



# Cornell University University Assembly

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## Minutes

Codes and Judicial Committee  
University Assembly  
February 21st, 2018  
4:30pm - 5:45pm  
163 Day Hall

### I. Call to Order (Chair)

- i. Call to Order
  - a. M. Battaglia called the meeting to order at 4:33pm.
- ii. Roll Call
  - a. *Present*: D. Barbaria, M. Battaglia, R. Bense, G. Kaufman, R. Lieberwitz, V. Price, C. Riley
  - b. *Absent*: K. Ashford, J. Kruser, D. Putnam, E. Winarto, K. Zoner, M. Horvath, K. Karr, A. Waymack
  - c. *Others Present*: M. Lee
- iii. Business of the Day
  - a. New member C. Riley introduced himself and present members went around the room to introduce themselves.

### II. Approval of Minutes (Chair)

- i. November 15, 2017
  - a. **Tabled** to the next meeting.
- ii. November 29, 2017
  - a. Modified version of minutes sent via email **approved** by a vote of 5-0-1.
- iii. January 31, 2018
  - a. **Approved** by a vote of 5-0-1.
- iv. February 7, 2018
  - a. **Amended** version of minutes **approved** by a vote of 5-0-1.

### III. Business of the Day

- i. For Discussion: Working Group Update and Vacancies
  - a. Chair M. Battaglia said that the Hate Speech Working Group will be meeting on Friday, February 23 at 1pm, and that the meeting times to follow will be determined later. He noted that there are currently vacancies for undergraduate and graduate student positions as well as for the Chair. He said that R. Lieberwitz has offered to serve as Interim Chair.
    - 1. R. Lieberwitz was **approved** as Interim Chair by a vote of 5-0-1.
    - 2. C. Riley was **approved** for the undergraduate seat by a vote of 5-0-1.

3. M. Battaglia said that 6 out of 8 positions have now been filled and that the Employee Assembly is looking for an employee to serve on the Working Group.
- b. V. Price expressed interest in running for the graduate student position. M. Battaglia spoke on K. Ashford's behalf that she was also interested in the position. V. Price presented a speech for her candidacy and M. Battaglia read the notes sent by K. Ashford for her speech.
  1. D. Barbaria asked if the Committee would be interested in 'heads down, hands up'.
    - a) M. Battaglia said that the traditional method of voting would be through ballot.
  2. R. BenseL asked if it would be possible to have both candidates on the Group.
    - a) M. Battaglia said that it would be possible to alter the charter to add additional seats, but this could potentially raise issues. He said that the voting could be postponed until K. Ashford is present.
  3. R. BenseL made a motion to **amend** the Working Group Charter to add a ninth seat for an additional graduate member.
    - a) R. Lieberwitz seconded the motion.
    - b) V. Price asked whether there would be a potential for other Assemblies to also want to add more members.
      - 1) M. Battaglia said that issues may arise but he was unsure how people would react.
    - c) D. Barbaria said that he was against amending to increase the membership since regardless of membership, both candidates could still fully participate in the Working Group. He said that having nine members would increase the number of members needed for a quorum.
      - 1) M. Battaglia said that decisions made in the Working Group would eventually be discussed in the CJC meetings anyways.
      - 2) R. BenseL said that it would be good to have more energy with more members on the Group.
      - 3) M. Battaglia said that having more members would make it more difficult to find a meeting time that works for everyone.
    - d) R. Lieberwitz said that as Chair of the Working Group, she thought it would be best to use the process that had been agreed upon.
      - 1) R. BenseL **withdrew** his motion.
  4. M. Battaglia said that the decision to elect a graduate representative for the Working Group could be postponed to next week or the Committee could resume with the ballot.
    - a) D. Barbaria reversed his previous statement and said that the number of members needed for quorum would remain the same whether there were 8 or 9 members in total.
      - 1) R. BenseL renewed his motion.
        - i. D. Barbaria seconded the motion.
      - 2) R. Lieberwitz said that the Committee should move forward

with the process agreed upon and the voting should be done now.

- 3) D. Barbaria said that he was in favor of making a decision today to either vote between the two candidates or put both on the Working Group.

- i. D. Barbaria withdrew his motion.

5. The Committee moved back to voting procedures as there was no dissent to voting.

- a) V. Price was elected.

6. M. Battaglia said that the Committee could continue to move forward with the motion to amend the Charter to increase the number of members on the Working Group.

