

Cornell University
University Assembly

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Agenda

Codes and Judicial Committee
University Assembly
October 25th, 2017
4:30pm - 5:45pm
305 Day Hall

I. Call to Order (Chair)

- i. Call to Order (1 minutes)

II. Approval of Minutes (Chair)

- i. September 6, 2017 (1 minute)
- ii. September 27, 2017 (1 minute) ^[1]
- iii. October 18, 2017 (1 minute)

III. Business of the Day

- i. Update on previously passed Code amendments (Chair) (5 minutes)
- ii. Presentation on potential structure of Hate Speech Working Group (Chair) (10 minutes) ^[2] ^[3]
- iii. For Discussion/Vote: Structure of Hate Speech Working Group (25 minutes)
- iv. For Discussion: Beginning the process for staffing the University Hearing and Review Boards and increasing contact with the Hearing and Review Board Chairs (15 minutes)
- v. For Discussion: Beginning the process of a holistic evaluation of the Code (10 minutes)
- vi. For Discussion: Discussing recent Department of Education policy shifts, our Quantum of Proof, and Policy 6.4 (5 minutes)

IV. Adjournment (Chair)

- i. Adjournment (1 minute)

Attachments

1. CJC Meeting Minutes 9.27.2017
2. CJC Hate Speech Working Group Planning Presentation
3. Draft Working Group Timeline

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



Minutes

Codes and Judicial Committee
University Assembly
September 27, 2017
4:30pm-5:45pm
163 Day Hall

I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:38pm.
- b. Roll Call:
 - i. *Present:* M. Battaglia, R. Bensel, M. Horvath, G. Kaufman, J. Kruser, S. Park, D. Putnam, A. Waymack, K. Zoner
 - ii. *Absent:* N. Jaisinghani, K. Karr, R. Lieberwitz
 - iii. *Others Present:* D. Barbaria, T. Malone, V. Price, N. Stetson

II. Approval of Minutes (Chair)

- a. April 25, 2017 Minutes
 - i. **Tabled** to the next meeting
- b. September 6, 2017
 - i. **Tabled** to the next meeting
- c. September 13, 2017
 - i. **Tabled** to the next meeting
- d. September 20, 2017
 - i. **Tabled** to the next meeting

III. Business of the Day

- a. For Discussion/Vote: Housekeeping Changes to the Campus Code of Conduct
 - i. M. Battaglia said that he hopes to go through the Campus Code of Conduct to make it more clear and understandable.
 - ii. M. Battaglia explained the first proposed language change in the Campus Code of Conduct, which addresses the suspension length, definition, and reporting date for organizations in Title Three, Art. III, Sec. D.4 (pg. 24, 2017) of the Campus Code of Conduct.
 1. M. Horvath said that she is in full support of the proposed language change.
 2. R. Bensel made a motion to approve the first proposed language change. By a vote of 4-0-1, the motion was **adopted**.
 - iii. M. Battaglia explained the second proposed language change in the Campus Code of Conduct, which addresses immediate suspension for non-compliance of sanctions in Title Three, Art. II, Sec. A.3 (pg. 18, 2017).

