

Cornell University
University Assembly

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Ithaca, NY 14853
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Agenda

Codes and Judicial Committee
University Assembly
April 25th, 2018
4:30pm - 5:45pm
163 Day Hall

I. Call to Order (Chair)

- i. Call to Order (2 minutes)

II. Approval of Minutes (Chair)

- i. April 11, 2018 (1 minute) ^[1]
- ii. April 18, 2018 (1 minute) ^[2]

III. Business of the Day

- i. Working Group Update (R. Lieberwitz) (10 minutes)
- ii. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process (30 minutes) ^[3]^[4]
- iii. For Discussion: University Hearing and Review Boards Staffing Update (5 minutes)
- iv. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor (5 minutes) ^[5]
- v. For Discussion: Codifying Prior Practices for UHRB Staffing (10 minutes) ^[6]
- vi. For Discussion: Reorganization of the Code Update and UHRB Hearing/Sanctioning Guidelines (5 minutes) ^[7]^[8]
- vii. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code (5 minutes)

IV. Adjournment (Chair)

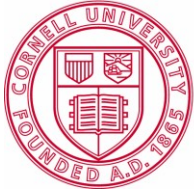
- i. Adjournment (1 minute)

Attachments

1. CJC Meeting Minutes 4.11.2018
2. CJC Meeting Minutes 4.18.2018
3. Draft Language for JA Reappointment (Version 4A)
4. Draft Language for JA Reappointment Redline (Admin)
5. Policy 6.4 Hearing Panel Application Draft (Edited 4.24.2018)
6. Draft UA Bylaws Appendix A - UHRB Staffing Procedure (Edited 4.24.2018)

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

7. Suggestion Sanction Document (2012 Version)
8. Hearing Board Sanctioning Guide S.R. 08.01.17



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Minutes

Codes and Judicial Committee

University Assembly

April 11th, 2018

4:30pm – 5:45pm

163 Day Hall

I. Call to Order (Chair)

a. Call to Order

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

b. Roll Call

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

II. Business of the Day

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

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

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

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

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

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

III. Approval of Minutes (Chair)

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

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

IV. Business of the Day (cont.)

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

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

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

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

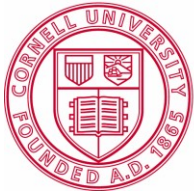
1. Motion **approved** by unanimous consent.
- xvii. M. Battaglia said that the proposed language increasing the judicial boards pool size and clarifying the application process was formulated based on requests from UHRB Chairs. He said that it clarifies the appointment procedures and allows the Dean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

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

V. Adjournment (Chair)

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

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



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Minutes

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

I. Call to Order (Chair)

a. Roll Call

i. *Present:* D. Barbaria, M. Battaglia, R. Bensel, G. Kaufman, M. Horvath, K. Karr, V. Price, K. Zoner

ii. *Absent:* K. Ashford, J. Kruser, R. Lieberwitz, D. Putnam, C. Riley, E. Winarto

iii. *Others Present:* M. Lee

b. There were not enough members present to reach a quorum. The Committee moved into an informal discussion on the Working Group and proposed changes to the Judicial Administrator re-appointment process.

Respectfully submitted,

Dongyeon (Margaret) Lee
Codes and Judicial Committee Clerk

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

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a. The public component shall, at minimum, include general guidance for the Office of the Judicial Administrator. The public component shall also afford opportunity for the University Community to provide confidential feedback to the Judicial Administrator and review committee.

b. The private component shall, at minimum, address specific areas, if any, needing improvement, specific concerns, or instances of dissatisfaction.

c) In consultation with the review committee, the University Assembly shall produce an annual review document. This may note specific areas of concern and areas for improvement and may, if deemed necessary by the University Assembly, include a performance improvement plan to address concerns or deficiencies. The University Assembly shall approve the performance review document by a majority vote of its seated membership.

5. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation or of the University Assembly. The University Assembly may remove the Judicial Administrator by either:

a) A majority vote of its seated membership taken at a regularly scheduled meeting. Removal through this provision may be halted if the Board of Trustees affirmatively votes to retain the Judicial

Commented [MB1]: Some portion of this may be shifted to the bylaws if desired.

