

Cornell University
University Assembly

109 Day Hall
Ithaca, NY 14853
p. 607.255.3175
f. 607.255.2182
e. assembly@cornell.edu
w. <http://assembly.cornell.edu>

Agenda

Codes and Judicial Committee
University Assembly
February 7th, 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. November 29, 2017 (1 minute)
- ii. January 31, 2018 (1 minute)

III. Business of the Day

- i. For Discussion: Hate Speech Working Group Update and Discussion (10 minutes)
- ii. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code (35 minutes) ^[1]
- iii. For Discussion: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (15 minutes) ^[2]
- iv. For Discussion: University Hearing and Review Boards Staffing Update and Discussion (5 minutes)
- v. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, and the Complainants Advisor (5 minutes)

IV. Adjournment (Chair)

- i. Adjournment (1 minute)

Attachments

1. Language for Housekeeping Changes to the Campus Code of Conduct – President's Response Comparison
2. UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

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.



Minutes

Codes and Judicial Committee
University Assembly
November 15, 2017
4:30pm-5:45pm
305 Day Hall

I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:35pm.
- b. Roll Call:
 - i. *Present:* M. Battaglia, R. Bense, M. Horvath, K. Karr, G. Kaufman, J. Kruser, R. Lieberwitz, S. Park, V. Price, D. Putnam, N. Stetson, A. Waymack, K. Zoner
 - ii. *Absent:* C. Hodges, N. Jaisinghani
 - iii. *Others Present:* T. Malone, E. Winarto

II. Approval of Minutes (Chair)

- a. November 1, 2017
 - i. **Approved** by a vote of 6-0-1
- b. November 7, 2017
 - i. N. Stetson moved to amend the minutes to include that “the November 7, 2017 meeting was not scheduled on a regularly scheduled date.”
 1. By a vote of 6-0-1, the minutes were **amended**
 - ii. **Approved** by a vote of 6-0-2

III. Business of the Day

- a. Annual Report Presentation by Judicial Administrator (M. Horvath)
 - i. The Judicial Administrator, Michelle Horvath, presented to Codes and Judicial Committee, in which she gave an annual report. During her presentation, she noted the partnership between the Office of the Judicial Administrator and the Scheinman Institute, the implementation of a robust probation program, a new reporting process in partnership with the Cornell University Police Department (CUPD), and the amended process for late and incomplete sanctions. She also said that she and the Office of the Judicial Administrator are working to increase the readability and clarity of their documents.
 - ii. After the presentation, M. Horvath fielded questions on the presentation (which can be found at assembly.cornell.edu). She answered questions and provided clarification for the members of the Codes and Judicial Committee. The audio recording of the presentation (and the full meeting) can be found at assembly.cornell.edu.
 - iii.

- b. For Discussion: University Hearing and Review Boards Recruitment Questions and Process
 - i. M. Battaglia said that the Codes and Judicial Committee is moving ahead, and that, with the amended University Hearing and Review Board application questions amended, he hopes to start the recruitment process at the beginning of the semester.
 - ii. M. Battaglia discussed the changes made the University Hearing and Review Board application questions.
 - iii. N. Stetson asked
- c. For Discussion: Beginning the process for staffing the University Hearing and Review Boards and increasing contact with the Hearing and Review Board Chairs
 - i. M. Battaglia said that the Codes and Judicial Committee has lost contact with the University Hearing and Review Board, and that he intends for the last meeting to be dedicated to viewing a presentation from the University Hearing and Review Board on where they would like to go in the future.
 - ii. M. Horvath recommended that the applicant questions for the University Hearing and Review Board be standardized. She also recommended that there be recognition for students, faculty, and staff that serve on the University Hearing and Review Board.
 - iii. J. Kruser said that certificates of recognition should be sent to all Assemblies memberships.
 - iv. A. Waymack suggested that the University Assembly Executive Committee handle the matters regarding recognition of membership.
 - v. K. Karr recommended that the Codes and Judicial Committee have more contact with the University Hearing and Review Board. She said that having Codes and Judicial Committee and Judicial Codes Counselor members present would be beneficial to the process.
- d. For Discussion: Beginning the process of a holistic evaluation of the Campus Code of Conduct
 - i. Point of Information-M. Horvath-Are we [the Codes and Judicial Committee] doing a holistic evaluation of the Campus Code of Conduct, or a plain English revision?
 - 1. M. Battaglia said that the Codes and Judicial Committee is free to go where it wants.
 - 2. M. Horvath offered to provide a timeline and material from peer institutions.
 - ii. N. Stetson said that it might be helpful to look at whether people want the Codes and Judicial Committee to do a holistic evaluation of the

Campus Code of Conduct, or to simply just a plain English revision.

