

Cornell University
University Assembly

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Agenda

Codes and Judicial Committee
University Assembly
May 9th, 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 25, 2018 (2 minutes) ^[1]
- ii. May 2, 2018 (2 minutes) ^[2]

III. Business of the Day

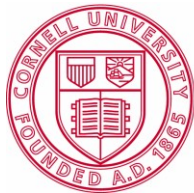
- i. Working Group Update and Preliminary Report (R. Lieberwitz) (40 minutes)
- ii. For Discussion: University Hearing and Review Boards Staffing Update (5 minutes)
- iii. For Discussion: The role of ADR in the Code, Reorganization of the Code Update, and UHRB Hearing/Sanctioning Guidelines (5 minutes) ^[3] ^[4]
- iv. Update Concerning the Previously Passed Amendments to the Campus Code (5 minutes)
- v. Closing Remarks (M. Battaglia) (13 minutes)

IV. Adjournment (Chair)

- i. Adjournment (1 minute)

Attachments

1. CJC Meeting Minutes 4.25.2018
2. CJC Meeting Minutes 5.2.2018
3. OJA Disciplinary Record Reporting Length and Language Policy
4. Selected Excerpt from University Policy 4.7



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Minutes

Codes and Judicial Committee

University Assembly

April 25th, 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 4:38pm, at which point there were not enough members to reach a quorum. The Committee moved into an informal discussion on the Working Group, Judicial Administrator re-appointment process, University Hearing and Review Boards staffing, housekeeping amendments to the Campus Code, and Policy 6.4.

b. Roll Call

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

II. Business of the Day

a. Working Group Update

- i. M. Battaglia said that the Working Group will be meeting on Thursday, April 26th at 231 Ives Hall to discuss internal suggestions and matters pertaining to the transparency of the Code. He added that forums will be held on Friday the 27th and Monday the 30th, and that the Group expects to have a concrete set of proposals ready for the Committee in the last meeting.

b. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process

- i. M. Battaglia said that G. Kaufman, J. Kruser and himself will be meeting with the administration on Friday the 27th to discuss the direction of the CJC.

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

- i. M. Battaglia thanked E. Winarto and V. Price for joining him in reviewing University Hearing and Review Boards (UHRB) applications. He noted that there was a lower number of applicants than usual most likely because the application had gone out late and

Codes and Judicial Committee

University Assembly

April 25, 2018 Meeting Minutes

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at the time of Student Assembly elections. He said that he is currently waiting on the Office of the Assemblies (OA) to provide a coder key and follow up with procedures to schedule interviews. He said that it is crucial to have a fully staffed Board for the upcoming academic year.

- ii. M. Horvath asked what M. Battaglia meant by a “coder key”.
 - 1. M. Battaglia said that the Committee used to have a formal subcommittee that reviews applications as they came in, but the OA decided to anonymize them two years ago. He said that it has been difficult to obtain applicants’ random number (i.e. coder key) and contact them regarding interviews and further steps in the application process.
- iii. C. Liang asked whether selection determinations were made when subcommittees reach out to applicants.
 - 1. M. Battaglia said that applicants have been ranked and the Committee is following up to receive clarification on responses.
- iv. C. Liang asked if anyone has ever seen the rankings.
 - 1. M. Battaglia said that rankings are known internally within the committee.
- v. M. Horvath asked whether current UHRB members reapplied to serve on the Board.
 - 1. M. Battaglia said that the Code does not prohibit renewing current members, but that the University Assembly (UA) must confirm.
 - 2. M. Horvath expressed concerns on not having existing members go through the current application process, but stated her trust in the Committee’s judgment.
 - 3. D. Barbaria said that he doesn’t see following prior precedent to be problematic, but does see possible concerns and noted that is why the Committee is codifying the process.
 - 4. M. Battaglia said that there needs to be clarification in the Code as it affects the integrity of the process.
 - 5. M. Horvath said that “apply” could refer to continuing application, and expressed concerns that someone could challenge the Committee’s decision.
- d. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code
 - i. M. Battaglia said that the UA passed Resolution #4 in the Fall, which included Code amendments. He said that the administration was primarily concerned about lack of community engagement and notice, which was why public office hours were held last week. He noted that a public comment box has been circulated, and that the Committee is searching for ways to increase outreach to gather input from the community. He added that it is not a problem if members from the community are not interested in commenting, so long as they have been given the opportunity to do so.
 - ii. M. Horvath asked if the Committee would be interested in placing an advertisement in the Cornell Daily Sun as this would be another way to demonstrate good faith effort in soliciting public comment about the Code.
 - 1. M. Battaglia said that he will make use of this after checking on the Committee’s budget.
 - iii. C. Liang asked what happens to the public comments received.