1. M. Horvath questioned the use of “valid” in the context of the language of the proposed language change.
 2. J. Kruser made a motion to amend the proposed language to read: “To refuse to comply with any penalty or remedy given pursuant to the Campus Code of Conduct.”
 - a. The motion was seconded by M. Horvath
 - b. By a vote of 4-0-1, the motion was adopted.
 3. M. Battaglia noted the speakers list was exhausted and moved the question to adopt the proposed language change to the Campus Code of Conduct.
 - a. By a vote of 4-0-1, the motion was adopted.
- iv. M. Battaglia explained the third proposed language change in the Campus Code of Conduct, which more specifically defines the term “Student,” and the role of non-matriculated minors in the Campus Code of Conduct.
1. K. Zoner said that it is understandable to protect free speech, however, she said that she finds it hard to agree with R. Lieberwitz’s wording of the proposed language change.
 2. J. Kruser asked why is anyone being carved out of protections if they are taking classes at the University? And what is the risk to the University by leaving provisions in the Campus Code of Conduct?
 3. Point of Information-S. Park asked whose jurisdiction are they [meaning students not fully and officially registered with the University] are under?
 4. M. Horvath said that the language is distinct to take into account the different special cases and to not overstep the boundaries of parents and school jurisdictions to not open up the University to liability.
 5. K. Zoner said in special cases for atypical students, to have things in place. She said the Campus Code of Conduct provides resources that they have not earned, as opposed to other fully registered students.
 6. R. Bensel mentioned the freedom of expression for students.
 7. J. Kruser said that there needs to be something to access the terms for third-parties to make sure that they don’t offend the University.
 8. G. Kaufman said that they are written out of the Campus Code of Conduct, and that there should be something in place to

ensure that their rules are held to standard, and that the Codes and Judicial Committee has power the power to oversee and ensure that.

9. M. Horvath said that there is a need to look at whether the Campus Code of Conduct is the place to remove the students, and therefore, action must be taken to demonstrate flexibility.
10. K. Zoner said that most high school students have codes that apply to them, so how far with the University go to access those codes? She said that it might be worth looking at a “person’s bill of rights.”
11. J. Kruser said that there are already things in place within the University Assembly to take a look into policies.
12. R. Bensel said that there is a strong suggestion to revisit a bill of rights.
13. M. Battaglia said that the language that gives the University Assembly power to look at policies could be brought forward as a separate motion or resolution.
14. D. Barbaria questioned the placement of the proposed language change.
15. M. Battaglia moved to move the proposed language highlighted in yellow to before the phrase “if they are:”
 - a. By a vote of 5-0-1, the motion was adopted.
16. M. Battaglia noted the speakers list was exhausted and moved the question to adopt the third proposed language change to the Campus Code of Conduct.
 - a. Point of Information-M. Horvath said that there is an issue with having the proposed language change because it raises an issue.
 - b. R. Bensel asked, why not move the proposed language to subsection D.?
 - c. R. Bensel recommended considering a making a section 3 that says “No provision of 1 and 2 shall not apply to...”
17. K. Zoner proposed that the language reads: “The term student should not be defined as...etc.”
18. M. Battaglia called the question to amend the proposed language by moving the language highlighted in yellow to after “University employees” and before “if they are:”
 - a. By a vote of 5-0-1, the amendment to the proposed

language was adopted.

- v. M. Battaglia explained the fourth proposed language change in the Campus Code of Conduct, which removes indefinite suspension.
 1. M. Horvath said that students currently on indefinite suspension would currently follow the Campus Code of Conduct that they were suspended under.
 2. D. Putnam asked if credits can be transferred out if they cannot be transferred in while on indefinite suspension?
 - a. M. Battaglia said that it is left up to other institution on whether or not they accept the credits.
 3. M. Battaglia noted the speakers list was exhausted and moved the question to adopt the proposed language change to the Campus Code of Conduct.
 - a. By a vote of 5-0-1, the proposed language was adopted.
- vi. M. Battaglia explained the fifth proposed language change in the Campus Code of Conduct, in regards to the misuse of confidential information.
 1. Point of Information-M. Horvath asked whether this, and the next proposed language changes were able to be voted on, since they were introduced in a working session.
 - a. M. Battaglia said yes, they technically can be voted on.
 2. M. Battaglia said the goal of the Campus Code of Conduct is to be more specific and clear.
 3. D. Barbaria said that it must be denoted as to what it means to assent to described terms of “confidentiality.”
 4. R. Benseal said that it should include the term “explicitly.”
 5. M. Horvath said that this language seems a bit rushed, and that it should be tabled. She recommended that the University Assembly talk with its different constituencies on how this language impacts their work.
 6. J. Kruser said that the Codes and Judicial Committee is trying to put out in a protection to make it blatant as to what is confidential, and to not make it overly broad.
 7. G. Kaufman said that it would be okay to pass language now and have it discussed later by the University Assembly, and hopefully, further by its respective constituencies.
 8. R. Benseal said that postponing the adoption of this proposed language might be a good idea so that it can be thought out.
 9. K. Zoner said that she agrees with tabling the proposed