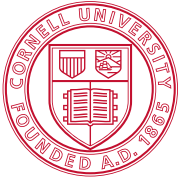
- e. For Discussion: Discussing recent Department of Education policy shifts, our Quantum of Proof, and Policy 6.4
 - i. This topic was not discussed at the meeting.

IV. Adjournment

- a. M. Battaglia adjourned the meeting at 5:44pm

Respectfully submitted,

Terrill D. Malone
Codes and Judicial Committee Clerk



Cornell University University Assembly

Minutes

Codes and Judicial Committee
University Assembly
November 29, 2017
4:30pm-5:45pm
316 Day Hall

I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:34pm.
- b. Roll Call:
 - i. *Present*: M. Battaglia, R. Bensel, C. Hodges, M. Horvath, N. Jaisinghani, K. Karr, G. Kaufman, R. Lieberwitz
 - ii. *Absent*: J. Kruser, S. Park, D. Putnam, K. Zoner
 - iii. *Others Present*: K. Ashford, T. Malone, M. Peralta-Ochoa, V. Price, N. Stetson, E. Winarto

II. Approval of Minutes (Chair)

- a. November 15, 2017
 - i. **Tabled** by unanimous consent until the Spring semester.

III. Business of the Day

- a. End of the Semester Outlook and Thank You (Chair)
 - i. The Chair, M. Battaglia thanked everyone for their hard work and service on the Codes and Judicial Committee this semester. He also recapped some of the highlights of the work of the Codes and Judicial Committee over the course of the past semester.
- b. Discussion with Hearing and Review Boards Chairs (Facilitated by Chair)
 - i. A Chair of the University and Hearing Review Boards, ____, introduced herself to the Codes and Judicial Committee and fielded questions from the Codes and Judicial Committee.
 1. R. Bensel spoke about the issues regarding the rights of defendants. He said that he is concerned that these issues aren't addressed, and that a chair of the University Hearing and Review Boards being able to, in his opinion, deny a defendant his or her basic rights.
 2. M. Horvath said that this is an educational administrative process. She said the process is very different from a court of law. She said the right to confront witnesses is a provision in the Campus Code of Conduct. She said that the Campus Code of Conduct can only participate in cases of suspension or dismissal. She said that, she spoke with Gabe Kaufman and Matt Battaglia about the University Assembly paying the cost, in the

case that there is another open hearing. She said, after a cost analysis, it will cost \$10,000.

3. N. Stetson said that the rules do good, but could do better at avoiding legalism.
4. A. Waymack discussed the Hearing Boards case of Mitch McBride and livestreaming during the public hearing. She said that there is no exemption for tape recording. She said that there needs to be very clear guidelines on how the public can share information from the hearings.
5. R. Lieberwitz said that she likes procedures. She said that education is fine, but that there is also a punitive nature to this. She said that is for due process, but not for pretending that this process is just educational. She said rehabilitation and due process are not exclusive at all.
6. R. BenseL said that the case [that he is thinking of] is egregious. He said that there was a premeditated intervention to add bias to the proceedings. He said that the actions of the administration and the actions of the Provost should be condemned. He said that the resources should be equal and balanced, because in the case of Mitch McBride, there was a power and resource imbalance. He said that procedural rights are the minimum.
7. M. Horvath said that she agrees with R. BenseL, which is why [she said] her office does not issue comments. She said that we [the Codes and Judicial Committee] need to be careful when we [the Codes and Judicial Committee] say we [the University] are not restorative, but 99% of the cases at the University are restorative. She said that the dismissal and suspension rate is small. She said that the system is complex and disproportionally fair. She said the University only needs to meet a fundamental fairness standard because the University is private.
8. N. Stetson spoke about a possible resolution to the University Assembly to stop administrators from commenting on cases heard by the University Hearing and Review Boards. He said that there needs to be clarification of the language to reflect the parts that are educational, punitive, and rehabilitative.
9. A. Waymack said that she urges us [the University] to move towards a system where no one has access to legal counsel outside of the University because it advantages the well-off. She said that she would like to see a system where counsel is not necessary, but it is difficult to achieve because of the issues previously raised.
10. M. Battaglia said that, in his interaction with the Judicial Codes Counselor, the Judicial Codes Counselor does not see outside counsel as being beneficial.
11. D. Putnam-Point of Information-Who owns the documents? Who can direct the owner to clarify and update the language of the document?
 - a. M. Battaglia said that there is a relationship between the Codes and Judicial Committee and the University Hearing and Review Boards. He said that the chairs would typically alter the documents.
 - b. M. Horvath said that it is typically the Administrative Chair, and in this case, Joel Cisne.

