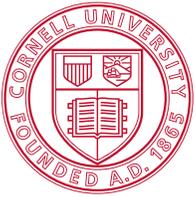
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- d. R. Lombardi responded that he agrees that there needs to be great flexibility in the transition period between the two codes as well as his not foreseeing a director being appointed and then attempting to unilaterally decide appointments for the UHRB.
- e. B. Fortenberry acknowledged that the current caseload can and has been continuing to grow under the current code. He mentioned that C. Liang had been updating him on the caseload and proposed possibly having cases held over the summer so that the cases are not dragging on for a long time. Essentially, C. Liang proposed that the OJA continue hearing cases with staff and the UHRB appointments over the summer.
- f. C. Liang provided an update regarding the compensation aspect to over the summer hearings for those on the JA and UHRB. She clarified that the OJA will not be the one to compensate individuals but appreciates the historical context and meaningful conversation provided when discussing compensation in previous meetings. After hearing approval for the plan to hear cases over the summer, C. Liang said she reached out to the Dean of Faculty since the UHRB contains faculty. They are meeting next Thursday to discuss the possibility of staffing these hearings.
- g. B. Fortenberry added that in the original framework there was discussion around compensation; however, there is no precedence for providing compensation for the students over the summer so it is unlikely that this would occur.
- h. B. Fortenberry deferred to G. Giambattista to discuss the number of responses for the UHRB extensions.
- i. G. Giambattista read the response rates tallying the numbers as 14/25 students, 13/15 faculty, and 12/15 staff that have agreed to extend their terms to 24 months. She also stated that 7 students of the 11 missing students simply have not responded.
- j. R. Lombardi offered his support to try to keep things moving and keep the resolution regarding the cases on track.
- k. B. Fortenberry thanked C. Liang for foreseeing the issue of the caseload. Subsequently, B. Fortenberry moved into the questions for R. Lombardi.
- l. B. Fortenberry asked R. Lombardi, “What role would you see the CJC playing in conjunction with the OCCS?”
- m. R. Lombardi responded saying that it would take some time to figure out the best functional role and relationship between the two. He wants to focus on how the two can work together on educational and restorative processes on campus. He also added that the CJC could continue to shepherd the processes and include other assemblies through collaboration as the CJC sees fit.



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- n. B. Fortenberry inquired about the timelines in addition to the actors in the matter of the implementation of the new code.
- o. R. Lombardi added that the new code stipulates there has to be a public proclamation of the new Student Code of Conduct and that communication would hopefully be expressed in early August. New appointments such as the director will hopefully be in place as well. He also mentioned that Kevin was also asked to do an analysis of the caseload and what we project that to look like in the coming year.
- p. B. Fortenberry followed up with the question of how the office and committee can effectively communicate the new code?
- q. R. Lombardi responded assuring the CJC that the school is going to utilize certain resources such as human resources and communication specialists to engage the student community with the new student code. He also felt it is important to have student input because the new code is a living document that should be interacted with in an engaging way.
- r. B. Fortenberry raised the question of how R. Lombardi sees the code Directors filling their positions and interacting with all the moving parts of their responsibilities and committees?
- s. R. Lombardi responded saying that the Director has a critical position, and the roles of each respective party is crucial for the code to be implemented. As such, he recommended communicating with Kevin to understand the intricacies of all roles and responsibilities.
- t. B. Fortenberry opened up questions for everyone.
- u. R. Lieberwitz referenced the hiring of the director and other positions and asked who will be involved with input regarding these roles.
- v. R. Lombardi said he has confidence in the Dean's track record of engaging the community when making decisions that impact the University.
- w. B. Fortenberry echoed the sentiment from R. Lieberwitz by emphasizing the importance of community engagement and communication.
- x. R. Lombardi acknowledged these concerns and goals as well as transparently introduced the risk factor of the job market currently. Essentially, not knowing whether individuals will be interested in transitions and the subsequent positions offered to manage the new code.
- y. B. Fortenberry asked that the members have more questions prepared for Kevin and Marla since they are the key drivers for the new code and can address the nuts and bolts of the transition. He also referenced the date of August 2021 for communication of the new code to the University and asked whether coordinated messaging is useful for the CJC?



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- z. G. Giambattista said that there are some parts that can be articulated and fully explained by Kevin and Marla so it might be useful to wait until they visit the CJC to determine communication, applications, etc.
- aa. B. Fortenberry mentioned that the conversation around summer ability to fill appointments is done through the emergency process through the Executive Committee and Logan had asked if the CJC would be willing to appoint him as a staff member for the summer?
- bb. B. Fortenberry then asked if a motion could be made regarding this and J. Michael made the motion to which no one opposed the motion, so it passed.
- cc. B. Fortenberry also clarified that there is no conflict of interest with H. Donato because no appointments will be made between now and May 12th.
- dd. G. Giambattista also mentioned that, regarding the unanimous consent motion that was just passed, she thinks everyone should extend their terms for the CJC through the summer and send that request to the UA.
- ee. B. Fortenberry asked to motion for the current CJC members to extend their term. The motion passed with unanimous consent.

III. Adjournment at 9:48 AM

Respectfully Submitted,

Dakota Stennett-Neris
Clerk of the Codes and Judicial Committee