



## Cornell University Employee Assembly

**Cornell Employee Assembly**  
Minutes of the December 16, 2020 Meeting  
12:15-1:30 PM  
Zoom

### **I. Call to Order**

- a. Chair H. Depew called the meeting to order at 12:15pm.

### **II. Roll Call**

- a. *Members Present:* J. Cannella, M. Cherry, J. Creque, H. Depew, J. Duong, B. Fortenberry, B. Goodell, A. Haenlin-Mott, D. Howell, E. Ivory, R. Lochner, M. LoParco, K. Mahoney, V. McAuley, A. Miller, E. Miller, K. Supron, K. Tannenbaum, L. Taylor, J. Withers, L. Zacharias
- b. *Members Absent:* S. Barry, B. Fisher, J. Michael, M. Newhart, M. Podolec, N. Siadat, J. Townley, K. Wilcox

### **III. Approval of the Minutes**

- a. November 18, 2020 – approved unanimously
- b. December 2, 2020 – approved unanimously

### **IV. Business of the Day**

- a. Student Code of Conduct outline of key changes (B. Fortenberry)
  - i. B. Fortenberry outlined to the assembly the key changes in the Code along with the next steps in the process. He noted that the process had started in 2017 when President Pollack tasked the University Assembly (UA) to work with the Presidential Task Force on Campus Climate and examine concerns regarding the definition of harassment, the legalistic and punitive nature of the Code, and in some cases, inconsistencies within the Code. Two Codes were ultimately submitted to the University Counsel's office, one from the CJC and the other from the SA and compared and put into a singular document. The document was then approved after another round of revisions based on public comments. B. Fortenberry noted that a key change was the Code now specifically being a student code with jurisdiction shifting from the Office of the JA to the Office of Student Code of Conduct and Community Standards (OSCCS). He noted that a justification for this shift was that it would allow students with a violation of the Code in circumstances that were not as severe, the opportunity to be referred to other areas of campus in a way in which they could feel supported as opposed to the legalistic process. Another key change mentioned was the addition of the Good Samaritan protocol which was a protocol in New York, allowing individuals to offer assistance in a situation in which there could be a detriment to life or injury without the fear of criminal charges. B. Fortenberry noted that another key change was in the standard of evidence in shifting to a clear and convincing standard for individual cases and a preponderance of evidence standard for organizations. A fourth key change was the addition of language allowing for alternative dispute resolution which would grant leeway to the committee's of the groups involved if they wanted to resolve the issue without the judicial process. B. Fortenberry noted that with the Code being voted on, it would now need to be

implemented. He added that VP Lombardi had until the Fall of 2021 to implement the code and had reached out to him to voice a strong desire for collaboration between the CJC, the Office of SCL, UA, and the OSCCS to transition the Code to a Student Code of Conduct and implement it. B. Fortenberry mentioned that one question that had been raised was whether the CJC would continue to exist and operate beyond when the Code would go into effect. He also added that any of the assemblies would be able to provide suggested amendments which would allow the CJC to continue existing and to take on the role of providing thoughts and ideas around amendments which would change the CJC's overarching role.

- ii. G. Giambattista pointed out that although the Code had now shifted to a student Code, the one aspect that would still apply to faculty, students, and staff was the Cornell Statement on Responsible Speech and Expression. She noted that it had been drafted and would likely come before the board at one of its Spring meetings with the anticipation that it would be passed and serve as a standalone piece with the new code.
  1. B. Fortenberry added that the statement had been removed from the overall Code revision piece to be discussed separately. He also noted that individuals could look at the red line revisions between the first and second submissions of the Code.
- iii. J. Cannella asked how the work surrounding the Code revisions related to the Anti-Bias Policy which could be something that would trigger a student offense.
  1. B. Fortenberry noted that one of the specific revisions that would apply was the redefining of hazing. He stated that bias incidents were a part of the Code but also fell separately under the Title IX office and therefore, had a separate process with a separate evidentiary standard. Therefore, once a case was decided to be a bias incident, it would fall under the Title IX office as opposed to the Student Code of Conduct.
- iv. E. Miller conveyed support of staff being removed from the Code and stated that it made sense to do so. E. Miller also expressed gratitude for the handling of the document by experts, noting that it was an overwhelming document.
- v. J. Duong expressed dissatisfaction with the Code shifting from a campus to student level and stated that it takes it away from being expectations for all campus members to just rules being imposed on students.
- vi. E. Miller asked B. Fortenberry to respond to J. Duong's comment. She stated that she thought it was always interesting to her that staff were included under the old Code because staff members wouldn't be put through the judicial process, like students would, but rather through the HR process.
- vii. B. Fortenberry stated that at least 90% of cases adjudicated under the Code of Conduct had involved students with very few cases involving staff members so the shift wouldn't significantly influence the number of cases adjudicated under the process. He also added, that in regard to E. Miller's point, the standards of how staff members should behave did fall under the HR process. Additionally, he mentioned that the main ideology for switching to a student-focus was that it would enforcement and include succinct language of expectations for students.
  1. G. Giambattista added that along with charging the CJC and UA with the Code revisions, President Pollack had also charged the Presidential Task Force on Campus Climate and out of that charge came an overarching set of core values and expectations for faculty, student, and staff. The core values came in at the same time as the Code revisions process was being undergone.