1. M. Battaglia said that comments received through the online anonymous system will be publicly provided.
- iv. M. Horvath asked whether this anonymous site is affiliated with the UA.
 1. M. Battaglia said that it is a third-party service because the OA website is not set up to collect comments anonymously.
 2. M. Horvath asked who has administrative access to this site.
 - a. M. Battaglia said that he is the owner, and would be happy to share access to Committee members.
 - b. M. Horvath said that it would be beneficial for more people to have access to ensure transparency.
- 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 the revised Policy 6.4 hearing panel questionnaire was based on comments from two meetings ago. He noted major changes included changing “accused” to respondent”, framing questions as less anti-administrative, and combining two of the questions together.
 - ii. M. Battaglia said that a new Title IX Coordinator has been hired and she will be receiving a copy of the document once she is more settled in.
 - iii. V. Price proposed to have a suggested or minimum word count added to each question.
 - iv. E. Winarto asked what was difference between Question 4 and 13.
 1. M. Battaglia noted that they were rather similar.
 - v. R. Lieberwitz entered the meeting.
 - vi. M. Battaglia responded to K. Karr’s question from last week about how Policy 6.4 members are removed. He said that the Title IX Office is currently researching because they do not have an answer to the question.
 - vii. R. Bensel entered the meeting.
 1. M. Battaglia noted that the Committee has now reached a quorum.
 - viii. K. Karr noted a typographical error in Question 3, where “and” was placed before the word “individual” instead of “an”.
 - ix. K. Karr noted another typographical error in Question 5, where “effect” should be changed to “affect”.
 - x. V. Price said that it could be beneficial to have a hypothetical question like Question 4 just as there is one in the UHRB application questions.
 1. K. Karr noted that the hypothetical situation in Question 4 does not accurately depict how Policy 6.4 actually works.
 2. V. Price suggested rewriting Question 13 in the form of a hypothetical. She said that doing so could provide further clarification on procedures.
 - a. The motion was adopted by unanimous consent.
 - xi. D. Barbaria said that Question 6a should be broken up into different categories.
 1. M. Battaglia said that he could simplify the language of the question.
 2. R. Bensel proposed altering the question to a more direct format such as “Could

you be impartial and dispassionate in cases involving [categories]”.

3. M. Battaglia said that he will simplify and flip the language of Question 6a.
- xii. M. Battaglia said that the Committee could send the revised Policy 6.4 selection questions as an internal document, or bring it in as a formal resolution to the UA.
 1. K. Karr suggested to send as an informal document.
 - a. The motion was approved by unanimous consent.

III. Approval of Minutes (Chair)

- a. April 11, 2018
- b. April 18, 2018
 - i. R. Bensel motioned to approve both minutes.
 1. Minutes approved by unanimous consent.

IV. Business of the Day (cont.)

- a. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process
 - i. M. Battaglia said that there are two separate versions to the proposed changes because he is working with the administration on modifications. He noted a concern from last week's UA meeting in which an individual would make an irrelevant motion in every meeting. He said that he will take steps as necessary according to a provision in the Robert's Rules of Order that gives chairs the discretion to decline motions that disrupt, and discipline or expel individuals if such practice is continued.
 - ii. M. Battaglia said that the administration's language makes several changes to the regular Judicial Administrator (JA) search process. He said that the biggest one changes the composition of the JA search committee to 7 members (4 UA and 3 administration members) instead of 6 members.
 - iii. M. Battaglia said that the goal is to have this process completed by the end of the semester. He noted that he may need to call an emergency meeting if not done so.
 - iv. D. Barbaria asked how the UA would pass a resolution that is passed in an emergency meeting.
 1. M. Battaglia said that the UA has been briefed on the issue and that the hope is to have a rough integration of both versions.
 - v. D. Barbaria asked what would happen if the document does not get passed by the last UA meeting.
 1. M. Battaglia said that if not passed by the last meeting in May, the UA can also hold an emergency meeting. He said that it is already on the UA agenda and if not passed by next Wednesday, it is likely that an emergency meeting will be held.
 - vi. M. Horvath suggested seeking feedback from other constituents such as the Hearing Board chairs.
 - vii. R. Lieberwitz asked whether Section 5b from the administration's version of the draft language for JA reappointment is already included in the Committee's version.
 1. M. Battaglia said that the administration's version of the draft language is an expansion of the President's authority.