- language, however, she disagrees with narrowing it, and disagrees with the fact that it restricts free speech because it she says it allows people to have a frank conversation.
10. M. Battaglia motioned to extend the meeting by 15 minutes. There was no dissent. The motion was adopted.
 11. J. Kruser said that there are good reasons to keep things confidential for courtesy.
 12. R. BenseL said that, if there is a written form, it is good, however, it should include the term “explicit.”
 13. M. Horvath motioned to table the proposed language change until the next meeting. R. BenseL seconded the motion.
 - a. By a vote of 4-0-1, the proposed language was tabled until the next meeting.
- vii. M. Battaglia explained the sixth proposed language change in the Campus Code of Conduct, which clarifies University Hearing and Review Board appointment procedures.
1. R. BenseL moved to approve the proposed language change to the Campus Code of Conduct. K. Zoner seconded the motion.
 - a. By a vote of 4-0-1, the motion was adopted.
- viii. M. Battaglia explained the seventh proposed language change in the Campus Code of Conduct, which clarifies Judicial Administrator appointment procedures.
1. M. Horvath said that she is excluding herself from this conversation, and mentioned the change in the University Assembly’s Charter and how she believed it conflicts with the proposed language change.¹
 2. G. Kaufman said that there is no conflict with the Charter because the Campus Code of Conduct takes precedence.
 3. K. Zoner said that she agrees with documenting the procedures in the Campus Code of Conduct, however, she said that she is unclear about what the proposed language means. She also said that she is concerned with the timeline.
 4. K. Zoner said that there are more simple ways to prevent reappointment issues, and that it shouldn’t be taken lightly. She said that a six-person committee does not represent the University well.

¹ The language in the UA’s Charter being referenced reads “In the event of a vacancy in the Judicial Administrator’s office, the procedure laid out in Article II, Section A, Subsection 3 of Campus Code of Conduct for constituting a search will be followed.”

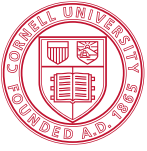
5. M. Battaglia noted the limited time and motioned to table the proposed language to the next meeting.
 - a. By a vote of 4-0-1, the proposed language was **tabled**.
- ix. M. Battaglia explained the fifth proposed language change in the Campus Code of Conduct, which adds discretion to No Contact Directive procedures.
 1. R. Bensel motioned to approve the proposed language change to the Campus Code of Conduct.
 - a. By a vote of 4-0-1, the proposed language was **adopted**.
 - b. M. Battaglia motioned to adjourn the meeting. There was no dissent. The motion was **adopted** by unanimous consent.