- viii. B. Goodell asked if cases involving students, that were also staff, had to go through both the Code and HR processes or if they were separated.
  - 1. B. Fortenberry stated that he would think that if an individual was fully enrolled and accepted as a Cornell Student, the case would fall under the Codes process. However, if the individual, staff member, was simply taking courses on the side, then it would fall outside the Codes process.
  - 2. G. Giambattista added that it would depend on the individuals primary role. If the individual were an employee taking courses, it would fall under HR. However, if the individual were a student with a campus job, it would fall under the Code process.
  - 3. B. Fortenberry also noted that as far as evidentiary standards, the HR process wouldn't look at those and would use a conversational understanding of the situation. He added that the separation of the two processes came from a variety of sources and would provide a different perspective on what the Code would be and how it would be implemented. He also reiterated that the Code process was different from Policy 6.4 and Title IX and had different evidentiary standards.
- b. H. Depew motioned to move "Introduction of Student Assembly Liaison, Claire Tempelman" to agenda item two. The motion was seconded.
- c. Introduction of Student Assembly Liaison, Claire Tempelman (J. Duong)
  - i. J. Duong introduced C. Tempelman and noted that she would be serving as the Student Assembly Liaison to the Employee Assembly in the interest of shared governance.
  - ii. C. Tempelman introduced herself to the assembly and stated for members to communicate with her if they had any discussion topics they would like to communicate or coordinate with the Student Assembly.
- d. Brief overview of the Priorities Poll (H. Depew)
  - i. H. Depew informed members of the Priorities Poll that had asked employees what they thought the EA should focus on for 2021 and noted that there were 750 responses (a 21.4% increase since the 2019 Priorities Poll), representing about 10% of the Cornell staff population. She conveyed the primary issue for the staff being employee health and well-being particularly in response to COVID. H. Depew noted that previously employee health and well-being had been tied for first along with parking and transportation. However, in response to COVID, certain issues had been pushed to the back with employee health and well-being having 226 out of the 750 votes. A second priority was campus climate, diversity, and inclusion which H. Depew stated had not in the past, been a major issue noted by the EA via the Priority Poll.
  - ii. H. Depew stated that along with the 750 votes, there were 288 unique comments, feedback, that provided background information on why individuals chose certain priorities. She also noted that the poll had been initiated prior to President Pollack's 11/17 email indicating that the University would begin to provide full retirement benefits and salaries effective January 1<sup>st</sup> and thus, feedback related to those requests would not be included in the presentation.
  - iii. H. Depew conveyed to the assembly that one of the key themes was health and safety. This would include ensuring staff members (and other individuals on campus) were following the necessary protocol/COVID training and making sure health insurance benefits were adequate. She noted that the feedback that had been provided to address those concerns included providing more safety training, ensuring adequate health insurance, shorter work weeks, more time off to balance strain, consolidating wellness programs in one place, more remote opportunities for wellness, increasing access to certain amenities, and expanding counseling services.

