



Cornell University University Assembly

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Minutes

Codes and Judicial Committee
University Assembly
September 17th, 2019
4:30pm – 6:00pm
316 Day Hall

I. Call to Order

- a. Call to Order
 - i. L. Kenney called the meeting to order at 4:41pm.
- b. Roll Call
 - i. *Present:* J. Anderson, R. Bensel, M. Hatch, L. Kenney, R. Lieberwitz, G. Martin, J. Michael, L. Taylor, K. Wondimu
 - ii. *Absent:* J. Bogdanowicz
 - iii. *Others Present:* K. Barth, G. Giambattista, M. Horvath, C. Huang, G. Kanter, M. Lee, C. Van Loan
- c. Welcome and Introductions
 - i. L. Kenney welcomed everyone to the first Codes and Judicial Committee (CJC) meeting of the 2019-2020 Academic Year. Members of the Committee introduced themselves.

II. Approval of the Minutes

- a. April 30, 2019
 - i. G. Martin motioned to table the minutes for the next meeting.
 1. Approval of minutes **tabled** by unanimous consent.

III. Business of the Day

- a. Discussion of the Bylaws
 - i. L. Kenney opened the floor for discussion on Section 3.3 and Section 4.1 of the University Assembly (UA) bylaws to ensure that all procedures within are followed. She said that working drafts of the Code of Conduct from last year's CJC and from the University Counsel were made public on the website without consultation with the CJC.
 - ii. J. Anderson said that the bylaw makes clear that the CJC has the sole authority to any proposed motion regarding the Code of Conduct, including

- any public comment or amendments. He said that circumventing any existing procedure within the bylaws is not what constitutes trust in building a new Code of Conduct.
- iii. L. Taylor asked if the public has said anything based on what was placed on the website.
 1. L. Kenney said that there have been no comments yet. She said that the Committee can motion to bring this matter in front of the UA for further discussion to express where the CJC stands based on the bylaws.
 - iv. R. Bensel said that the Code is the responsibility of the CJC, and it is important for both the Committee and the UA to follow procedures and defend prerogatives.
 - v. R. Lieberwitz said that she could not find the drafts on the website.
 1. L. Kenney said that the drafts were published through the Dean of Faculty's website.
 - vi. R. Lieberwitz asked who gave the authority for the drafts to be made public.
 1. L. Kenney said that R. Howarth, Chair of the UA, has made the documents public.
 2. R. Lieberwitz said that the Committee should raise concerns.
 - vii. L. Kenney said that the working draft from last year's CJC and from the University Counsel are rather confusing without context, and that she recommends them to be taken down from the website. She said that she expressed concern and the drafts were made public regardless, which violates the authority of the Committee.
 - viii. R. Bensel motioned to create a resolution to be sent to the UA, asking for both drafts from last year's CJC and the University Counsel to be taken down from the website in accordance with the bylaws.
 1. L. Kenney said that the CJC will present motions for the public when they are ready to be made public.
 2. G. Martin asked what the process would entail for this resolution and whether this resolution would be available at the next UA meeting. He said that President Pollack will be at the next UA meeting.
 3. L. Kenney said that she has attempted to contact President Pollack so that she can also speak to the CJC, as it is imperative for the CJC to have the chance to speak to the President regarding recommendations to the Code. She said that if the motion is approved, she will be able to draft the resolution for next week.
 4. R. Lieberwitz asked if the Chair of the UA provided an explanation as to why the draft was posted.
 5. L. Kenney said that the Chair claimed that they were posted on the grounds of transparency – to ensure the community was aware of

what the Committee was doing.