IV. Adjournment

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

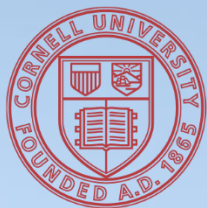
Respectfully submitted,

Terrill D. Malone
Codes and Judicial Committee Clerk



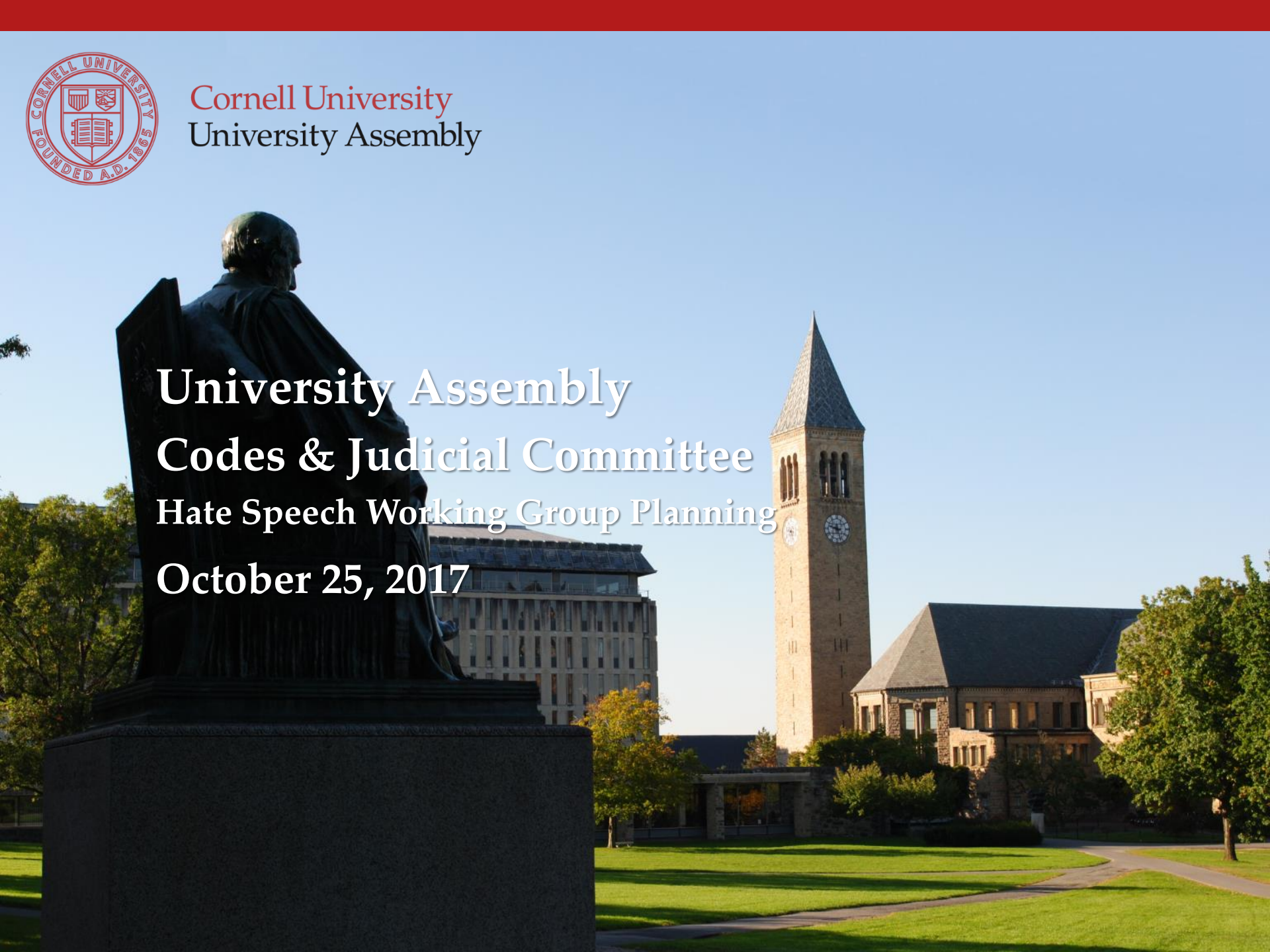
**Draft Timeline for Hate Speech
Working Group**

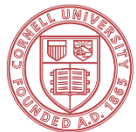
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					Community Forum – if necessary second forum scheduled	
			Feedback from Forum Posted	Additional Public Comment Period		
Additional Public Comment Period					Summary of Comments Prepared and Posted.	
		Working Group meets to consider draft language			Working Group Posts language options and explanation	
Public Comment Period						
		Working Group meets to consider comments			Working Group proposes three to five options to the full CJC	