12. R. Lieberwitz said that the Codes and Judicial Committee should commit to clarifying the language. She said that she would not like to run away from the term of “due process,” as a term of art that is not specific to public institutions. She said that the term captures a notion of fairness.
 13. M. Battaglia spoke about University Counsel, and their relationship with the Codes and Judicial Committee.
 14. R. Benseal said that fear leads to bringing in outside counsel. He said that, in that fear, to deny someone the choice, no matter if it is bad, is a mistake. He said that there is an asymmetry of power.
 15. A community member spoke in support of A. Waymack’s ideas and the general power dynamics in cases that involve counsel.
 16. A community member spoke about the comments made during the Mitch McBride case.
 17. M. Horvath said that something missing in the procedures is a timeline for exchanges. She said that it is frustrating for her office when respondents fail to sign their SDA, resources are lost because her office must act to assemble a hearing. She asked why this process is so feared? She said that it is important that there is the option of having an attorney.
 18. V. Price said that, from a student perspective, it is worrisome that it will tarnish one’s record and transcripts.
 19. M. Horvath said that probation is reportable, but not notated.
 20. N. Stetson said that, one problem may be that the Campus Code of Conduct does not cover administrators. He said that he has mixed feelings about everyone being under the same Code of Conduct. He said that the easier thing to do would be to ask the University Assembly to request the administration to not comment on cases.
 21. M. Horvath said that faculty and staff are held to a higher standard of proof than students.
- c. For Discussion: University Hearing and Review Boards Staffing Update and Discussion
- i. M. Battaglia discussed the updated University Hearing and Review Boards questions and the upcoming staffing procedures.
 - ii. M. Horvath said that there should be a process of notifying individuals as alternates to train them for vacancies because the process to fill vacancies can be cumbersome.
 - iii. N. Stetson moved by unanimous consent to extend the meeting by 5 minutes.
- d. For Discussion: Hate Speech Working Group Update and Discussion
- i. M. Battaglia said that the Hate Speech Working Group met on Monday and discusses timelines and logistics, and that the bulk of the work would need to be done by the end of February, 2018. He said that they are still waiting on an employee representative and an undergraduate representative. He said that one faculty member was appointed.
 - ii. N. Stetson said that there is now a listserv. He said that they are working on producing a website under the Assemblies website.
 - iii. R. Lieberwitz said that it is important that, as the Hate Speech Working Group begins to meet regularly, it needs to be publicized so that the community will be aware.

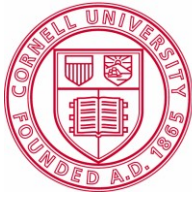
- iv. N. Stetson moved by unanimous consent to extend the meeting by 5 minutes.
- e. For Discussion: Concerning the process of a holistic evaluation of the Campus Code of Conduct
- f. For Discussion: Discussing recent Department of Education policy shifts, our Quantum of Proof, and Policy 6.4

IV. Adjournment

- a. N. Stetson motioned to adjourn. There was no dissent. The motion was adopted. The meeting was adjourned at 5:55pm

Respectfully submitted,

Terrill D. Malone
Codes and Judicial Committee Clerk



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Minutes

Codes and Judicial Committee
University Assembly
January 31st, 2018
4:30pm - 5:45pm
305 Day Hall

In attendance: R. Lieberwitz, M. Battaglia, N. Stetson, K. Zoner, R. Bense, V. Price, G. Kaufman, D. Putnam, K. Karr, J. Kruser

Others: M. Horvath, N. Hernandez, G. Giambattista

I) Call to Order (Chair)

- The Chair called the meeting to order at 4:33pm
- The chair noted staffing changes to the committee: Sarah Park (SA) and Neeraj Jaisinghani (UA) have stepped down, and vacancy filled by Rina Winarto (from the UA). The SA vacancy will be filled.