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| | <p>Administrator at the next meeting of the full Board of Trustees.</p> <p>b) A majority vote of its seated membership taken at a regularly scheduled meeting after the Judicial Administrator has been found by the University Assembly to have not remedied issues/improved in areas previously noted in a prior performance review and performance improvement plan.</p> |
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Commented [MB2]: Discussion around converting this to 1 system where a 2/3 vote can remove where the removal can only be brought to the floor after 5 members have requested it (or some other threshold)

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| Current Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017). | Proposed Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017). |
|--|--|
| <p>3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and four members appointed by the University Assembly, to propose two or more nominees to the President. The President shall appoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.</p> <p>4. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation of the University Assembly.</p> | <p>3. The Judicial Administrator shall be appointed by the President with the concurrence of the University Assembly. for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or. Upon the University Assembly Chair's receipt of notice of the Judicial Administrator's resignation or removal, the Chair shall convene a six-member search committee, <u>composed of no more than including two members appointed by the President and four members appointed by the University Assembly and no more than three members appointed by the President,</u> to propose two or more nominees to the President. The President shall appoint a candidate with the concurrence of the University Assembly. <u>The President may ask the search committee to present additional candidates if s/he does not feel that any of the nominees presented merit hire.</u> In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President <u>may,</u> with the concurrence of the University Assembly, <u>appoint the Associate Judicial Administrator or other qualified person</u> to serve <u>in an interim capacity</u> until a permanent Judicial Administrator is appointed.</p> <p>4. The Judicial Administrator shall undergo an annual performance <u>review, overseen by the Chair of the University Assembly (or designee) and a designee of the President with full participation by the following representatives of the University Assembly and the administration evaluation.</u> This evaluation shall be conducted by an evaluation committee that reports to the University Assembly who shall coordinate with University administration.</p> |

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a) — The evaluation committee shall include the Judicial Codes Councilor or their designee, the Chair of the University Assembly's Codes and Judicial Committee or their designee, two additional members of the University Assembly, and one appointee from the Division of Human Resources, a representative of the Division of Human Resources, and a representative of the University President. The evaluation committee may consult additional individuals or groups as needed.

b) The evaluation review shall include both public and private components.

a. The public component shall afford a general — at minimum, include general guidance for the Office of the Judicial Administrator. The public component shall also afford opportunity for the University Community to provide feedback on the performance of the Judicial Administrator. This feedback shall be conveyed privately to the Chair of the University Assembly (or designee) and the President's designee.

a. — The evaluation process shall also include outreach to a reasonable number of complainants and respondents who have participated in the judicial process, with opportunity for them to privately discuss

b. The private component shall, at minimum, address specific areas, if any, needing improvement, specific concerns, or instances of dissatisfaction.

c. Performance feedback shall be given to the Judicial Administrator by the Chair of the University Assembly and the President's

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designee, consistent with the University's regular system of annual evaluation.

b-

e) In consultation with the evaluation committee, the University Assembly shall produce an annual evaluation document. This may note specific areas of concern and areas for improvement and may, if deemed necessary by the University Assembly, include a performance improvement plan to address concerns or deficiencies. The University Assembly shall approve the performance evaluation document by a majority vote of its seated membership.

5. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation or of the University Assembly or the President, with the concurrence of the other.

The University Assembly may take steps to remove the Judicial Administrator by a either:
a. A majority vote of its seated membership taken at a regularly scheduled meeting. Should the president agree with the action of the University Assembly, the termination of the Judicial Administrator will be implemented. Should the President not agree, and no mutually agreeable resolution is found, the University Assembly may recommend the removal of the Judicial

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Administrator to the Board of Trustees. As the ultimate authority of the University, the Board of Trustee decisions and actions in response to the University Assembly's recommendation is final.

b. The President may take steps to remove the Judicial Administrator by notifying the Chair of the University Assembly. Should the University Assembly agree with the action of the President, via a majority vote of its seated membership taken at a regularly scheduled meeting, the termination of the Judicial Administrator will be implemented. Should the University Assembly not agree, and no mutually agreeable resolution is found, the President may recommend the removal of the Judicial Administrator to the Board of Trustees. As the ultimate authority of the University, the Board of Trustee decisions and actions in response to the President's recommendation is final.

a) Removal through this provision may be halted if the Board of Trustees affirmatively votes to retain the Judicial Administrator at the next meeting of the full Board of Trustees.

b) A majority vote of its seated membership taken at a regularly scheduled meeting after the Judicial Administrator has been found by the University Assembly to have not remedied issues/improved in areas previously noted in a prior performance evaluation and performance improvement plan.