- iv. H. Depew noted that another key theme was prioritizing diversity with many comments stressing that racial issues in the country and globally were quite contentious with staff indicating that the University needed to be more proactive in its efforts in relation to diversity and inclusion. She outlined several suggestions from the poll including creating programs or opportunities to teach staff members to have respectful conversations with individuals holding different viewpoints, providing more programs and opportunities to staff under duress, create more programs for staff to learn about diversity, and more opportunities for staff to be involved in conversations at the decision-making level.
- v. H. Depew stated that another viewpoint of the influences of COVID was from a Mental health viewpoint. She noted that many of the quotes from the feedback conveyed the stress and anxiety staff were facing from their workloads along with feelings of isolation.
- vi. H. Depew also added that there was also a need to recognize staff and address the hiring freeze set for the upcoming fiscal year. She noted that some individuals wanted a target date for ending the hiring freeze, which would create a sense of relief for staff inundated with work. H. Depew noted that staff were also concerned about parenting and balancing child care, home work, and work.
- vii. Several suggestions for improvement moving forward post-COVID included increasing remote work and encouraging the University to think more openly and welcoming of remote work. H. Depew stated that all the unedited feedback was available in Box, but her goal would be to create a committee report for each committee on their key themes from the poll along with commentary. The Priorities Poll would function as a starting point and would allow the EA to work towards addressing the key issues.
- viii. K. Tannenbaum noted that the Priorities Poll was like a ranking system and asked how that was reflected in the results.
  - 1. H. Depew stated that in her results, she looked at the number of people that placed the priority as their number one priority. However, within the individual committee reports, she would show the rankings.
- ix. B. Fortenberry reiterated his concerns in relation to the topic of diversity and inclusion. He noted that he had seen a very recent challenging situation in the SA on a resolution pertaining to the disarmament of the Cornell police. He noted that the student who had proposed the resolution ultimately received racist comments, vile language, and horrible treatment which speaks to the amount of work the University still needs to complete in the area. He stated that to see the situation turn into what it did should amplify the voice and importance of diversity and inclusion on the campus. B. Fortenberry also added that something he had heard from another staff member was the creation of an Equity plan for the University and noted that diversity and inclusion was a topic the EA should continue to focus on and strive towards.
- x. H. Depew conveyed her agreement with B. Fortenberry's point. She informed members that the resolution did not initially pass but had recently passed in the final SA meeting to disarm the police. She also stated that staff do care about diversity and inclusion and conveyed her desire for the EA to work on meaning ways to address that within the staff body.
- xi. J. Cannella noted that the Wellness Committee had a similar conversation on employee mental health recently. J. Cannella suggested for H. Depew to reach out to M. Artibee to gather more information and create a comprehensive and compelling response.
  - 1. H. Depew spoke and agreed with J. Cannella. She added that working and leveraging the EA's information with that of other units on campus to create buy-in

and helpful change would be important moving forward and addressing key issues like mental health and well-being. She also noted that partnerships between the EA and Cornell Human Resources had been tremendously helpful in providing suggestions about programming and thinking ways the EA could support existing programs.

e. Staff Forums for 2021 (H. Depew)

- i. H. Depew asked the assembly what they thought the future of the staff forums should be. She noted that the EA had a lot of power to plan the discussions and think about what kind of messaging and discussion it would want to have with senior leadership or other units across campus to address concerns.
- ii. B. Goodell noted that there had recently been a Town Hall with R. Burgess talking about different things that staff in his department were doing in dealing with the COVID response and noted that it was a good forum. He stated that there needed to be more forums talking about the COVID response and how the administration was dealing with it. B. Goodell also added that there were plenty of opportunities for learning in relation to COVID, especially with the distribution of the vaccine on campus so more forums to inform staff would be helpful.
- iii. H. Depew asked B. Goodell to clarify on what would be the topic of a forum with an individuals such as R. Burgess.
- iv. B. Goodell noted that it would not necessarily need to be R. Burgess but just someone from the administration who could answer questions regarding the administration of the vaccine and future needs. The goal would be to help address the concerns of the community and help them find resolution within themselves.
- v. A. Miller conveyed agreement with B. Goodell and noted that a forum once a month, or every other month, with updates from senior leadership would help the conversation. A. Miller also stated that the forums were a great way to disseminate information on high-level topics like COVID, remote work, and major projects on campus. She concluded by stating that staff forums were a great way to connect senior leadership with staff and with staff concerns.
- vi. H. Depew noted that she would like to plan something for January or February and asked members of the assembly to email suggestions.