2. R. Lieberwitz expressed her concern over whether it would be problematic to give more authority to the President.
 - a. M. Battaglia noted that the President has taken a more hands-off approach on this matter.
- viii. M. Horvath expressed her approval of the provision from 5b of the administration's version of the draft language. She said that the new document is a nice compromise in allowing the President to recommend reappointment of the JA.
 1. R. Bensel agreed with M. Horvath.
- ix. R. Bensel asked for M. Horvath's opinion on the administration's draft version of JA reappointment procedures.
 1. M. Horvath said that the administration's version settles some of the concerns raised by the Committee. She noted that this new proposed draft allows for more privacy for a JA that has no advocate for him or herself.
 - a. M. Battaglia noted that his intent on drafting the Committee's proposed language for JA reappointment was not meant to make the JA's position completely public and that the Committee is free to amend the entire document.
- x. R. Bensel suggested sending the administration's draft version straight to the UA without further amendments if the Committee does not have any further issues.
- xi. D. Barbaria noted that the Committee agreed at last week's meeting to have a two-thirds vote rather than a majority vote, in reference to Section 5a of the administration's draft version.
 1. M. Battaglia said that the administration has asked to meet again to talk about their rationale.
- xii. R. Lieberwitz expressed concerns about the administration's proposed change of increasing the number of JA search committee members to include 3 instead of 2 members from the administration.
- xiii. M. Horvath made a motion to extend the meeting for 30 minutes.
 1. Motion **passed** by unanimous consent.
- xiv. R. Bensel echoed R. Lieberwitz's concerns on the administration's proposal to increase the number of members from administration on the JA search committee.
- xv. M. Battaglia said that historically the 4-2 committee composition worked fine, in which 2 members from administration (1 from HR, 1 from the President's office) were placed on the JA search committee. He noted that the provisions should not be too onerous, but should also set a high enough bar in ensuring that the JA fulfills their position.
- xvi. M. Horvath asked if there was anything that M. Battaglia would mention in his meeting with the administration on Friday, April 27th that he has not discussed in the meeting yet.
 1. M. Battaglia noted that there was nothing exceptional he has not gone over in this meeting. He said that he will go through the provisions line by line to ensure nothing is missing.
- xvii. R. Bensel asked if the Committee would be able to get the draft language to the UA within the next meeting.

1. M. Battaglia said that the Committee should be able to get it done as it is nearing completion.
- xviii. M. Battaglia said that the Committee could borrow language from the administration if needed, and noted the Committee's intent to bring full disclosure to the matter.
- xix. R. Lieberwitz asked who the chair of the JA search committee would be.
 1. M. Battaglia said that there is no language in the provision about whether there will be a chair or not, but his understanding is that the administration intends to have some form of a check.
 2. R. Lieberwitz expressed her belief that it is in the best interest of the JA search committee to keep its composition to 6 members as is.
- b. For Discussion: Codifying Prior Practices for UHRB Staffing
 - i. M. Battaglia noted that the language written in red from Appendix A has not been discussed in prior meetings. He said that he has attempted to clarify issues that have arisen from previous discussions.
 - ii. R. Bensei asked what the current pool size is for the applicants, referring to lines 131-134 that indicate applications could be opened up in the fall semester should there be enough vacancies.
 1. M. Battaglia said that the UHRB had 27 applicants, but hopes to have 20 more serve on the Board. He added that the Code currently has no guidance on when the Committee solicits applications, and that he aims for both flexibility and codification.
 - iii. R. Lieberwitz noted that there was a typographical error in line 121, in which "prove" should be changed to "provide". She expressed her approval of the document.
 - iv. V. Price asked why the Committee needs to undergo this procedure every year. She expressed concerns about how the Code could be interpreted differently depending on who becomes the Committee Chair.
 1. M. Battaglia said that he fully agrees with her, and that discussions are currently ongoing.
 - v. D. Barbaria asked what the UA's procedure was for amending bylaws.
 1. M. Battaglia said that the amendments need to first be introduced in a meeting before adoption. He added that Appendix A has already been introduced in the UA meeting.
- c. For Discussion: Reorganization of the Code Update and UHRB Hearing/Sanctioning Guidelines
 - i. M. Horvath provided context on the 2012 suggested sanction guidelines document and the hearing board sanctioning guide. She said that the 2012 document outlines the sanction philosophy at that time while the second document retains the actual language of sanctions, which has a list of all the sanctions in the order of the Code.
 - ii. K. Karr expressed her approval for the latter document as it is providing options rather than mandating actions. She expressed concerns about the 2012 version.
 - iii. R. Bensei asked for further clarification and background on these two documents.
 1. M. Battaglia said that concerns have been raised regarding the current UHRB procedures and about providing more guidance to the Hearing Boards. He added

that the documents allow for procedural processes to be improved.

