



# Cornell University University Assembly

## Minutes

Codes and Judicial Committee

University Assembly

March 7<sup>th</sup>, 2017

4:30pm-6:00pm

401 Physical Science Bldg.

- I. Call to Order
  - a. M. Battaglia called the meeting to order at 4:38PM.
  - b. *Present:* M. Battaglia, N. Chovanec, R. Herz, G. Kaufman, J. Kruser, R. Lieberwitz, L. Munguia, K. Zoner
  - c. *Absent:* E. Baptist, K. Fitch, G. Giambattista, C. Hodges, M. Horvath, A. Olofin, D. Putnam, N. Rogers, T. Shapiro
  - d. *Others present:* V. Bhaya
- II. Approval of Minutes
  - a. February 16, 2017
    - i. **Tabled** to next meeting.
- III. Business of the Day
  - a. Introduction and semester outlook
    - i. M. Battaglia said he would serve as interim chair of the CJC until a permanent chair is found. He welcomed Professor Lieberwitz and J. Kruser.
    - ii. He said that in the future, there are two Code changes that were returned by the president and that need to be readdressed.
      1. One issue is staffing of the University Hearing and Review Boards (UHRB) and increasing the size of the applicant pool.
      2. The second issue is interim measures for suspensions.
    - iii. M. Battaglia said that moving forward, there is the Judicial Codes Counselor (JCC) confirmation, as well as miscellaneous changes that Judicial Administrator (JA) Michelle Horvath would like to amend in the Campus Code of Conduct.
  - b. For Discussion/Vote: Request by Risk Management to define “student” in the Campus Code of Conduct
    - i. M. Battaglia said at the last CJC meeting, the Office of Risk Management said that there are people on campus that fit the definition of student in the Campus Code of Conduct but are not viewed as traditional students. He said that M. Horvath asked that this issue would not be voted on today.
    - ii. M. Battaglia said there are some students in local high schools that take classes at Cornell during the day. He said that Risk Management says these people should not be included as “students” under the Code.

- iii. L. Munguia asked if these students get transcripts or college credit.
  - 1. M. Battaglia said his understanding is that they get credit for high school; he said he would obtain more information prior to a vote.
- iv. R. Herz asked if students taking summer classes are considered students.
  - 1. M. Battaglia said it is his understanding that these students would not be excluded from the Code. He said that he would clarify this.
- v. L. Munguia asked about grad students whose spouses can take courses and audit them for no credit.
  - 1. M. Battaglia said that based on the language in the Code, he would expect that those individuals would not be excluded if they were participating in academic endeavors.
- vi. R. Lieberwitz asked what the motivation for doing this was.
  - 1. K. Zoner said this is focused on minor, underage students who are from elsewhere. She said that the only way they had to address these students was through the Campus Code of Conduct, so the goal was to make sure that things were set up in a way that was more friendly, rather than going through a formal judicial process.
- vii. R. Lieberwitz asked who writes these provisions and how they were enforced.
  - 1. K. Zoner said the programs themselves write them.
- viii. R. Lieberwitz said she did not understand why people would be dropped out of the protection of the Code and said that they should include some due process.
  - 1. G. Kaufman said that he agrees and that he shares the same concern. He said he understands why these individuals should be excluded from the Code, but that there should be some statements about due process in these contracts.
- ix. R. Lieberwitz asked if excluding these students affects their rights on campus.
  - 1. K. Zoner said that these are constitutional rights.
  - 2. R. Lieberwitz said that they are not constitutional rights and that she would like to know if those rights are in the Code.
- x. G. Kaufman said he agrees that there is an ambiguity in these excluded students' relationship with the university.
- xi. M. Battaglia said he would bring these clarifications to Risk Management, for example how they would ensure these students would get due process.
- c. Discussion concerning applicant questions for the University Hearing and Review Boards and timetable for applications
  - i. M. Battaglia said they have created a new set of questions to try and figure out the practical aspects of how applicants think.
  - ii. The CJC members discussed revisions of the UHRB questions.
  - iii. M. Battaglia said that last year, the CJC asked the Office of the Assemblies how many applicants they had, and the Office said it was confidential. He said that the CJC had to formally request the Office of the Assemblies to receive the information regarding applications.

- iv. K. Zoner said they want a way to know how much progress they are making in the UHRB process.
- v. M. Battaglia said that it would be a good idea to set a hard deadline and then extend it if they still have vacancies.
- d. Transcript notation discussion
  - i. M. Battaglia said that M. Horvath asked for a formal policy to clarify the policy on transcript notations in the Code. He said that the first section has to do with indefinite suspension and that the JA is acceptable to striking that part. He said that M. Horvath does not support an appeals process.
  - ii. J. Kruser said he does not want to write policies without a definite goal of what they are trying to achieve.
    - 1. K. Zoner said that during discussions, public safety was an aspect that was discussed when determining the purpose of transcript notations.
  - iii. J. Kruser said that getting caught would affect the probability of an event not happening again, while the severity of the punishment would not. He said that he would be in support of annotating every transcript with how to obtain non-academic information rather than putting that information on the transcripts.
  - iv. K. Zoner said she thinks transcript notations are not meant to be punitive but are to deliver a “full package.”
  - v. R. Herz said she thinks embezzlement should be removed from the transcript notation policy because it does not affect the public safety for others.
  - vi. J. Kruser said he would like to know the purpose of a notation, which may differ from a suspension.

IV. Adjournment

- a. The meeting was adjourned at 6:12PM.

Respectfully submitted,

Vishal Bhaya  
*Assemblies Clerk*