f. EA sponsorship of initiatives and events (R. Lochner and M. LoParco)

- i. R. Lochner noted that in the last Executive meeting, there had been discussion on how there was not a documented process or description of how sponsorship should work through the EA in the governing documents. R. Lochner stated that sponsorship would be a great opportunity for the EA to market itself while communicating events going on throughout communities on campus, but it would be a lot of work for members. He added that a point that was brought up in the conversation was holding a vote allowing the EA body to decide how work on sponsored events would be distributed and to have the process documented in the governing documents.
- ii. M. LoParco noted that there was a document, that was separate from the Charter and Bylaw, in the governing documents that would document and formalize the sponsoring process and help all members of the EA body be aware of the sponsoring of events. She also stated that it would help mitigate any surprises of event sponsorship. M. LoParco stated that H. Depew had developed a document for submitting requests to people for information and noted that the EA should start at that point. She added that if any committee chairs were approached by an organization with the University to sponsor an

- event, they should keep the line of communication open, so the entire body was aware. Going from there, the EA could determine what sponsoring would entail.
- iii. E. Miller said that being really transparent about everything the body was doing would be generally important. She added that if the EA was sponsoring an event, the members should know about the event and be in support of it. E. Miller also noted that another conversation that did come up was what sponsorship would mean in regard to resources, financial, and time.
  - iv. K. Mahoney stated that another item that could be added to the conversation in the sake transparency was appointments to groups.
  - v. H. Depew conveyed agreement with K. Mahoney and stated that a list should be made to inform members of who was in which group assigned or related to the EA. She also added that a note could also be made on which appointments were voted on or just as a principal, vote on them as a body.
  - vi. J. Withers conveyed support for making a list of appointments and noted that they should also be required to report back to the EA. J. Withers also conveyed support for having documentation for events and noted that having the standing rules made complete sense as well.
  - vii. G. Giambattista added that the standing rules would expire at the end of the term and would not persist from year to year so if the body wanted rules that would continue past the end of the term, they would need to go to the Bylaws.
- g. EA R5 – Thanking the Administration for their Continued Support of Staff During COVID-19
- i. M. LoParco stated that in the Benefits and Policy Committee, she recommended that the EA thank the administration for their continued support of staff during COVID in light of the announcements made on 11/17. M. LoParco stated that if the body had had a chance to review the resolution, she would like to bring it to the floor.
  - ii. B. Goodell conveyed full support for the resolution noting that the majority of the Benefits and Policy Committee (BPC) had passed it with one abstention.
  - iii. H. Depew motioned to end discussion and move on to committee reports and vote on the resolution in New Business. The motion was seconded by J. Cannella.

## **V. Committee Reports**

- a. Executive Committee (M. LoParco) –
  - i. M. LoParco noted that the committee had met on Friday (the 11<sup>th</sup>) and had discussed the Priorities Poll, Staff Forum, Wellness Panel, and EA workload.
- b. Communications and Awards Committee (E. Miller) –
  - i. E. Miller stated that the panel discussion had been held on Monday and the EA voice newsletter was published on Monday as well. She noted that after receiving feedback from Strategic Communications within University Relations, the committee tried to focus more centrally on the EA and to highlight its interactions with each of the items on the newsletter. E. Miller stated that if individuals from the committee or independent level had anything they would like to see highlighted in the newsletter; they should reach out to her. The committee planned for the next newsletter to be released in January with information regarding the Priorities Poll results. She stated that the committee had also been working on the George Peter award and was hoping to review that after Winter Break. Lastly, E. Miller stated that the committee had talked about how it could work with the EA in general to share the workload regarding partnerships and events to clean the communications.