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Policy 6.4 - Resolution of Reports Against Students: Hearing Panel - Questionnaire for Pool Applicants

Name of Individual Completing Form:

Date Submitted:

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

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

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

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

Hearing Panel - Questionnaire for Pool Applicants

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



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

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

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

1. What is your job title and departmental affiliation?

[Insert Text]

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

[Insert Text]

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

[Insert Text]

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

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

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

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



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

[Insert Text]

-
5. Do you have any reservations about your ability to remain impartial and make decisions in any given case based solely upon the evidence presented in the case, rather than upon preconceived notions, prior experience, or any other factors external to the record of the case? **How, if at all, do you believe bias, your own bias and the biases of others, effect this process? If seated how would you work to counteract those biases? Please explain why or why not.**

Commented [MB3]: Combined from subsequent question

[Insert Text]

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

Commented [MB4]: Combined from subsequent question

[Insert Text]

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

[Insert Text]



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

[Insert Text]

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

[Insert Text]

10. As a member of the Hearing Pool, you would be expected to recuse yourself from a particular panel if you doubt your ability to assess the case fairly. If asked to serve on a hearing panel, under which potential cases, if any, would you recuse yourself and why?

- a. a case involving an alleged infraction that you had witnessed?**
- b. a case involving an acquaintance of yours?**
- c. a case which you had read or heard a fair amount?**

[Insert Text]

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

[Insert Text]



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

[Insert Text]

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

[Insert Text]

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

[Insert Text]

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

[Insert Text]

July, 2012

SUGGESTED SANCTION GUIDELINES FOR COMMON VIOLATIONS

Guidelines have been developed regarding appropriate penalties for some common violations, but the JA's office and the UHB may impose more or less stringent sanctions after considering all the aggravating or mitigating circumstances surrounding the incident. Aggravating factors include (but are not limited to) the accused person's prior record (if any), lack of remorse, lack of responsibility, and "bias" nature of the incident. Mitigating factors include (but are not limited to) the accused person's remorse and assumption of responsibility. The number of community service hours may be adjusted depending on other educational sanctions/remedies, which the accused receives, such as restitution, counseling, or reflection papers. For cases that involve individual complainants, it is important to consider the complainant's sanction recommendation.

Sanctions:

In addition to community service hours, the following sanctions may be imposed:

- Fines in lieu of community service
- Oral warning
- Written reprimand*
- Appropriate educational tools (such as reflection papers, counseling, letters of apology, and directed study)
- Probation (Probation should be considered for serious first offenses. Probation is presumed for 3rd offense)
 - A term probation, often for one or two years, is typically used on first or second violations if subsequent violation in a short period of time would lead to suspension
- Suspension
- Dismissal
- Any offense that is AOD related must include an AOD education or counseling sanction

* NOTE: all cases must have either an oral warning or written reprimand

Remedies:

In addition to sanctions, the following remedies may be imposed:

- Restitution to the victim of the violation
- Order to the offender to perform or to cease and desist from stated actions
- No Contact Directive

Deferred sanctions:

Mitigating circumstances may justify suspending part or all of the usual sanction (community service) or can result in a lower sanction outright. A suspended penalty becomes effective immediately upon the accused being found responsible for a subsequent violation, in addition to the penalty for the second violation. (Note: it is

sometimes preferable to suspend community service hours rather than to outright lower the number of hours imposed because of the deterrent effect of suspended hours.)

Some cases to consider:

Graduated sanctions:

The Code contemplates that subsequent infractions will receive stricter sanctions. A sanction may be graduated by moving from Oral Warning, to written reprimand, to probation, to suspension. It may also be graduated by adding on additional community work. It may also be graduated by using intense forms of directive study, for example, AOD 2 instead of AOD 1. Below are the typical ways sanctions are graduated.

Second offenses:

Second offenses should be adjudicated with a written reprimand rather than an oral warning. No second case shall receive an Oral Warning. Typically an additional 10 hours of community service should be added to the base amount. Exceptions to this include: when moving to AOD 2, no additional community work b/c the cost of AOD 2 is significantly higher than AOD 1, if the first offense is a low level 'oral warning', like bike dismount or vey low level theft, only 5 hours should be added to base amount. A term probation, often for one year or two years, is typically used on second violation if subsequent violation in short period of time would lead to suspension.