Cornell University
University Assembly

University Assembly
Codes & Judicial Committee
Hate Speech Working Group Planning
October 25, 2017



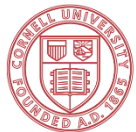


Introduction

- **Three main options presented**
- **All include Membership drawn from all constituencies as well as the CJC.**
 - **Preliminary discussions and vote last week listed the following individuals as preliminary members.**

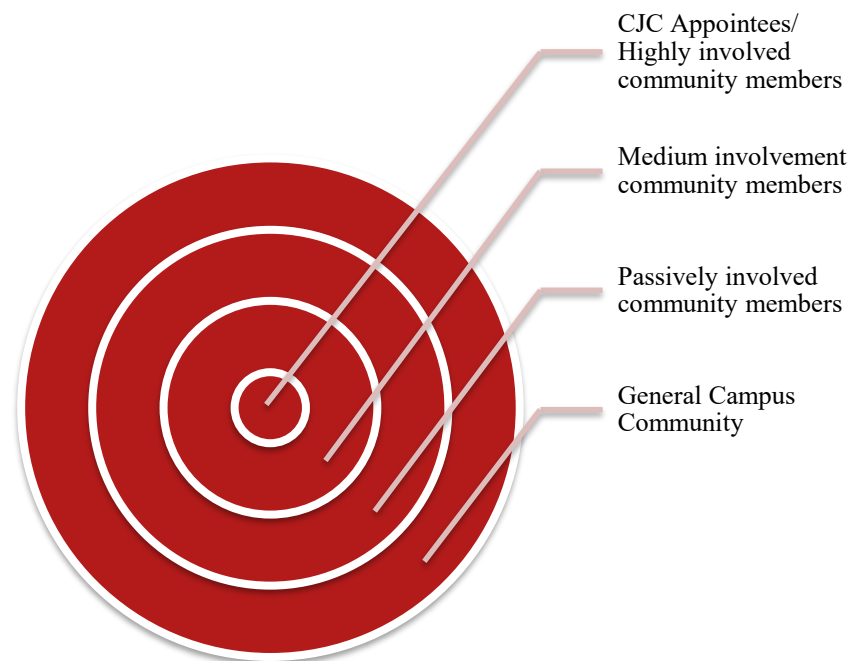
<u>Undergraduate</u> – Conor Hodges	<u>Faculty</u> – Risa Lieberwitz
<u>Employee</u> – OPEN	<u>Graduate/Professional</u> – Nate Stetson

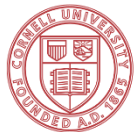
- **An overall focus on community engagement and input**



Option 1

- **Four CJC Appointees**
 - Subject matter experts to help guide and facilitate
 - One from each constituency
- **Unlimited, open community membership**
 - Layered structure to allow individuals to contribute as much or as little as they wish.
 - Seeks to avoid concerns over certain individuals not being included or the group not being inclusive/representative.
 - Avoids individual appointees “holding seats” and not being engaged.
 - Aims to allow for maximum community input and engagement





Option 2

- **Four CJC Appointees**
 - Subject matter experts to help guide and facilitate
 - One from each constituency
- **Two Seats filled by each constituent Assembly**
 - Mirrors structure of CJC
 - Allows for direct involvement of Constituent Assemblies
 - Keeps the working group relatively small
 - Encourages careful selection of members by each constituency

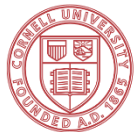
Four:
CJC

Two: SA

Two:
GPSA

Two: EA

Two: FS



Option 3

- **Four CJC Appointees**
 - Subject matter experts to help guide and facilitate
 - One from each constituency
- **One Seat filled by each constituent Assembly**
 - Keeps the working group small and nimble
 - Members would be highly engaged in the process
 - Allows for direct involvement of Constituent Assemblies
 - Encourages careful selection of members by each constituency