- a) D. Barbaria made a motion to table the discussion until K. Ashford is present at the meeting.

- 1) V. Price seconded the motion. The motion was approved as there was no dissent.

- c. R. Lieberwitz raised a question on the number of employee members on the Group.

1. M. Battaglia said that the Working Group is comprised of four members from the CJC and four from each Assembly. He said that there are currently seven of eight members seated, while the Employee Assembly is soliciting the last member to serve on the Group.

- ii. For Vote: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

- a. M. Battaglia summarized the main points from the Resolution.

- b. R. Bensel raised a question on what Policy 4.1 is.

1. M. Battaglia said Policy 4.1 describes what a stakeholder is. He said the University Assembly has received formal stakeholder status regarding Policy 6.4 when they sectioned off the enforcement of sexual assault in Policy 6.4.

2. R. Bensel raised a question on what Policy 6.4 is.

- a) M. Battaglia said Policy 6.4 concerns protected status, harassment and sexual misconduct.

- c. The Resolution was approved by a vote of 5-0-1.

- iii. For Discussion: UA Resolution #11 Accepting President's Proposal of a One- Year Term Extension for the Judicial Administrator

- a. M. Battaglia provided an overview of the Resolution. He said that the Resolution relates to the discussion on the reappointment of the Judicial Administrator. He said that President Pollack has returned this Resolution to the Committee. Current JA, M. Hovarth's term expires in June and the question remains on what action to take. He said that the University Assembly's Executive Committee has met with the President to discuss this matter and in response, has sponsored Resolution #11. The Resolution has been brought forth to this Committee as it concerns the Code and the Bylaws would require the Committee to decide whether to approve the Resolution. He said that this is the amended version and the University Assembly concurs to extend M. Horvath's term by an additional year until June 2019.

- b. G. Kaufman said that the UA didn't specifically refer the Resolution to the CJC, but as it

pertains to the Committee, the CJC should make recommendations on it.

- c. R. Bensel motioned to recommend the UA to **amend** line 21 from “the University Assembly concurs with the President’s Proposal” to “the University Assembly proposes to extend”.
  1. M. Battaglia said that since the Resolution was not referred to the CJC, the Committee would not formally amend it, but he will bring concerns to the University Assembly.
  2. R. Bensel said that he was concerned that the University Assembly’s prerogatives should be recognized by the administration. He said that he would like for the Assembly to exercise power rather than recognize.
  3. D. Barbaria seconded the motion. The motion was **approved** by a vote of 5-0-1.
  4. M. Battaglia said that he will convey the recommendation to the UA at their upcoming meeting.
- d. D. Barbaria asked about the process of the procedure.
  1. M. Battaglia said that the Judicial Administrator’s term expires in June and that the President is in favor of a one-year extension over a two-year reappointment. He said that the President has also expressed concerns about how the Committee reappoints University Hearing and Review Board members in a manner that could be a violation of the Code. He said that the matter will eventually come through this Committee for approval.
  2. D. Barbaria asked about how likely it would be for the Resolution to pass.
    - a) M. Battaglia said that it could procedurally pass up until the eleventh hour, but practically sooner would be better. He said that the goal is to have something devised by the end of this year.
- e. V. Price asked that assuming a new process is put in place, whether the current JA be eligible to be reappointed through that process.
  1. G. Kaufman said that his understanding is that he would be.
- f. R. Bensel asked whether the Resolution itself was approved by this Committee.
  1. M. Battaglia said that the Resolution was not approved. He said that since the Resolution is not formally a matter of the Committee, it would not necessarily be approved by the Committee.

#### **IV. Executive Session**

- i. Executive Session
  - a. M. Battaglia said that the Committee is within its procedures to move into Executive Session.
  - b. G. Kaufman said that the Charter requires a purpose to move into Executive Session. He made a motion to **amend** the purpose of the Session to include “to discuss matters important to the committee”.
    1. V. Price seconded the motion. The motion was **approved** as there was no dissent.
  - c. Motion to approve UA Resolution #11 was **approved** by 5-0-1.
  - d. The committee exited Executive Session at 5:46pm.

#### **V. Adjournment**

- i. Adjournment

- a. Motion to extend the meeting to 5:50pm was passed by unanimous consent.
- b. The meeting was adjourned at 5:47pm.

Respectfully submitted,

Dongyeon (Margaret) Lee  
Clerk of the Assembly