Third offenses:

Third offenses will typically result in both a written reprimand and probation until graduation. If there are mitigating circumstances so that probation is not used, this should be noted. In some instances, a term probation for one or two years may be used. A waiver of probation until graduation should only be considered in the most unusual situations. It is sometimes appropriate to suspend a student on a third violation. This would typically be the case when there are three violations in a short period of time, for example, a 12-month period; three in one semester should presumptively result in a suspension. The suspensions are particularly important in multiple AOD cases, because there may be a health component as well as a behavioral component. It is also typical to add additional 10-20 hours of community service to the base amount. (The determination of 10-20 hours being added to base amount depends upon whether priors are low level or more serious, similar or dissimilar.)

Typical Sanctions for first Time Cases

The following list shows the sanctions typically recommended.

- | | |
|---|---|
| 1a. Rape, Sexually assault, Sexually Abuse | (Dismissal/Significant Suspension) |
| 1b. Public Exposure | Discretionary “Streaking/Mooning”: SDA & 15 hours CS |

| | |
|--|--|
| 1c. Sexual Harrassment | Discretionary but likely similar to 1d |
| 1d. Harrassment | |
| Minor | WR, 25 + hrs CS, Counseling |
| Major | Probation, 40+ CS, perhaps suspension |
| 1e. Bias Assault | Discretionary (Bias is aggravating factor; see also ‘violence sanctions on last page) |
| 1f. Hazing | Discretionary; see also ‘violence sanctions on last page) |
| 1g. Endangerment of Person/Use of Force | Probation, 40 or more hrs CS (and other educational sns.; see also ‘violence sanctions on last page). Restitution |
| “Discharging fire extinguishers” | WR, 20 hours CS, referral to EH&S directed study AND refection paper. Restitution |
| “Tampering with a fire detector” | WR, 20 hours CS, referral to EH&S for directed study AND refection paper. restitution |
| Firecrackers, fireworks, etc | |
| Minor | WR, 30 hours CS, reflection paper, restitution |
| Major* | Probation and above/ Rule Out suspension. restitution |
| * <u>Aggravating circumstances include:</u> Large number of people present, airborne, no matter the height, possession of a large quantity of firework/cracker/flare, location, weather conditions | |
| 1h. Endangerment of Property to person | |
| Minor | WR, 20 hours CS. restitution |
| Serious | WR, 30 hours CS or more. restitution |
| 1i. Theft | |
| Minor (less than or equal to \$15-includes Entering sporting events w/o paying, dining, Cornell Store | OW, 10 hours CS (or \$30 fine). restitution |
| Mid-range (between \$15 to \$50) | WR and 20 hours CS (or \$40 fine). restitution |

| | |
|---|--|
| Serious (greater than \$50) | WR/Probation, 30+ CS. restitution |
| Removal of library materials w/o authorization | WR, 20 hrs CS (perhaps more if serious). restitution |
| Illegal Dumping (theft of waste Management systems) | OW, 10 hrs CS (or \$30 fine). restitution |
| Stolen signs | WR, 25 hours CS. restitution |
| 1j. Computer | Discretionary |
| 1k. Invasion of Privacy | WR/Probation, 30 hrs CS |
| 2a. Endangerment Damage to U. property Minor | WR, 20 hours CS |
| Serious | WR, 30 hours CS or more. Restitution. Probation/suspension , depending on impact to community |
| 2b. To misappropriate University funds. | Probation, 40 hrs CS, consider restitution |
| 2c. To bribe a University official. | Discretionary |
| 2d. Forgery | WR, 20 hours CS, (plus AOD education & fee if alcohol related). Possession of a fake ID=AOD |
| ¹ Alteration, falsification, or misuse of University records (i.e. ID's, parking permits) or non-University records (i.e driver's license) or possession of altered documents | |
| If accused student used forged ID to access Alcohol | WR, 30 CS, AOD education and fee |
| 2e. False Information Lying to CUPD- | WR, 20 hours CS |
| If immediately "comes clean" w/ CUP: | OW |
| 2f. False Representation | Discretionary |
| 2g. Illegal Entry | WR, 20 hours CS |

¹ Note: We differentiate alterations to day-long parking permits from permits for longer periods. Transportation directly fines individuals \$25 (or 5 hours CS) for the less serious altered permit cases.