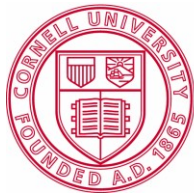
- iv. R. Benseal asked if there were ways in which the Committee could help the Hearing Board Chairs.
 - 1. M. Battaglia said that the amendments passed through the Committee give it the authority to propose changes.
- v. M. Horvath said that the UHRB Administrative Chair Joel Cisne will craft an email to all Hearing Board members with the intention to come and ask the Committee for help.
- vi. R. Lieberwitz asked if the Code of Conduct sanctioning guide is a publicly available document.
 - 1. M. Horvath said that it is now publicly available since it would be reflected in the current minutes.
- vii. R. Lieberwitz said that this document could be useful for the public to understand how the sanctioning process works.

V. Adjournment (Chair)

- a. The meeting was adjourned at 6:32pm.

Respectfully submitted,

Dongyeon (Margaret) Lee
Codes and Judicial Committee Clerk



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Minutes

Codes and Judicial Committee

University Assembly

May 2nd, 2018

4:30pm – 5:45pm

163 Day Hall

I. Call to Order

a. Call to Order

- i. M. Battaglia called the meeting to order at 4:37pm.

b. Roll Call

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

II. Approval of Minutes

a. April 25, 2018

- i. M. Horvath requested to **amend** the minutes to resolve typographical errors and reflect M. Horvath and K. Karr's concerns about asking complainants for feedback on the Judicial Administrator (JA).
- ii. Approval of minutes **tabled** to the next meeting.

III. Business of the Day

a. Working Group Update

- i. M. Battaglia said that the Working Group on Hate Speech and Harassment and the Presidential Task Force are two separate bodies who have reached different conclusions. He said that the Working Group has discussed placing sanctions under a guidance document directly under the Code as it has been in the past. He noted his approval of the proposals and agreement with the idea of the Greek system being placed back under the Code. He expressed his availability to talk individually with members who are interested in learning more about what the Group has done.

b. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process

- i. M. Battaglia said that G. Kaufman, J. Kruser, and himself had met with the administration on Friday to talk through the procedures. He said that the administration had no concerns with leaving the Judicial Administrator (JA) search committee membership to consist of 2 administration members. He added that the new language has been placed into the document based on the Committee's discussion from last week.
- ii. D. Barbaria entered the meeting.
- iii. Regarding point 3 of the draft language for JA reappointment, M. Battaglia said that the President will nominate the Chair for the JA search committee, which will be confirmed by the UA. He noted that this is a rough draft and he would be happy to rework the language of point 3 as the Committee sees fit.
- iv. Regarding point 4, M. Battaglia said that concerns were raised that the JA performance review process was too joint and the language implied that the administration was taking a lead rather than a supporting role. He noted that the new language reflected M. Horvath and K. Karr's concerns about complainants and respondents providing feedback about the JA. He said that the administration is open to concerns and in ensuring that there are appropriate privacy rules.
- v. Regarding point 5, M. Battaglia said that the new language for the JA removal process reflects concerns from last week on the President and University Assembly (UA) having an equal lever. He said that the new provision allows either the President or UA to initiate the removal of the JA, and the Board of Trustees would act as a check for this process.
- vi. R. Benseal asked who M. Battaglia negotiated with.
 1. M. Battaglia said that he spoke with VP for University Relations Joel Malina, VP and Chief Human Resources Officer Mary Opperman, and the President's Chief of Staff Kelly Cunningham. He added that the President has been briefed about the Committee's informal discussions and that she is pleased about where it is going.
- vii. M. Horvath expressed concerns that the new language on the JA performance review process had changed from what was discussed last meeting, to include a full evaluation committee every year.
 1. M. Battaglia said that the language is the same as what was given last week.
- viii. M. Horvath expressed concerns about receiving feedback from complainants and respondents, as they would be evaluating the Associate JA (AJA), not the JA. She noted that this concern was also shared by K. Karr last week.
 1. M. Battaglia said that his understanding was that the language meant to make the process more participatory and to include those who have been consulted. He added that there is value to having the AJA in the process as well.
- ix. M. Horvath expressed her belief that a "satisfaction guaranteed" is not what should be aimed through this judicial system. She said that complainants and respondents would be addressing their concerns with the AJA, not the JA.
- x. V. Price echoed M. Horvath's concern. She said that soliciting feedback is not a bad idea but this is not the appropriate place to do so.
- xi. R. Benseal suggested to strike "The evaluation process shall also include an opportunity for a reasonable number of complainants and respondents who have participated in the

judicial process, with opportunity for them to privately share their experience” from the draft language.