II) Approval of Minutes (Chair)

- November 29, 2017 (2 minutes). Will be reviewed at the next meeting

III) Business of the Day

- Beginning of Semester Outlook and Scheduling
- Chair heard from members that the weekly meetings were onerous, so he is reaching out to members for a confirmed time and date for regular meetings, noting that if members cannot attend, or it is difficult to attend, would not be conducive to the work of the committee. The Chair will send out a Doodle poll to members.
- Review of Agenda –
 1. UA R5 sent back to the committee by the UA.
 2. Chair would like to record actions of the committee for institutional memory.
 3. Review of Code Changes, pursuant to UA R4.
 4. UHRB Staffing – invite and hear from the UHRB Chairs
 5. Complaint Advisors (Policy 6.4), be included in Code with parity to the JCCs.
 6. UHRB selection process. Calendar in place. Noting the change to bi-weekly (committee) meetings, to no tax everyone's already-overcommitted time.
 7. Scheduling – we need a time that works for everyone. It will be a busy semester.

IV) For Discussion: Hate Speech Working Group Update and Discussion (15 minutes)

- Hate Speech Working Group had two meetings in the fall, minutes were posted on the OA website.

- The working group has been trying to schedule another meeting for the past two and a half weeks
- The current chair, C. Hodges is unable to discharge the duties of being the chair.
- Committee needs a chair– needs to be operational asap. Working Group is only half-staffed at this point.
- M. Battaglia reviewed the current staffing. Faculty and GPSA are staffed; still waiting on appointments from the undergrads and staff.
- J. Kruser noted the EA has approved an appointment, and will follow up.
- R. Bensel - asked for clarification from the chair about how the new chair of the HSWG will be appointed.
- M. Horvath – there was an effort to staff the committee last semester, and took up a lot of time of the CJC. Concerned that the staffing of the Working Group will take up valuable time of the CJC.
- M. Battaglia – agrees, and asserts that what is most important is to “get it done right”. Goal would be to get it done quickly and right, but right is most important.
- N. Stetson- Because the chair has to be one of the members from the CJC, and since C. Hodges is not able, stated that he would be happy to be a chair, in the interest of time.
- R. Lieberwitz – concerned about need to move forward, feels it is stalling because we can’t get a full complement of people on the committee. In the interest of moving forward, she offered to be chair if necessary, so that the working group could move forward. But also noted her limited time available.
 1. R. Bensel seconded nomination
 2. Call for other nominations
 3. N. Stetson nominated himself
 4. R. Lieberwitz withdrew her nomination, in support of N. Stetson’s nomination.
- Motion to elect N. Stetson as the new chair for the Hate Speech Working Group
- **Approved** by unanimous consent.

V) For Discussion: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (10 minutes)

- Chair explained the resolution briefly
- A bylaw revision to ensure UA has input on 6.4; holiday symbol policies; Risk Management request that non-matriculated minors not be included as “students”
- M. Horvath – Does the Charter get approved by president?
- M. Battaglia – this is a bylaw change, so only internal. We are documenting something
- M. Horvath – Concern with policy of non-matriculated minors in President Pollack’s denial statement... “I do not agree that the CJC should be involved in policies regarding minors that are not part of the Cornell community...” So, we have already heard from the president that she will not approve, and we are putting forth bylaw changes that are contrary to that...
- M. Battaglia – our charter says we can ask for information as we see fit. The CJC is free to “check in” from time to time and be involved in policies; we can pick up anything on our own prerogative.
- M. Horvath – my concern is that we would have two documents that contradict each other.

- M. Battaglia – Code doesn't mention the CJC at all, so no technical conflict.
- R. Bensel – Clarify: If we do not have jurisdiction over non-matriculated minors. Then it is a moot issue. But we should be clear.
- N. Stetson – Understand that the president wants input from the community. Hopefully input from the constituent assemblies will be included.
- M. Battaglia – This is an internal, bylaw change; does not need the president's approval.
- R. Bensel – The UA is responsible to its constituents, through its assemblies. He doesn't think it's the president's job or responsibility to tell us how we do that. We should do more community outreach, but not to satisfy the president's opinions or wishes. She could take some lessons on that. I want to be clear that we are doing this to address a constituency, but it is not our responsibility to respond to the president.
- N. Stetson – amend resolution so it is clearer with objective. The CJC is the best, and most experienced with adjudicative and rules-based matters; so the CJC would be happy to give advice to the UA on this resolution.

