



Cornell University University Assembly

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Minutes

Codes and Judicial Committee
University Assembly
October 28, 2019
1:00pm – 2:30pm
B16 Day Hall

I. Call to Order

- a. Call to Order
 - i. L. Kenney called the meeting to order at 1:09pm.
- b. Roll Call
 - i. *Present:* J. Anderson, R. Bensel, J. Bogdanowicz, L. Kenney, R. Lieberwitz, G. Martin, J. Michael, L. Taylor
 - ii. *Absent:* M. Hatch, K. Wondimu
 - iii. *Others Present:* M. Horvath, A. Kaufman, M. Lee

II. Approval of Minutes

- a. October 7, 2019
 - i. R. Bensel moved to approve the minutes.
 1. Minutes **approved** by unanimous consent.

III. Executive Session

- a. G. Martin moved that the Committee enter a closed session.
 - i. Motion **approved** by unanimous consent.
- b. The Committee moved into executive session to discuss the University Assembly (UA)'s involvement in Code revisions, concerns with having the autonomy of the Committee respected and ways to move forward effectively. All ex-officio members were allowed to stay for the closed session.

IV. Business of the Day

- a. The Committee returned to regular session at 1:44pm.
- b. R. Bensel moved to add "Resolution to the UA" as an item for Business of the Day.
 - i. Motion **approved** by unanimous consent.
- c. Continuation of work on the Campus Code of Conduct
 - i. R. Bensel said that he appreciated R. Lieberwitz's draft Code revision

document which succinctly summarizes the Codes and Judicial Committee (CJC)'s work thus far. He moved that the Committee continue to work with this draft moving forward.

1. R. Lieberwitz said that she attempted to frame a draft that brings together the prior Google Doc draft with comments as well as relevant parts from the current Code.
 2. R. Bensel called the question, as there was no further discussion.
 3. Motion passed by unanimous consent.
- ii. L. Kenney said that the Committee could send certain portions of the draft for public comment moving forward if it reaches an agreement on those sections first. She said that it would be a good idea to flesh out R. Lieberwitz's draft and send it once the Committee feels it is ready. She also said that the Committee could vote via email on whether to use this draft to ensure that all members have enough time to look over it.
 - iii. M. Horvath said she thinks it would be helpful to go through the edits before sending out the document.
 - iv. R. Lieberwitz said that Subsections A and B of the Principles and Values section (Section I) are in good shape, with the "Protests and Demonstrations" part needing some more work. She said that the Scope section (Section III) would require more discussion as it is a work in progress. She also said that it would make sense for Section I to be a part of the Campus Code that applies to the entire campus community, while recognizing separate procedures for students, faculty and staff.
 - v. L. Kenney said that she approves of Section III Subsection A, "Code Provisions Covering Student Conduct".
 - vi. L. Taylor said that the current structuring of the document makes a lot of sense, and that it would be helpful to provide the UA with both this version and part of what the Committee has worked on for the student portion of the Code.
 - vii. R. Lieberwitz suggested that the Committee go through each section and discuss.
 - viii. M. Horvath said that the first sentence of the third paragraph of the Introduction section should be written as "The principle of freedom and responsibility", rather than "freedom with responsibility".
 1. There was no objection to the proposed amendment.
 - ix. The Committee discussed Section I, Subsection B: "The Commitment to Freedom of Expression and Academic Freedom".
 1. L. Taylor asked whether provisions about symbolic structures would need to be added into the Code, if there is already a policy document regarding this issue.
 2. R. Lieberwitz said that url links change and that links shift the

responsibility and authority from the Committee to some other group that doesn't have authority over the Code. She also said that the url should be placed at the end of the subsection and include caveats.

3. M. Horvath said in order to make the provisions listed in this subsection enforceable, they should be added into the section on violations.
 4. A. Kaufman said that making violations more specific would be helpful so that the Judicial Administrator would not be left with too much room for interpretation.
 5. R. BenseL said that the Campus Code should not be an exhaustive list of all the ways in which one could make violations. He said that the Committee is creating a document of expectations of civil behavior in the university, and that the University Counsel's draft may be overly detailed. He also said that posters are an issue of freedom of speech, and that there should be many places in which anyone can put up posters without prior approval.
 6. L. Kenney said that mentioning this issue may be helpful, as there seem to be multiple policies regarding posters.
 7. R. BenseL said that the specifics of designating spaces for free speech on campus seems limited. He said that he will speak with the Head of Facilities to determine the exact policies on putting up posters.
- x. L. Kenney asked if the Committee would approve to send the draft to the UA without voting on its content for now.
 - xi. R. BenseL said that he would like to work on the second portion of the draft if the Committee approves. He also said that not sending the draft for the UA to view at the next meeting would make more sense as this retains the Committee's ability to review it.
 - xii. L. Taylor moved that R. BenseL make changes to the second part of the Campus Code relating to students.
 1. Motion **approved** by unanimous consent.
 - xiii. L. Kenney requested that members place their initial next to portions they would prefer to work on for the procedures section.
 - xiv. M. Horvath said that the current structure of the procedures section would be difficult to work with as it stands, and she suggested asking University Counsel how much leeway they would be willing to have.
 - xv. L. Kenney said that it would be possible to reject the Counsel's recommendation.
 - xvi. A. Kaufman asked that the Committee also look into the portion that relates to the Judicial Codes Counselor (JCC), as it currently eliminates the JCC's role.

- xvii. L. Taylor suggested that the Committee first review the Code revisions to demonstrate progress.
 - xviii. R. Lieberwitz said that providing a timeline of what the UA should expect by the end of the semester would be helpful to convey at the next UA meeting. She said that it would be realistic to present a complete revised Code with substantive provisions, with the exception of procedures.
 - xix. L. Kenney asked if the Committee should wait for public comment until both substantive and procedural portions are ready.
 - xx. R. Bensel said that the draft should be sent to all three audiences – the UA, public, and central administration – when it is proposed. He moved that, when ready, the Committee present the substantive draft to be reviewed by the UA, public and administration simultaneously to maintain full transparency.
 - 1. Motion **approved** by a vote of 6-2-1.
- d. University Hearing and Review Boards (UHRB)
- i. L. Kenney said that there are between 5-7 vacant positions for the UHRB. She asked for 2-3 volunteers to review applicants.
 - 1. L. Taylor and G. Martin volunteered to review applicants, with L. Taylor as chair of the subcommittee.
 - 2. G. Martin moved for the creation of the subcommittee to review UHRB applications.
 - 3. Motion **approved** by unanimous consent.
- e. Resolution to the UA
- i. L. Kenney said that the Committee can work off of the second resolution through Google Doc and vote via email.
 - ii. R. Bensel moved to amend the existing resolution and bring it to the UA at its next meeting.
 - 1. Motion **approved** by unanimous consent.
 - iii. R. Bensel said that the UA should be made aware that the Committee is seeking to amend the second resolution, so there is time allotted for that purpose.
 - iv. L. Taylor asked when the UA's next meeting takes place.
 - 1. L. Kenney said that it will be on November 5th.

V. Adjournment

- a. R. Bensel moved to adjourn the meeting.
- b. The meeting was adjourned at 2:33pm.

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