6. The motion was approved by unanimous consent.

ix. L. Kenney said that she will place this item on the agenda for next week to have a resolution ready to present to the UA.

b. Campus Code of Conduct

i. L. Kenney said that over the past year, the Committee has discussed switching the Code from a Campus Code of Conduct to a Student Code of Conduct as proposed by the President's office, the Judicial Administrator's (JA) position, whether to include Greek organizations in the Code, and the core values statement, among other items.

ii. L. Kenney said that the Committee should decide upon a timeline to prioritize items to be completed. She said that the President suggested having all items completed by the Board of Trustees meeting in December, but this may not be realistically attainable. She said that the Committee needs to especially discuss as soon as possible whether to change the Code to only include students and whether the JA's position would change.

iii. R. Bensel said that the Committee should utilize the draft provided by the University Counsel's office and revise accordingly, as they have done the Committee a service by providing a framework for discussion. He said that there needs to be a greater emphasis placed on the community nature of the Code of Conduct, in that it is generated for the community. He also said that the position of the JA's office is an important substantive issue that needs to be discussed by the Committee. He also said that if the Code were to be altered to only include students, it should be articulated such that it does not exhaust the Committee's responsibility for community conduct.

iv. J. Anderson said that he agrees with R. Bensel to begin working from the University Counsel's draft. He said that altering the Code from a Campus Code to a Student Code of Conduct and changing the Office of the JA's position to be placed under the Vice President of Student and Campus Life are linked. He said that the university's practices should be in line with national best standards of peer institutions. He also said that the Committee should work towards making the Code a Student Code of Conduct, especially considering that the Office of the JA deals with cases primarily concerning undergraduate students.

v. K. Wondimu asked whether there would be both a Student Code and a Community Code.

1. R. Bensel said that some aspects such as values, ethics and integrity need to apply to all community members. He said that the Code should be crafted such that values and principles are universal standards across the community as a whole.

vi. R. Lieberwitz asked whether other universities have a broader Campus Code, and whether the University is an outlier.

1. L. Kenney said that it is more common to have a Code centered on the student. She said that the University Counsel's draft is based on a mix of research from Brown University, the University of Virginia and MIT.
- vii. R. Lieberwitz said that the Committee should ensure that if the Code is designed for students, certain rights should apply to all community members so that faculty and staff are able to maintain rights. She said that the JA may lose some independence by being placed under the VP of Student and Campus Life.
- viii. M. Horvath said that the University is an extreme outlier in having a non-student Code, and that there should be differences between students and faculty for pedagogical reasons. She said that the JA figure in peer institutions typically reports to the Dean of Students or a Vice President, and that they would preserve the ability to exert independent judgment regardless of where they report to. She said that not having a reporting structure has been difficult as the Office of the JA receives no protection for some of the decisions made.
- ix. J. Anderson said that harmonizing Student and Campus Life with the rest of the administration would be beneficial even from a student perspective.
- x. L. Kenney recommended that the Committee continue to discuss whether to have a student Code while ensuring that faculty and staff do not lose protections if the change were to take place.
- xi. J. Anderson motioned for the Committee to utilize the University Counsel's draft and incorporate R. Bensel's draft on the first section of the Code on values to create a Student Code of Conduct.
 1. R. Lieberwitz asked whether the CJC would oversee both if there were to be separate Codes for students and faculty/staff.
 2. J. Anderson said that line 53 of the bylaws could be interpreted such that the CJC would oversee both. He said that the bylaws could also be revised to specifically include the Campus Code of Conduct and other necessary documents under the jurisdiction of the CJC.
 3. R. Lieberwitz said that if the Code were to be separate for students, faculty and staff, it may need to be administered by their respective assemblies. She said that this should be discussed further and that the CJC should not lose jurisdiction of governance over separate Codes.
 4. R. Bensel said that the Committee also needs to discuss whether to include Greek organizations under a Student Code of Conduct as part of the revision process. He suggested that the Committee utilize the University Counsel's draft and set a timeline for revisions to each part of the draft.
 5. L. Kenney said that the Committee will do just that. She said that J.