1. K. Zoner supported R. Bensel’s suggestion.
- xii. R. Bensel motioned to strike the aforementioned language and replace with “opportunity for university community to provide feedback on JA including individuals who have had experience with the judicial process”.
 1. K. Zoner expressed concerns that it would be difficult to manage that process.
 2. R. Bensel **withdrew** his motion.
 3. R. Bensel said that the larger public lacks awareness on the judicial process, and it would help to include insight from someone who has been through the process.
- xiii. M. Horvath said that it would make most sense to strike “The evaluation process shall [...] privately share their experience”. She approved of having the public provide feedback for comment on the judicial process.
 1. K. Zoner asked if this feedback process would only consist of a submission process, rather than having a blog list of responses.
 - a. M. Battaglia said that it would be submission only.
- xiv. R. Bensel said that the Committee had previously discussed striking “performance” for the process to merely include a “review” of the JA. He added that the Committee had agreed that a performance review would seem too much like an HR process.
- xv. R. Bensel motioned to strike “The evaluation process shall [...] privately share their experience” from the draft language.
 1. Motion **approved** by unanimous consent.
- xvi. M. Horvath motioned to add “to the Judicial Administrator” at the end of “This feedback shall be conveyed privately to the Chair of the University Assembly (or designee) and the President’s designee”.
 1. Motion **approved** by unanimous consent.
- xvii. G. Kaufman entered the meeting.
 1. M. Battaglia updated G. Kaufman on the draft language.
- xviii. G. Kaufman asked how the Chair of the JA search committee would be selected jointly.
 1. M. Battaglia said that the President will nominate and the UA would concur.
- xix. M. Horvath requested clarification on what “full participation” from point 4 means.
- xx. R. Bensel asked if the Chair of the search committee would be one of the members of the Committee.
 1. M. Battaglia replied in the affirmative.
- xxi. R. Bensel asked if there are any other important points to make note of regarding proposed changes to the JA reappointment process.
 1. M. Battaglia said that there are two major facets to the proposed changes. The first one is that the President’s designee and the UA Chair are placed as equals in spearheading the review process. Second, the President now has the same lever as the UA in the removal process. He noted that this will further be discussed in the UA meeting.
- xxii. K. Zoner motioned to strike “full participation” from point 4 and replace with “input

from” and strike “two additional members of the University Assembly” and replace with “the University Assembly”.

1. M. Battaglia noted that he will check with administration to understand the intent of the language.
 2. Motion **passed** by unanimous consent.
- xxiii. V. Price asked for clarification on point 5b.
1. M. Battaglia said that if the President wishes to remove the JA, he or she will notify the Chair of the UA. The JA may be removed if the UA agrees by a majority, but the matter will go to the Board of Trustees if the UA disagrees with the President.
 2. V. Price expressed that she does not find this provision to be necessary.
 - a. M. Battaglia said that this process would facilitate consultation between the President and UA in theory.
- xxiv. D. Barbaria asked what would happen if the President and Board decides to eliminate the JA even if the community approves of him or her.
1. M. Battaglia said that this provision gives the President and Board the authority to do so. He noted that, however, it also acts as a counterbalance since no one would wish for the matter to become public.
- xxv. G. Kaufman asked if this process is a means of keeping the President in check to ensure that he or she attempts to reach agreement before publicizing the matter.
1. M. Battaglia said that this provision is indeed a codification of that idea. He said that the President would be forced to converse with the UA Chair before voting on the matter.
- xxvi. G. Kaufman noted that the language indicates that if the President disagrees with the UA, he or she could merely approach the Board of Trustees and thus the Board does not play a large role in ensuring that the process is kept in check.
- xxvii. D. Barbaria made a motion to amend point 5b of the draft language from “taken at a regularly scheduled meeting” to “taken at the next regularly scheduled meeting after the Chair was notified”, as well as amend “Should the University Assembly not agree” to “Should the University Assembly have voted but did not vote in favor of termination and no mutually agreeable resolution”.
1. M. Battaglia suggested amending D. Barbaria’s proposed language to “Should the University Assembly not agree by formal vote” and add a clause stating that the President may not approach the board until a formal vote has been made.
 2. G. Kaufman acknowledged the importance of leaving room for UA leadership and the President to have a discussion. He said it should only be made public if the two constituents do not agree.
 3. M. Battaglia suggested having a meeting on this matter to find a mutually agreeable solution. He noted that the Board traditionally backs the President’s decisions.
 4. G. Kaufman said that there is no deterrence in having the President go to the Board, but the deterrence lies in ensuring that the matter is resolved without the need for making it public.