VII) For Discussion: University Hearing and Review Boards Staffing Update and Discussion (10 minutes)

- M. Battaglia – stated that the process was begun in the fall and applications will be open for about two weeks, a goal is to have this done by March; with a separate goal to institutionalize some sort of process
- The UHRB chairs will be coming to talk to us in the near future because they were invited
- M. Horvath – giving the chairs at least a month advanced notice is a courtesy we should extend to them

VIII) For Discussion: Concerning the Holistic Approach to Addressing the Campus Code (10 minutes)

- M. Battaglia – resolution was returned with three or four items for us to reconsider. Some slight typographical question. Biggest issue was under the JA Reappointment process. We would like to pull out those things to fix and re-submit. Most of what we did here is likely to be approved. Everything we did was already voted through.
- G. Giambattista – community outreach was concern, even for provisions the president was ready to approve.
- M. Horvath - Meaningful public notice and comment – how is it historically defined?
- M. Battaglia – historically, the UA has put it on their website for public comment for a period of time. Personally, will shop this around to the other assemblies; to make sure they are aware of it. In terms of public comment, there are areas we won't hear anything about; the language is mostly set; but will personally do outreach, and then elevate it back to the UA.
- M. Horvath – Code states the procedures (proposals) need to be posted in the Cornell Chronicle – is this something we have traditionally done? Or has it been in the Sun?
- M. Battaglia – That is not something traditionally done. Traditionally the UA puts it out on our agenda and opens it for public comment. In this case, will personally shop this around send it out to the other assemblies, to ensure maximum opportunity for visibility; meaningful and substantial engagement that is satisfactory to the president.
- M. Horvath – does the UA Agenda go to the whole community? How will we meet the requirements, and demonstrate our response to the president's request for "broad-based community interest"?
- G. Kaufman - traditionally code changes are presented at CJC in a public way and the CJC

spends enough time on it, gets passed to the UA, which also sends it to their agenda; that has been enough in the past and now we have a new president who may want to send the agenda to the whole campus community.

- J. Kruser - the expectation for campus outreach has never been clearly defined, we have used the process in the past, but does not do decent outreach to the part of the community who might be interested. Thinks a mass email for every Code change would not be the way. Proposes the UA contact the constituent assembly with any code changes, and let the assemblies determine whether or not it would significantly impact their constituency, maybe that would meet the expectations of the president.
- N. Stetson – Supports Jeramy’s idea. Cornell Chronicle is sort of like the Federal Registry, so put changes there; include link to public comment site on OA website. Gets us close to representative democracy.
- Victoria – echo Nate’s idea. Mimics the federal government. People who want to read it will read it, and those not interested will not. Communicating through the constituent assemblies makes sense. We don’t have a way to communicate to the entire campus about every Code change. If it’s available to everyone then it should be enough.
- G. Giambattista –historically changes to the code have included a two-week comment period and community input. The Cornell Chronicle is the newspaper of record for the university.
- R. Bense - Likes Nate’s suggestion. Whole thing is a bizarre conversation. The president is asking us to do outreach because, why? We are not the arm of her administration; we don’t do outreach to inform her; we do outreach to inform ourselves. I worry about it in terms of governance. The autonomy of governance is really important. If there is going to be any counter-weight to central administration it’s going to be one of the governance organizations. So, the (president’s) appeal to outreach, trying to make us feel some guilt; works on disabling our own autonomy and how we govern ourselves. Dislikes it. The president has complete discretion; like a constitutional monarchy. She can turn over anything, for any reason. Is against this. Would have been against asking her what she thought outreach was as a condition on our governance. The autonomy of this group, and every other governance group outside of the central administration is very important.
- J. Kruser – we came up with a really good procedure to do outreach. We can centralize them through the Office of the Assemblies. Newspaper, website, constituent assemblies.
- M. Horvath – only thing to add is an ad in the Sun with details of the proposals. Notes interesting in statement from the president is an interpretation of the UA’s own charter, and seemed to highlight the times that Gabe and Matt spoke with impacted constituents. Risk Management; Greek community, etc. so also create a document stating the impacted constituents. Suggests adding this.
- N. Stetson – if we tell our assemblies, and they tell their communications people, it will filter out to the community by word of mouth. But in response to the president’s statement, thinks this is a worrisome tone and worrisome take to our governing documents, and we should keep an eye on it. It’s not the first evidence that we are already seeing a worrisome trend and our governance is a little more vulnerable than it ever has been in history. We need to stand up for our role, but also hold “congressional hearings” of our stakeholders. We need them in here really quickly, to hear your concerns, and then send back a message to the president telling her, not only did we enhance our public comment, which we thought was good, but now is better, but we’ve reached out to stakeholders, which would give us additional coverage with the president.
- M. Battaglia – Next time, we will be exceptionally clear
- R. Lieberwitz –Thinks this has been a good discussion. No one is against complying with meaningful discussion. Don’t think we need to go overboard and have every stakeholder attend. These are open meetings, anyone can come. But along the lines of what Richard said, I ask myself where is this coming from... what is motivating this? Can’t completely tell. Experience with the Faculty Senate where if the administration doesn’t like what the