| | |
|--|---|
| Bicycle Dismount Zone violation | OW and 4 hours CS (or \$20 fine) 2nd: WR & 10 hrs. CS |
| Construction site | WR, 10 hours CS, AOD education |
| Putting things or self into Means Restriction barrier (see also 3a) | |
| Entering the gorge | WR, 20 hours CS, and paper |
| 2h. Fire Alarm | WR, 20 hours CS, EH&S directed study, paper |
| Sleeping | OW, 10 hrs CS, EH&S directed study, paper |
| 2i. Non-Compliance copyright (3 rd case referred to JAO) | WR, 20hrs CS WR, 10 hrs CS, cease/desist, online tutorial, and 30 day internet restriction |
| 3a. Disorderly Conduct | |
| Minor | OW, 10 hrs CS, AOD education & fee ; |
| Major | WR, 20 hrs CS +, AOD education and fee |
| Physical | Probation, 40 hrs CS, AOD ed. & fee |
| Putting items or self into “means restriction barriers” | Probation, possible suspension If probation, significant community work Restitution Community reflection piece (EH&S, CUPD, EMS directed study) |
| *Analyze aggravating circumstances of impact to personnel, and/or structures themselves | |
| 3b. “Underage drinking”² | 1st: OW & AOD education & fee and refl. paper³ 2nd: WR & level 2, one year probation if it occurs w/in a period of a calendar year |

² Three AOD cases in a semester=Suspension

Three AOD cases in a calendar year =Suspension

-Return is conditional on AOD treatment but switches to ‘leave’ after one semester

Two AOD cases in a calendar year = Probation for one calendar year from the date of agreement

³ Good Samaritan Protocol/MAP implications: A prior GSP/MAP case does not result in increased CS hours but would result in AOD level 2 (AOD Counseling) Also, “GSP/MAP” case not counted for purposes of Probation calculation (which results from 3rd case.) If prior GSP/MAP, second case is written reprimand. If we honor a GSP/MAP mistake, the extra benefits do not apply in subsequent cases.

| | |
|---|---|
| | 3rd: Probation, licensed treatment facility & follow treatment recommendations, 10 hrs, CS |
| 3c. Trafficking Supplying alcohol at party | Discretionary WR, 40 hours CS, AOD education and fee |
| 3d. Controlled substance (see footnote 2) Personal-use marijuana possession | WR, 20 hours, AOD education & fee “Deferred WR” if credible “ first time experimentation” (use rarely) |
| Other drug violations | Probation/Suspension/Discretionary |
| 3e. Defraud | Discretionary/ Suspension-length depends on severity-one semester to one year typical |
| 3f. Public Urination | OW & AOD education & fee and refl. paper |
| 3g. Obstruction | Discretionary |
| 3h. Assist | Discretionary |
| 3i. Incite | Discretionary |
| 3j. To attempt to violate this Title. | Discretionary |

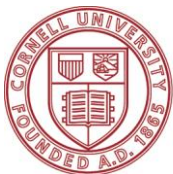
**Sanctioning Guidelines “Acts of Violence” cases
as of December 2009**

| | | |
|---|---|--|
| Violent act with use of weapon (body or other); -Choking/strangulation | = | Dismissal |
| Sexual assault, abuse, rape | = | Dismissal |
| Violent act, no weapon with injury/risk of injury* *Aggravating/mitigating circumstances | = | One-year Suspension = more/ less suspension |
| Physical Disorderly Conduct with no injury** **Shouting match and shove | = | Probation |

*Injury=medical attention required
(Assumption that first case for student; any priors elevate sanction)

Considerations for “Property Damage” cases

- Value of damage
- Impact on complainant/victim
- Intentionality/motivation
- Repeated violation=one semester



Code of Conduct Sanctioning/Outcome Guide for Student Respondent:

Section (1) - Record & Retention (Please check one):

| | |
|--|--|
| <input type="checkbox"/> Oral Warning. | <input type="checkbox"/> Written Reprimand. |
| A disciplinary record will be maintained consistent with the Office of the Judicial Administrator’s disciplinary record and record retention policies in accordance with Policy 4.7. | A disciplinary record will be maintained consistent with the Office of the Judicial Administrator’s disciplinary record and record retention policies in accordance with Policy 4.7. |

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Penalties/Sanction Options (Check all that apply)¹:

Appropriate educational steps (such as referrals for alcohol or drug education, reflection papers, counseling, letters of apology, or directed study).