- Anderson's original motion would require a slight amendment.
6. J. Anderson amended his motion to discuss revisions to the Student Code of Conduct within a greater Campus Code of Conduct.
 7. The motion was approved by unanimous consent.
- xii. J. Anderson asked whether the draft provided by the University Counsel is a complete version.
1. L. Kenney said that she has not yet received the rest of the draft.
- xiii. R. Bensel said that L. Kenney should praise the Counsel for their work and request the rest of the draft. He said that the Committee should wait before sending out draft revisions since parts of the revisions would interrelate.
1. L. Kenney agreed and said that the Committee should wait to send out the draft with a single product, and that she will articulate this to the UA on behalf of the Committee if everyone agrees.
 2. R. Lieberwitz moved to publicize Code revisions once the Committee has a comprehensive draft.
 3. Motion approved by unanimous consent.
- xiv. L. Kenney said that she is excited about how much the Committee has discussed already. She proposed to table discussions on the values section of the Code, reorganization of the Code, and University Hearing and Review Boards (UHRB) staffing to the next meeting.
- xv. G. Martin motioned to table the items from the agenda.
1. J. Anderson seconded.
 2. J. Anderson asked whether there are any concerns regarding UHRB staffing.
 - a. L. Kenney said that the UHRB needs more staff, but she does not currently have the numbers.
 3. Motion approved by unanimous consent.
- xvi. L. Kenney said that the Committee can examine the first four pages of the University Counsel's draft Code to see if anything is missing. She said that the Committee does not need to produce specific language at this point, but recommendations would be helpful. She said that members should read each sentence within Section 3 to raise discussions on clarity.
- xvii. L. Taylor said that she would be happy to volunteer but is not yet familiar with the Code.
1. L. Kenney said that many of the members are new to the Committee. She said that last year's Committee did not move quickly as there lacked ample discussion. She recommended that the Committee read through the entire draft.
- xviii. Members of the Committee each volunteered to review subsections within Section 3 of the draft provided by the University Counsel.

- xix. L. Kenney said that Committee members should examine the draft for readability and whether any important details are missing.
- xx. R. Bensel asked how the Committee would proceed with the individual suggestions.
- xxi. L. Kenney proposed tracking changes made to the document.
 - 1. R. Bensel asked whether changes would be made after individual recommendations are made.
 - 2. L. Kenney opened the floor for discussion.
- xxii. J. Anderson suggested for each member to send their part to L. Kenney and for her to combine the individual edits.
- xxiii. R. Bensel said that the Committee should send in revisions 48 hours before whenever the Committee meets next week.
 - 1. R. Lieberwitz said that faculty members of the Committee would be unable to attend the meeting next week if it were to be on Tuesday.
- xxiv. L. Taylor asked how sending L. Kenney the revisions would be different from tracking changes on a single document.
- xxv. J. Michael suggested revising the draft on a Google Doc.
- xxvi. G. Giambattista suggested utilizing the Box folder.
- xxvii. J. Michael said that Google Docs allow for easier edits.
- xxviii. L. Kenney recommended to work on Google Docs.
- c. Discussion of Meeting Time
 - i. R. Lieberwitz said that Tuesdays would generally not work for her.
 - ii. L. Kenney proposed meeting on Wednesdays.
 - 1. J. Anderson said that he would need to leave at 5:15pm on Wednesdays for another meeting.
 - 2. K. Wondimu said that he would need to leave at 4:45pm on Wednesdays.
 - iii. J. Michael asked whether the Committee would meet weekly or biweekly.
 - 1. L. Kenney said that the Committee would usually meet biweekly, with the exception of the next two weeks.
 - iv. J. Anderson moved for the next meeting to take place on Monday, September 23rd from 1:15pm to 2:45pm.
 - 1. Motion **approved** by unanimous consent.
 - v. L. Kenney said that she will send out a doodle poll to the Committee in the meantime.

IV. Adjournment

- a. Adjournment
 - i. The meeting was adjourned at 6:00pm.

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