FS votes on, then we get a response of “you’re just a bunch of faculty, and you don’t really know what the rest of the faculty wants.” But, we were elected to speak for all of the faculty, and it relates to the issue of autonomy that was raised. That is the control we maintain. We are representative bodies. And the point of irony: how many years have we chased the administration to (allow shared governance to) provide consultation and input in their own decision making; this may be a case of “physician, heal thyself”. This president wasn’t here back then, but perhaps we can use this as an opportunity to say we’re all in agreement. We want to have the constituent assemblies working with you early to inform policy. How do we do that?

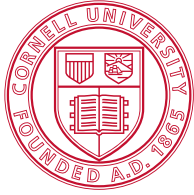
- J. Kruser – If we have a page on the website for Code amendments, people who are interested will know where to go. On the economy of shared governance, with the delegated authority from the president’s office there is a push and pull. We don’t have true autonomy, and we must remember that.
- M. Battaglia – Notes, the UA’s authority in the charter comes directly from the Trustees, so in terms of being autonomous from the president’s office... we are. In this case, we can be autonomous. We are not an arm of the administration, we are as autonomous as can be, even though we are in Day Hall. In our decision-making, we are autonomous.
- K. Zoner – Uniformly we have heard that people want more input; it may be what she (president) is trying to do; she is getting that pressure too. President is new to us. But, she doesn’t know us; hasn’t seen us work. We are tempering everything that we do to the best of our ability; we have always been a very thoughtful in moving forward. Let’s be more communicative of what we’ve done. The opinion of the day matters. Let’s re-shop it and determine if this still represents what we want to say.
- G. Kaufman – looking at the president’s response, she specifically said community outreach in the UA’s charter. The way I see it, that leaves outreach up to us. Maybe we did all of those things, maybe we did most of them. Thinks we fulfilled the requirement. Next time we pass a Code change, we need to make sure we specifically address this portion of our Charter. So, she will not be able to send it back. She can disagree, but she could not say we were not transparent.
- M. Battaglia – there is wiggle-room; “be as transparent as possible” gives us authority to do it the best way we decide.
- J. Kruser – What we’re aiming for is “spirit” and not just “letter”. If we document what we discussed here today, we should not run into similar situations in the future.
- R. Bense – Institutional memory. Interpretation of language in our bylaws should be tracked, so we know what it “means”. Don’t put things in the bylaws, but rather document what we want the bylaws to say. Point is that we are satisfying our bylaws. We are not satisfying the president. Make clear that distinction. We are not doing this to satisfy her request; we are doing this for ourselves.
- M. Battaglia- Bylaw amendments should be included for institutional memory. We should specify, “what constitutes public comment”, to ensure we are institutionally sound.
- J. Kruser – on documenting procedures, we could use the tool of “Standing Rules” to document procedures; much quicker to adapt than bylaws.

IX) For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, and the Complainants Advisor (10 minutes)

a) Tabled

X) Adjournment (Chair)

a) Adjournment at 5:47pm



U.A. Resolution # 5

Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

October 17, 2017

Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial Committee

Whereas, the object of the University Assembly (the Assembly), "...is to improve and sustain the involvement of the campus community in the governance of campus affairs affecting the broad campus community by establishing open, effective, and efficient channels of communication between and amongst the community and university administration" [Charter, Article Two]; and

Whereas, pursuant to Article Three, § 3.3 of its Charter "The Assembly has authority in matters concerning its internal operation and maintenance, including provisions for the creation of bylaws and procedures"; and

Whereas, the Codes and Judicial Committee (the Committee) over time has been charged with and has reviewed all resolutions concerning the Campus Codes of Conduct (the Code); and

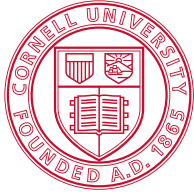
Whereas, in the Committee's work it has examined areas that are adjacent to and similar in scope and application to the Code both of its own volition and upon request of the Assembly; and

Whereas, in the past some areas of responsibility of the Assembly and the Committee have been examined sparingly as they have not been formally documented in the standing charge to the Committee; and

Whereas, the Committee in its discussion of the role of non-matriculated minors in the Code expressed a concern that by removing these individuals from the Code the Committee would lose touch with these groups and the policies governing them; and

Whereas, the Assembly traditionally has worked with the Committee and Cornell Environmental Health and Safety to approve Guidelines for Display of Religious Symbols in the Fire Safety Guidelines for Holiday Displays¹; and

¹ Attached as Appendix A to this resolution.