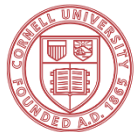
Four:
CJC

One: SA

One:
GPSA

One: EA

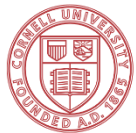
One: FS



Option 3A - Hybrid

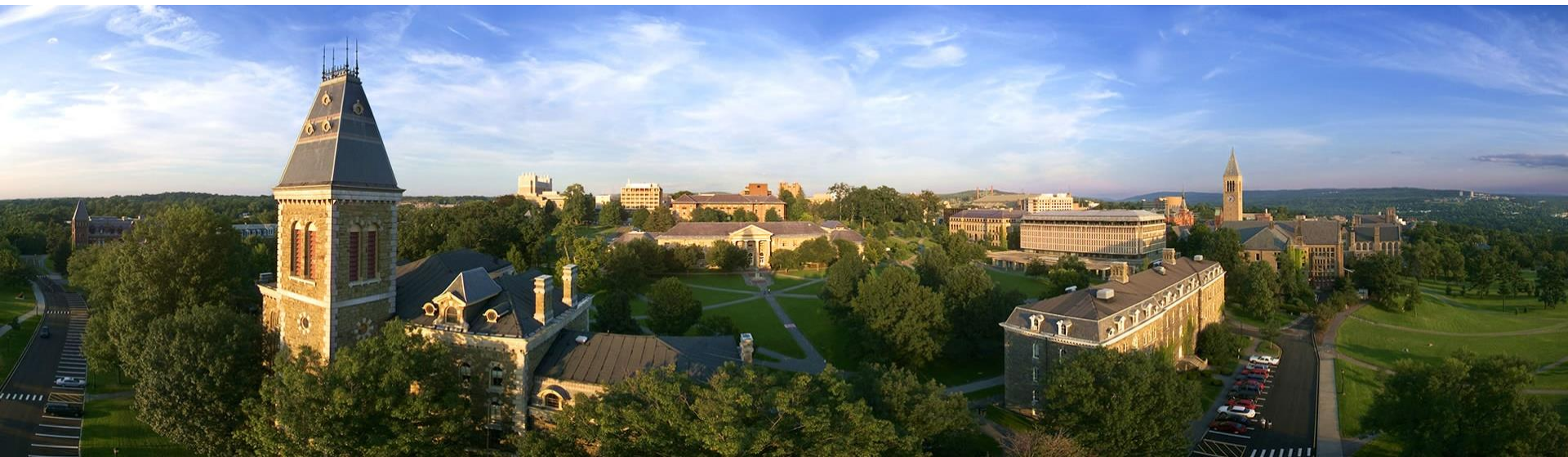
- **Four CJC Appointees**
 - Subject matter experts to help guide and facilitate
 - One from each constituency
- **One Seat filled by each constituent Assembly**
 - Keeps the working group small and nimble
 - Allows for direct involvement of Constituent Assemblies
- **Unlimited, open community membership**
 - Avoids individual appointees “holding seats” and not being engaged.
 - Aims to allow for maximum community input and engagement

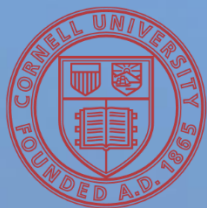




Draft Formal Charge

- **The Hate Speech Working Group of the Codes & Judicial Committee is charged with engaging the Campus Community to draft specific language proposals for the Codes & Judicial Committee's consideration in regards to Hate Speech and its relationship to the Campus Code of Conduct. Such proposals may include new draft language for the Committee's consideration, draft language for the modification of an existing Code provision (such as harassment or similar), a proposal of no action, or other proposals that the Working Group reasonably believes will advance the discussion of this topic.**
- **The Working Group's meetings shall be open to the public and the Working Group shall report their progress to the Committee regularly and upon request. The Committee retains overall control and responsibility for the Working Group's actions and may alter this change by majority vote.**





Cornell University University Assembly

Questions?