- xxviii. Motion **passed** by unanimous consent to amend the language to “Should the University Assembly not agree after taking a formal vote”.
- xxix. M. Battaglia **called the question** to advance the language to the full UA for consideration.
 - 1. Draft language for JA reappointment **passed** for UA consideration by a vote of 5-0-1.
- c. For Discussion: University Hearing and Review Boards Staffing Update
 - i. M. Battaglia said that the Committee can move forward now that he has received the coder key from the Office of the Assemblies (OA). He noted that, however, the OA has not provided the resumes of University Hearing and Review Boards (UHRB) applicants. He said that emergency appointment measures may need to take place in the summer.
 - ii. G. Kaufman asked if the Committee will be conducting emergency appointments this year.
 - 1. M. Battaglia said that the Committee currently lacks the time to do so because the coder key was received today.
 - iii. M. Battaglia said that vacancies will be cleared assuming that the President accepts the Code amendment to increase the size of the Board. He said that the Committee intends to have as full a Board as possible before next semester.
 - iv. D. Barbaria asked if there are Code amendments that haven’t been passed yet.
 - 1. M. Battaglia replied in the affirmative.
 - v. D. Barbaria asked if M. Battaglia had reached out to Joel Melina, VP for University Relations.
 - 1. M. Battaglia said that he had reached out to receive the key, which was given to the Executive Committee of the UA.
- d. 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 he has incorporated typographical errors and discussions from last meeting. He said that the original Question 4 is now in Question 13, and Question 6 has now been flipped.
 - ii. M. Battaglia noted that V. Price asked if the Policy 6.4 selection questions could include a maximum word count.
 - 1. V. Price clarified that she asked for a minimum word count, not a maximum.
 - iii. E. Winarto asked if whoever is reading the answers would be doing so anonymously.
 - 1. M. Battaglia said that the process is not anonymous and Committee members have information as to who wrote which responses.
 - iv. V. Price suggested omitting “bias” from “do you believe bias” in question 5.
 - 1. The language has been incorporated.
 - v. C. Riley expressed that he was unsure what Question 6a was attempting to accomplish.
 - 1. M. Battaglia said that for the first time, one of the Policy 6.4 members did not wish to go through with the training process this year and hence the question seeks to try to recruit as unbiased members as possible through asking if applicants have opinions that affect their ability to be impartial.
 - 2. K. Zoner said that the question seeks to allow applicants to think whether they

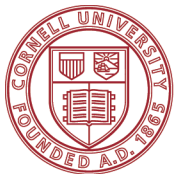
- would be willing to be impartial and dispassionate.
- vi. V. Price said that the language could be amended to “Do you believe that your personal opinions about [...] could interfere with your ability to be impartial?”
 - 1. M. Battaglia said that is essentially the language before amendments from last meeting.
 - vii. C. Riley said that he sees the use of the question now that it has been clarified.
 - viii. V. Price said that Questions 6, 7, 8, 9, 11 could make use of a minimum word count since they are important to the selection process.
 - ix. M. Horvath motioned to extend the meeting by 20 minutes.
 - 1. Motion **approved** by unanimous consent.
 - x. M. Battaglia said that the Committee discussed last meeting to have these questions sent as an informal document to the Title IX office instead of having it formally go through the UA.
 - 1. V. Price suggested sending it to the Title IX office after incorporating changes noted today.
 - xi. M. Battaglia said that he will incorporate edits, circulate concerns through the Committee listserve, and transmit to the Title IX office to see if they have any concerns.
 - 1. **Passed** by a vote of 5-0-1.
 - e. For Discussion: Codifying Prior Practices for UHRB Staffing
 - i. M. Battaglia said that the UA has been briefed on Appendix A, and that it is important to ensure that the UHRB is fully staffed.
 - ii. D. Barbaria – point of information on what expiration of emergency appointments is.
 - 1. M. Battaglia said that the Code gives discretion to make temporary appointments.
 - iii. D. Barbaria asked if the Committee could only solicit applications in the spring.
 - 1. M. Battaglia said that the Committee could solicit applications in the fall if it sees fit. He noted the low turnout in this year’s applications.
 - iv. M. Battaglia said that the Committee could vote now or via email or amend further before Appendix A is sent to the UA meeting.
 - 1. Vote to approve Appendix A **passed** by 5-0-1.
 - f. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code
 - i. M. Battaglia said that the language is currently being discussed in the UA, and that he is working with the OA to get an advertisement in the Cornell Daily Sun notifying community members about the Code amendments.
 - ii. M. Battaglia said that he has presented the content of the 10 Code amendments to the Student Assembly, and will be bringing it to the Graduate and Professional Students Assembly meeting. He added that several office hours have been conducted, during which a community member asked questions about why UHRB appointment procedures were being amended.
 - iii. M. Battaglia said that he has asked for the link to the OA’s comment box through which the Committee receives feedback from community members regarding concerns about the Code. He said that he has shown G. Kaufman that the Committee’s own anonymous comment box is currently empty.