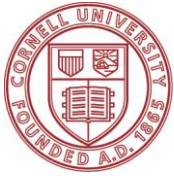
Referrals for alcohol or drug education.

Alcohol and Other Drug Level 1 - BASICS, Including Fee.² Complete BASICS alcohol/drug education sponsored by Cornell Health. This includes: contacting Cornell Health within two days of the issuance of this sanction, or one week prior to the Respondent’s return to Cornell after a period of suspension, at 607-255-4782 for an appointment with a facilitator; completing the BASICS program within four weeks of the issuance of this sanction or within four weeks of the Respondent’s return to Cornell after a period of suspension, that is on or before _____; completing evaluations as requested by Cornell Health; and paying the fee for BASICS at the time of the first appointment.

If the Respondent fails to contact Cornell Health, misses any meeting, or fails to complete the BASICS education, the Respondent may be required to pay additional fees according to Cornell Health’s policies.

¹ The following penalties may be imposed, or imposed and deferred as specified in the summary decision or board decision, provided that no person shall endure cruel and unusual punishment. Title Three, Art. IV, Sec. A. (1-9).(Pg. 33, 2017).

² This sanction is only available when the student is enrolled at Cornell. If the UHB/URB is ordering that a student complete this sanction upon their return from a suspension, the panel should make that clear.



Information about BASICS can be found at: <https://health.cornell.edu/services/alcohol-other-drug-services/basics>.

Alcohol or Other Drugs Level 1.5.^{3 4} Meet once with an alcohol and other drugs specialist at CAPS (Counseling and Psychological Services). The Respondent must call CAPS within two days of the issuance of this sanction, or one week prior to the Respondent's return to Cornell after a period of suspension, at 607-255-5208, and schedule the meeting with the BASICS provider with whom the Respondent completed BASICS. The meeting must take place by _____.

AOD Level 2 - Alcohol and Other Drugs Education Group, Including Fee.⁵ Participate in the next available Alcohol and Other Drugs Educational Group sponsored by Cornell Health.

This includes: attending orientation meeting(s), attending four consecutive group sessions, and attending an exit interview by _____. Information about meeting times and locations will be emailed to the Respondent by Cornell Health. The one-time fee for the program must be paid at the time of the orientation meeting at Cornell Health's cashier's office. The Respondent must be on time for each meeting and must stay the entire time. Any tardiness, early departure, or missed meetings may result additional fees according to Cornell Health's policies or ineligibility to complete the sanction at Cornell Health.

Alcohol and Other Drug Counseling.⁶ Complete an assessment at a licensed Alcohol and Other Drug treatment facility and complete appropriate counseling program based on that assessment and recommendations of the counselor(s). The Respondent must sign any releases needed to allow the Office of the Judicial Administrator (OJA) to provide collateral information to the counselors to be provided prior to the assessment. The assessment will be completed immediately and any recommendations will be completed in a timeline established between the

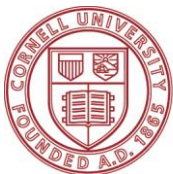
Respondent and the AOD counselor, including continuing to follow any recommendations of the counselor(s). The Respondent will sign any releases needed to allow the counselor(s) to communicate with the OJA to confirm compliance with this agreement and to provide information about referrals and recommendations. This sanction is due _____.

³ This sanction is only available when the student is enrolled at Cornell. If the UHB/URB is ordering that a student complete this sanction upon their return from a suspension, the panel should make that clear.

⁴ This sanction is generally used when the student has completed Alcohol and Other Drug Level 1 – BASICS, but has another alcohol or other drug offense within a short period of time, such as two weeks.

⁵ This sanction is only available when the student is enrolled at Cornell. If the UHB/URB is ordering that a student complete this sanction upon their return from a suspension, the panel should make that clear.

⁶ Please note that this is the third level of Alcohol and Other Drug sanctions.



Reflection Paper(s). Complete a five-page⁷ reflection paper on the following topic:

The reflection paper should be double spaced, 12-point font, Times New Roman font with one inch margins all around. This paper must be submitted to the Office of the Judicial Administrator (OJA) by _____. The Respondent must send the reflection paper to the OJA via email to judadmin@cornell.edu.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Research Paper(s). Complete a five-page⁸ research paper on the following topic.