Cornell University University Assembly

Whereas, in his letter of April 22, 2012 then-President David Skorton accepted the University Assembly's request to be a stakeholder under the definition of Policy 4.1 for Policy 6.4 stating "I very much appreciate and welcome the participation of the University Assembly as a stakeholder in the process of amending Policy 6.4 and know that the community will benefit from the "robust participation" of the University Assembly"; and

Whereas, by adding these responsibilities and areas of examination to the Committee's standing charge it records them in our permanent governing documents, minimizing the risk that responsibilities are inadvertently neglected; and

Whereas, these changes are not modifying the existing authority of the Assembly or Committee but rather documenting and aligning the Committee's charge with its current and historical areas of examination and responsibility; and

Whereas, the Committee in its examination of the Code and other documents has emphasized taking steps to align practice and written procedure; and

Whereas, the Assembly strives to be a partner with the Administration; and

Whereas, effective partnership requires that the Assembly maintain and exercise its responsibilities judiciously; and

Whereas, these changes assist the Assembly and the Committee in keeping track of and carrying out their respective responsibilities; therefore

Be it Resolved, that Article Four, § 4.1 of the University Assembly Bylaws be amended to add:

By delegation from the Assembly, the Committee will review any proposed motion related to:

- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards;
- the Assembly's role as a Policy 4.1 stakeholder in Policy 6.4 (or its successor);
- the Assembly's approval of the Guidelines for the Display of Religious Symbols contained within the University's Fire Safety Guidelines for Holiday Displays; and
- written behavioral policies regarding non-matriculated minors who are outside the full Campus Code of Conduct.

No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.



Fire Safety Guidelines For Holiday Displays

Fire Code Compliance

Guidance
Document

FIRE SAFETY GUIDELINES FOR HOLIDAY DISPLAYS

PERMITTED	NOT PERMITTED
Decorations <ul style="list-style-type: none"> Potted plants and leaf-bearing trees Underwriter's Laboratory (UL) approved artificial, slow-burning/non-combustible trees made of plastics All-natural cut trees and other plant material that have been treated with fire retardant material. Documentation of treatment is required Flame-resistant paper or cloth decorations covering 10% or less of the wall & ceiling space 	Decorations <ul style="list-style-type: none"> All-natural cut trees or other plant material that have NOT been treated with a fire retardant material Metallic trees Combustible decorations
Lighting <ul style="list-style-type: none"> UL Approved & UL tag must be on light cord(s) Miniature electric lights, up to 3 strings of light maximum 	Lighting <ul style="list-style-type: none"> Non-UL approved light strands Light strands that do not have the UL approved tag More than 3 strings of lights plugged in together
Candles <ul style="list-style-type: none"> Battery operated LED candles "preferred" Live Candles with approval from the University Fire Marshal and Risk Management during religious observances only. Must be attended and enclosed in glass at all times while lit 	Candles <ul style="list-style-type: none"> Live open burning candles, except with an approved use of candle permit for religious observances
REMEMBER TO: <ul style="list-style-type: none"> Keep all exit routes hallways corridors and stairways free of obstructions Contact the University Fire Marshal at 607-255-8200 if you have any fire or life safety concerns Have a current and approved fire emergency plan Always know two ways out of every room and building. Practice alternate escape routes on a regular basis If fire strikes, on your way out of the building activate the fire alarm system to begin the total evacuation of building and then call Cornell Police at 607-255-1111 from a safe location 	
For additional fire safety information and other fire safety links visit us on the web at http://www.ehs.cornell.edu .	