- iv. M. Horvath – point of information on whether the proposed amendments have been sent in as 4 separate resolutions.
- v. D. Barbaria asked where one would be able to go to the comment box from the OA website.
 - 1. M. Battaglia said that it may be difficult to find, and that is why the Committee has its own comment function.
- g. For Discussion: The role of ADR in the Code, Reorganization of the Code Update, and UHRB Hearing/Sanctioning Guidelines
 - i. M. Battaglia said that in terms of reorganization of the Code, he hopes to have something more concrete by the last meeting next week. He noted that the main concern lies in making the reorganization more understandable.
 - ii. M. Battaglia said that the ADR portion of the Code is in its second semester of pilot and has been going well. He said that concerns were raised that the Judicial Codes Counselor (JCC)'s absence in the process makes it difficult for students to understand the sanctioning process. He added that once this portion becomes more established, it could be placed into the Code to ensure community input and to act as a notice function.
 - iii. M. Battaglia said that a concern was raised in that the JCC has been making the process more adversarial or argumentative. He expressed that he personally has no concerns with the JCC and believes that the JCC is enforcing the highest standards to his knowledge.
 - iv. M. Battaglia said that students are taking a more active role and utilize ADR to make the process more of a learning experience, which is why ADR should belong in the Code. He noted that this would be a longer-term project, but is promising.
 - v. M. Horvath noted that this is the third semester of the program, not the second. She said that ADR ensures development and dialogue is facilitated for impacted parties. She expressed her content with the success of the program and noted that there is a document that outlines the process available for Committee members to view.
 - vi. M. Battaglia said that he believes this is an excellent program. He expressed hopes for the Committee to become more involved with the matter and to ensure that the community is aware of this program.
 - vii. D. Barbaria asked if the Committee will be discussing preliminary comments from the Working Group.
 - 1. M. Battaglia said that the Committee will be hearing a final report from the Group next week, during its last meeting.
 - viii. D. Barbaria asked if there are any plans of reconvening the Working Group in the fall.
 - ix. M. Battaglia noted that two of the Group's members are graduating. He said that the report would be a deliverable and recommendations would still need to come through this Committee.

IV. Adjournment

- a. The meeting was adjourned at 6:07pm.

Respectfully submitted,
 Dongyeon (Margaret) Lee
 Codes and Judicial Committee Clerk



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Office of the Judicial Administrator Disciplinary Record Retention Policy

Disciplinary Record – Reporting Length

	Not responsible or Oral Warning	Less than probation	Less than separation	Separation
Student	Not reportable	Reportable until graduation	Reportable for six years after graduation	Permanently reportable
Faculty/Staff	Not reportable	Reportable for six years after end of employment	Reportable for six years after end of employment	Reportable for six years after end of employment
Organization	Not reportable	Permanently reportable	Permanently reportable	Permanently reportable

Disciplinary Record – Reporting Language

Reporting Language	Rationale
Good Standing with the Office of the Judicial Administrator	No violation of the Code <i>or</i> there was a violation of the Code, but all sanctions/remedies are complete
Restricted Good Standing with the Office of the Judicial Administrator	Due date(s) for sanctions/remedies has not yet arrived
Not in Good Standing with the Office of the Judicial Administrator	Sanctions/remedies are not complete within the time frame for completion <i>and/or</i> Dismissal
Unknown Conduct Standing with the Office of the Judicial Administrator because of a pending conduct matter which has not yet been adjudicated.	If an individual has not yet had their case adjudicated, but requests a conduct check
Unknown Conduct Standing with the Office of the Judicial Administrator because of a pending conduct matter which has not yet and is unlikely to be adjudicated.	If an individual has not yet had their case adjudicated, and is not likely to have the case adjudicated because they transferred, or withdrew, or left employment
At the time of graduation, X was in [Insert Standing] with the Office of the Judicial Administrator.	If an individual graduates before a report of misconduct is reported to the OJA
At the time of employment, X was in [Insert Standing] with the Office of the Judicial Administrator	If an employee departs before a report of misconduct is reported to the OJA

POLICY 4.7

Retention of University Records

PROCEDURES – ITHACA CAMPUS UNITS, CONTINUED

Counsel, the University Audit Office, the Division of Financial Affairs, or the Office of Sponsored Programs.