The research paper should be double spaced, 12-point font, Times New Roman font with one inch margins all around. This paper must be submitted to the Office of the Judicial Administrator (OJA) by _____. The Respondent must send the reflection paper to the OJA via email to judadmin@cornell.edu.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Counseling⁹.

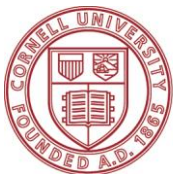
- Complete a psychological assessment at Counseling and Psychological Services (CAPS) and follow all recommendations of the counselor(s);
- Within two days of receiving the CAPS “Referral Form” from the Office of the Judicial Administrator (OJA), the Respondent must go to CAPS with the “Referral Form.”
- The Respondent will schedule the assessment, which must take place within 3 weeks after receiving the “Referral Form.”
- The Respondent will discuss the following topics during the counseling assessment:

- The Respondent will complete at least _____ counseling sessions to satisfy this sanction. This sanction is due _____.
- Once the assessment is complete, the CAPS counselor may make additional recommendations to further assess the issues that led to the referral, and the Respondent must comply with these recommendations by the timeline established between the Respondent and the CAPS counselor.
- The Respondent will sign any releases needed to allow the counselor(s) to communicate with the OJA to confirm compliance with this agreement, and to provide information about any referral. It is the Respondent’s responsibility to return the Referral Form to the OJA after the assessment and to ask the counselor to inform the OJA once the recommendations are complete.
- If the Respondent has a preferred counselor they wish to use instead of a CAPS counselor, or does not have access to services at CAPS, it is the Respondent’s responsibility to identify the counselor

⁷ The UHB/URB may consider setting a longer or short page limit.

⁸ The UHB/URB may consider setting a longer or short page limit.

⁹ The UHB/URB should have OJA, CAPS, and Respondent approval before issuing.



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120 Day Hall
Ithaca, NY 14853

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they wish to use and the Respondent must complete a release form with the OJA prior to their assessment.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Letter(s) of Apology. Draft a letter of apology to those that were affect by this incident. It is solely the Respondent’s discretion on the length/content of this sanction, but as the letter is drafted, please reflect and address the following questions -- (1) What happened? (2) What was your role/responsibility? (3) How do you feel about the harm caused (Reputational, Financial, Physical, Emotional, Facilities in relation to yourself, the community, the institution)? (4) What will be your behavior in the future? (5) What amends will you make to repair harm/rebuild trust? This letter must be submitted to the Office of the Judicial Administrator (OJA) by _____. Please submit this letter to the OJA via email to judadmin@cornell.edu. After approval, this letter will then be delivered to any/all affected/harmed parties.

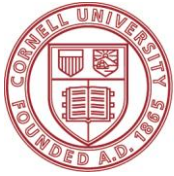
Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Directed Study¹⁰. The Respondent will participate in a directed study program regarding the following topic outlined below. The directed study will include three sessions, and may require reading and/or other activities outside of these sessions. The Office of the Judicial Administrator (OJA) will email the name of the facilitator to the Respondent. The first meeting will take place within a week of that email, the remaining two meetings will be completed within one month of the first meeting. The Respondent will sign any releases of information necessary to ensure that the facilitator may communicate with the OJA regarding the Respondent’s compliance with this agreement. This sanction is due _____.

Sanction Details:

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

¹⁰ If this sanction is selected, the UHB/URB will have to create the curriculum for the directed study, and will have to identify the confirmed person with whom the Respondent will complete the sanction with.



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Other Appropriate Educational Steps.

Sanction Details:

This sanction is due _____.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Community Work. Which shall not be more than 80 hours per violation, and must be performed in a manner acceptable to the Judicial Administrator.

Number of Hours to Complete: _____ **Due Date:** _____

Requirements:

- The site of service must be not-for-profit agency. For work completed outside of Ithaca, the Respondent must have the supervisor send an agency letter on letterhead stating the types of work completed;
- The Respondent must be supervised by a non-student and this supervisor must verify hours served;
- The Respondent may not receive compensation or other credit for work; (including credit through a class, Cornell Tradition or Greek organization service hours);
- The Respondent must complete the verification form, with appropriate signatures;
- The Respondent must return the verification form on or before the due date to the OJA;
- No credit will be given for the service until the OJA receives the signed verification form or agency letter; and;
- The OJA reserves the right to verify community work and/or reject any that is not acceptable.