Cornell is fortunate to have members from diverse religions on campus. According to the Cornell United Religious Works, there are more than 25 religious organizations represented at Cornell. While there are many religions that have no religious holiday between November and January, and while many members of Cornell's community do not practice a religion, the university encourages its members to respect differences in religious

Approved by: Ron Flynn
Last revised by: Ron Flynn
Revision date: 10/21/14

FCC_Fire_Safety_Guidelines_for_Holidays_Decorations

Page 1 of 2

The most recent version of this document is available electronically at EH&S Website:

http://sp.ehs.cornell.edu/fps/fire-code-compliance/Documents/FCC_Fire_Safety_Guidelines_for_Holidays_Decorations.pdf

Fire Safety Guidelines for Holidays Decorations

practices during this holiday season, and always. In an effort to create an inclusive environment, the University Assembly approved the following *Guidelines for the Display of Religious Symbols* below

GUIDELINES FOR DISPLAY OF RELIGIOUS SYMBOLS

- Individuals may *privately* display symbols in their work areas or living quarters.
- Areas that would give the impression that the symbol is associated with the university, particularly the external surfaces of buildings may not be used for displays of religious symbols.
- The university administration shall not sponsor nor provide direct financial support for the display of religious symbols.
- Campus groups desiring to sponsor celebrative and/or educational displays utilizing religious symbols shall have full access to appropriate campus display areas, subject to regular administrative procedures governing the use of these areas.
- Any display areas that normally are available to all campus groups shall also be available for the display of religious symbols, subject to regular administrative procedures.
- The policy prohibits special or temporary display areas for religious symbols.

University members are reminded to be respectful of the religious diversity of our students and colleagues and are encouraged to use an *inclusive* approach in celebrating the holiday season.

Individuals and units demonstrate this inclusive approach by:

- Focusing on the winter season rather than a particular holiday
- Displaying symbols that visually represent holidays of several religions in combination with secular decorations of the season.

GUIDELINES FOR INCLUSIVE SEASONAL DISPLAYS

Winter Holiday Displays/Decorations that are Consistent with Cornell's Commitment to Diversity and the University Assembly Guidelines:

- Snowflakes
- Trees (in accordance with Fire Safety Guidelines) decorated with snowflakes and other non-religious symbols

Winter Holiday Displays/Decorations that are Consistent with University Assembly Guidelines But Should be Basis of Dialogue Within Unit or Living Area

- Trees decorated with bows, garland and lights (in accordance with Fire Safety Guidelines)
- Wreaths with bows (in accordance with Fire Safety Guidelines)
- Combination of snowflakes, (in accordance with Fire Safety Guidelines), Santa Claus figure, and dreidel
- Holly

Winter Holiday Displays/Decorations that are NOT Consistent with Either University Assembly Guidelines or the University's Commitment to Diversity and Inclusiveness

- Nativity scene
- Menorah
- Angels
- Mistletoe
- Stars at the top of trees
- Crosses
- Star of David

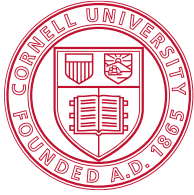
Approved by: Ron Flynn
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Page 2 of 2

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U.A. Resolution #11

Accepting President's Proposal of a One-Year Term Extension for the Judicial Administrator

February 13, 2018

Sponsored by: The Executive Committee of the University Assembly

On Behalf Of: The University Assembly

Whereas, Title Two, Article II, Section A, Sub-Section 3 of the Campus Code of Conduct states that “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”; and

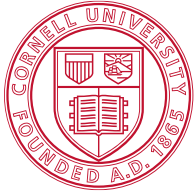
Whereas, this provision of the Code has not been adhered to in considering the reappointment of the current Judicial administrator; and

Whereas, the President of the University has proposed that by the end of the current semester the University Assembly and the Office of the President might work together to establish an appointment/reappointment procedure that provides stability for the Judicial Administrator position; that is more in line with HR practices and peer institutions; and that better acknowledges the far-reaching, campus-wide importance of the JA role; and

Whereas, the President of the University has proposed extending the current Judicial Administrator’s term ~~by one year~~ until Friday, June 22, 2019 to allow a newly developed and documented process to be applied to the question of the appointment and reappointment of the Judicial Administrator;

Be it Therefore Resolved, the University Assembly concurs with the President’s proposal to extend the current Judicial Administrator’s term until June 22, 2019.

Be it Finally Resolved that the University Assembly Executive committee and leadership of the UA’s Codes and Judicial Committee, in consultation with the President shall, within a month of the President’s acceptance of this resolution, initiate a process for evaluating and, if necessary, revising the existing process (described in Title Two, Article II, Section A, Sub-Section 3 of the Campus Code of Conduct) for appointment and reappointment of the Judicial Administrator.



Cornell University University Assembly

Adopted by a Vote of the Assembly (X-X-X), February 13, 2018

Gabriel D. Kaufman

Chair, University Assembly