- c. Education Committee (J. Withers) –
  - i. J. Withers stated that meetings had been setup January through May and that she had gone through the notes to catch up on what the committee had done already. She also noted that she was planning on using the results of the Priorities Poll for the next meeting.
- d. Welfare Committee (K. Mahoney) –
  - i. K. Mahoney noted that the committee had met just before the EA meeting and spent a lot of time discussing the issues of employee burnout, family life tolls, and manager care fatigue. She noted that they had also discussed ideas for programming, mental health, implications on staff due to break (whether it will be restorative or lead to isolation), and home alone for Winter Break programming. K. Mahoney gave updates on the Big Red Race program, stating it had 260 participants so far. She also added that 90% of the Childcare Hardship Fund had been spent and informed members to encourage their constituents to apply if they had not done so. Lastly, she mentioned a program called “Adopt a Class” which was focused on saving the child care industry in the community.
- e. Benefits and Policy Committee (B. Goodell) –
  - i. B. Goodell noted that the releasing of the survey information for the Belonging at Cornell survey had been pushed out towards mid-January. He noted that he had talked with K. Mahoney and she would reach out to see if a joint meeting could be done with the BPC and Welfare committee when the results were ready to be presented. B. Goodell also noted that the committee had discussed with VP Opperman concerning the issue of release time from work for serving on official University committees and sharing the policy with Chairs, Deans, and Directors as a reminder of the University stance on release times. He stated that VP Opperman had responded noting she would share the policy with leaders. Lastly, B. Goodell stated that the committee had also spent the previous meeting working on EA R5.
- f. Elections Committee (N. Siadat) –
  - i. No Update

## **VI. New Business**

- a. H. Depew motioned to extend the meeting by 10 minutes; the motion was seconded with no dissent and **approved**.
- b. Open Discussion
  - i. J. Cannella noted that the LGBTQ+ Colleague Network Group would have its monthly meeting tomorrow and added that the group was not limited to individuals who identified as a part of the LGBTQ+ community, allies and supporters were welcomed to attend.
    - 1. E. Miller asked if there was usually a specific topic addressed in the monthly meetings or just an open discussion.
    - 2. J. Cannella stated that the group was trying to move towards a serious conversation one month. He noted that it would be at lunchtime and tomorrow’s guest would be from Cornell Health and they would discuss how to navigate the holiday season amidst the Pandemic.
  - ii. B. Goodell motion to vote on EA R5.
    - 1. H. Depew noted that there were 16 members currently present and asked G. Giambattista if the assembly had quorum.
    - 2. G. Giambattista stated that she had 35 members as the EA total so there would not be quorum.
    - 3. H. Depew stated that she thought the membership was at 29.

4. J. Duong noted that the total would be at 35 in the Spring with the four new At-Large members and the Public Policy seat.
5. M. LoParco stated that there were 32 members on her list from the roll call and G. Giambattista added that since there were only 16 members present, it was not a majority and quorum was unmet.
6. H. Depew stated that EA R5 would need to be voted on at the next EA meeting.
7. E. Miller asked if a vote could be done outside the meeting
8. H. Depew stated that a virtual vote could be held outside the meeting and stated that she would send an email to the EA asking members to submit virtual votes on EA R5.
9. M. LoParco asked if more discussion should be had or if more time was needed to review the resolution for members abstaining. She added that not having quorum could work in the assemblies favor in giving folks more time to review the resolution.
10. L. Zacharias noted that there was an earlier resolution already for senior leadership and recognizing them again would be too soon after the first resolution.
11. H. Depew also added that there had been another resolution in the previous Spring term that was created in April in recognition of the senior leadership for their response to COVID and stated that she believed there was a difference between that resolution and EA R5.
12. B. Goodell stated that EA R5 was for the continued support of actions the administration had taken including restoring retirement, increasing healthcare benefits, and returned full retirement benefits and dull salaries after achieving their savings.
13. J. Duong acknowledged B. Goodell's statement and noted that he had heard from a number of constituents that they liked getting their benefits back, but it was not necessarily something that deserved a resolution. He noted that the constituents would like to reserve a thank you for something that went beyond what the resolution was thanking them for.
14. M. LoParco stated that it was important to hear from everyone and she had not heard that from her constituents.
15. L. Zacharias conveyed agreement with J. Duong.
16. E. Miller moved to end the meeting; the motion was seconded by K. Mahoney with no dissent.
17. H. Depew asked G. Giambattista if the resolution would be tabled or brought up for a vote.
18. G. Giambattista stated that the resolution could be tabled and brought up for a vote via email.
19. H. Depew stated that the resolution would be tabled, and she would bring it up for a vote via email along with the issues brought up by J. Duong for a vote.

## **VII. Adjournment**

- a. Chair Depew adjourned the meeting at 1:41pm.

Respectfully Submitted,  
Office of the Assemblies