◆ **Note:** No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not included in these tables should be addressed to the Office of University Counsel.

◆ **Caution:** If you have reason to believe that a claim may be asserted for which records scheduled for destruction may be relevant, do not destroy such records until you consult with the Office of University Counsel.

Table 1

Repositories and Retention Periods for Undergraduate, Graduate, Professional, Continuing Education and Summer Sessions, Extramural and Special Programs Student-Related, Academic Records, Ithaca Campus Units

TYPE OF RECORD	OFFICIAL REPOSITORY	DURATION
Academic, Student		
Academic action (leaves of absence, withdrawals, etc.)	<i>Office of the University Registrar</i>	Permanent
Academic action documentation	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance
Academic integrity code violations (findings of violation and related case files)	<i>Appropriate college</i>	Permanent
Academic records (petitions, degree progress, actions, grade change forms, etc.)	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance
Degree recipients	<i>Office of the University Registrar</i>	Permanent
Degree requirement exception/change petitions	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance
Disciplinary records (findings of violation and related case files), where penalty imposed is suspension or expulsion	<i>Office of the Judicial Administrator</i>	Permanent
Disciplinary records (findings of violation and related case files), where penalty imposed is probation	<i>Office of the Judicial Administrator</i>	Permanent, unless otherwise indicated by the Office of the Judicial Administrator
Disciplinary records (findings of violation and related case files), where penalty imposed is NOT probation, suspension, or expulsion, but includes a reprimand	<i>Office of the Judicial Administrator</i>	Until the student's graduation
Disciplinary records (findings of violation and related case files), where penalty imposed is NOT probation, suspension, or expulsion, but includes a warning	<i>Office of the Judicial Administrator</i>	No requirement to retain

POLICY 4.7

Retention of University Records

PROCEDURES – ITHACA CAMPUS UNITS, CONTINUED

TYPE OF RECORD	OFFICIAL REPOSITORY	DURATION
Disciplinary records (entire case files, including records of any hearing, regardless of whether there are findings of violation) for any formal complaint brought under the Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Dating Violence; Domestic Violence; Sexual Assault; Sexual Exploitation; Sexual and Gender-Based Harassment; Stalking; Aiding Prohibited Conduct; Attempting to Commit Prohibited Conduct; Retaliation; and Violating an Interim Measure.	<i>Office of the Judicial Administrator</i>	7 years from the date of a final, binding decision.
Grade changes (changes to final grades)	<i>Office of the University Registrar</i>	Permanent
Grade rosters (record of grade submitted)	<i>Office of the University Registrar</i>	Permanent
Grades (final grades)	<i>Office of the University Registrar</i>	Permanent
Holds (registration, diploma, transcript, etc.)	<i>Originating office</i>	Until released
Leave of absence/withdrawal authorizations	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance
Name change authorizations	<i>Office of the University Registrar</i>	5 years from graduation or date of last attendance
Transcripts	<i>Office of the University Registrar</i>	Permanent
Transfer credit evaluations	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance

Academic, Courses

Class Rosters	<i>Office of the University Registrar</i>	Permanent
Course offerings and schedule of classes	<i>Office of the University Registrar</i>	Permanent
Enrollment change forms	<i>Office of the college registrar</i>	1 year from date of enrollment
Enrollment changes	<i>Office of the University Registrar</i>	Permanent
Grade books	<i>Appropriate academic department</i>	5 years after completion of course
Graded course materials (homework, exams, etc.)	<i>Appropriate academic department</i>	1 year after completion of course
Student registration forms (Continuing Education, summer sessions, and extramural studies)	<i>Office of Continuing Education and Summer Sessions</i>	5 years from course registration

Admissions for Applicants Who Do Not Enroll, Whether Accepted or Rejected

Applications for admission or readmission, relevant correspondence, entrance exam reports (ACT, CEEB, et.al.), letters of recommendation, transcripts (high school and other colleges)	<i>Appropriate admissions office</i>	2 years from start of application term
Financial aid records	<i>Appropriate financial aid office</i>	1 year from start of application term

Admissions for Applicants Who Enroll

Advanced placement records, applications for admission or readmission, relevant correspondence, entrance exam reports (ACT, CEEB, et.al.)	<i>Office of the college registrar</i>	5 years from graduation or date of last attendance
Financial aid records	<i>Appropriate financial aid office</i>	3 years from graduation or date of withdrawal 5 years from date of leave of absence