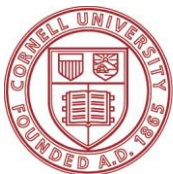
Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Fine. Of not less than \$20 no more than \$500 payable to the University Treasurer.

Amount: _____ **Rationale:** _____

This sanction is due _____.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____



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- Restriction.** Or loss of specified privileges for a stated period not to exceed one year, including for example:
 - (a) in cases of misconduct in connection with University services or facilities, the student being prohibited from further use of those services or facilities other than in the course of his or her work or study; or
 - (b) in cases of misconduct in connection with University-owned or University-operated housing, the student being ordered to vacate such housing.

Sanction Details:

This sanction expires _____.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

- Disciplinary Probation for a stated period.** The probationary period is effective immediately and will remain in effect from _____ to _____.¹¹ Maintaining acceptable probationary status includes complying fully and timely with all sanctions and remedies, and refraining from future Campus Code of Conduct or Policy 6.4 violations. The Respondent must contact the Office of the Judicial Administrator (OJA) to schedule their first probation program meeting within one week of the start of classes. During their first full semester on probation, the Respondent must participate in the OJA probation meeting program.

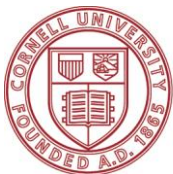
Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

- Suspension from Cornell University, Term.** The Respondent is suspended from and will leave Cornell University effective _____, through _____.¹² During this period of suspension, the Respondent will not take any classes at Cornell, on any of Cornell’s campuses, or through any of Cornell’s study-abroad programs. While on suspension, the Respondent may not earn academic credit at Cornell or elsewhere toward completion of a Cornell degree. A persona non-grata (PNG) will be put in place by Cornell University Police during the suspension and the Respondent will contact Cornell University Police before returning to Cornell to request the PNG be amended or lifted.

Should the Respondent return to Cornell after the period of suspension, the Respondent will be on disciplinary _____

¹¹ For students returning from a suspension, consistent with OJA practice, the end date of their probation should be listed as “graduation.”

¹² The UHB/URB issuing a suspension must provide specific start date and end date for a suspension. The return date should be three (3) days prior to the start of the first academic term during which the Respondent will be eligible to enroll in classes. The term of a suspension may not exceed five years.



Cornell University

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probation until graduation¹³ The Respondent will contact the Office of the Judicial Administrator (OJA) to schedule the first probation meeting within one week of returning to Cornell. The Respondent will participate in the OJA suspension re-integration program during the first semester of their return.

All sanctions/remedies ordered to be completed prior to returning to Cornell must be completed prior to the Respondent's return to Cornell.

The Respondent's transcript will be notated consistent with the policy of the Office of the University Registrar.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Suspension from Cornell University, Indefinite.¹⁴ Suspension from the University for a stated period not to exceed five years, or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred. Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board. While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree.

The Respondent's transcript will be notated consistent with the policy of the Office of the University Registrar.

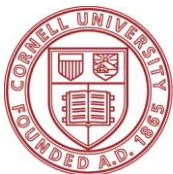
Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Dismissal from Cornell University. The Respondent is permanently dismissed from Cornell University effective immediately. The Respondent is not permitted on University property and a persona non-grata (PNG) will be put in place by Cornell University Police. A disciplinary record will be maintained consistent with the Office of the Judicial Administrator (OJA) disciplinary record and record retention policies. The Respondent's transcript will be notated consistent with the policy of the Office of the University Registrar.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

¹³ When a student is suspended, consistent with OJA practice, their sanction should always include Disciplinary Probation until graduation. Please be sure to include the Disciplinary Probation language in the sanctions.

¹⁴ In the event that the UHB/URB issues an indefinite suspension, the panel's decision should articulate clear and measurable criteria to evaluate the Respondent's petition for readmission.



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Section (3) - Remedies:

Restitution. To the University or to the victim of the violation.

Amount: _____ **Rationale:** _____

This sanction is due _____.

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

Order to the offender to perform. Or to cease and desist from, stated actions (e.g. No-Contact Directive¹⁵).

Sanction Details:

Vote Count: _____ **Dissent** **Yes** **No** _____ **Date Dissent Due:** _____

¹⁵ If a No Contact Directive is currently in-place, the UHB/URB must clearly articulate whether the No-Contact Directive remains, is lifted, or, is modified.