

Dear Ulysses,

Thank you for your response. Please do follow up directly with Vice President Opperman and the Director of the Office of the Assemblies on the matters in question to reach a mutual understanding. Further response, if needed, will come from President-elect Pollack.

Thank you, and best wishes for a successful election.

Yours sincerely,

Hunter Rawlings
Interim President, Cornell University
300 Day Hall
Ithaca, NY 14853

From: bounce-121424844-72947682@list.cornell.edu [mailto:bounce-121424844-72947682@list.cornell.edu] On Behalf Of Ulysses J. Smith
Sent: Wednesday, April 12, 2017 4:59 PM
To: Office of the President <president@cornell.edu>; OA-ACTIONS-L <oa-actions-l@list.cornell.edu>
Cc: OA-EA-EXECUTIVE-L <oa-ea-executive-l@mm.list.cornell.edu>
Subject: RE:[oa-actions-l] EA R10: Charter & Bylaws Revisions

Dear Interim President Rawlings,

We are incredibly grateful for the speed with which your office has reviewed our documents and provided a response! This really goes a long way to ensure that the EA is able to hold its elections and meet the requirements of the Charter of the University Assembly.

As it pertains to the Cornell Tech representative, we completely understand this and will remove this clause.

Regarding Retirees, the addition of this position seeks to align the EA with the Faculty Senate in terms of including emeritus faculty. For the EA, however, we did discuss allowing retirees to caucus and appoint their own member. Our understanding, based on the presentation advocating for the position given by Michelle Artibee and Linda Croll-Howell, was that the retiree group that they oversee has actually advocated for that and has someone ready to fill the position. We did discuss simply appointing an ex-officio member, but the general consensus was that we wanted to grant voting rights.

With respect to the other changes, I will clarify the intent based on the discussions of the Assembly. I also want to stress that all of these changes were made to align the EA with the

other assemblies. In each of these cases, the language was “borrowed” from the Charters and bylaws of the other constituent assemblies.

Objections

We are in agreement that success of shared governance is reliant upon deliberation and cooperation. We also acknowledge that there have been times when the actions of the assemblies are in conflict. We have borrowed this language from Article III, Section 4 of the Student Assembly Charter and Article III, Section 3.04 of the Graduate & Professional Student Assembly Charter.

University Calendar

The rejection of this clause removes the EA from discussions of the academic calendar and in effect, the staff community. While we are grateful that Dean Van Loan has actively sought out ways to engage employees this year on this matter, we do feel that it would be appropriate to codify this practice. After all, changes to the academic calendar impact the schedules of employees, many of whom commute significant distances to work here, and many of whom have families to care for and children in schools. I would caution the impact of shutting out the EA from these discussions and leaving consult up to chance and the whim of whomever holds office at the time of review of the calendar. The same authority to be consulted on the calendar is granted to our fellow constituent assemblies. The language is borrowed from Article III, Section 5 of the Student Assembly Charter and Article II, Section 2.04 of the Graduate & Professional Student Assembly Charter.

Parliamentary Procedure

With respect to the Bylaws, this reflects the nature of this Assembly. This Assembly stresses the need to be collegial and its discussions reflect that culture. However, this does not mean that we desire to abandon parliamentary procedure as a guide for our debates and discussions. It is simply an acknowledgement that sometimes the very strict nature of Robert’s Rules of Order is more harmful to our discussions. This allows us the flexibility to be a little less formal when appropriate. This language was borrowed from Article IV, Section 4.08 of the Graduate & Professional Student Assembly Bylaws.

As far as the consolidation of the internal maintenance piece to the legislative authority section, folks just felt it was redundant and could be stated in one sentence. We will be happy to ensure that everyone has a mutual understanding of the intent behind the move.

Again, I truly do appreciate the turnaround time on this. I ask that if there are further questions of intent or if language needs to be clarified, please do let me know.

Take care,
Ulysses

From: Office of the President

Sent: Wednesday, April 12, 2017 2:31 PM

To: Ulysses J. Smith <ujs3@cornell.edu>; OA-ACTIONS-L <oa-actions-l@list.cornell.edu>

Subject: RE: EA R10: Charter & Bylaws Revisions

Dear Ulysses,

Thank you for sending to me the proposed revisions to the Employee Assembly Charter and Bylaws as presented in EA R10. In an effort to be timely and to allow your spring elections to take place with the inclusion of the revised seat allocations, I accept most of what you propose and ask that you clarify and confirm other aspects as follows:

Defining Objections to Actions (Article IV, Section 5)

While I will accept this clause, I do ask that you carefully consider its implications. The success of shared governance is reliant upon deliberation and cooperation. I am concerned that by inserting language related to objections you may diminish the need for members of the assemblies to work together across constituencies to advance legislation.

Addition of University Calendar Review (Article IV, Section 7)

I cannot accept this recommendation but will consult with and forward your proposed language to Provost Kotlikoff for his review and response.

Revision of Seat Allocations (Article V, Section 2)

I fully support and approve the reconfiguration of and inclusion where new, of the following seats:

- Budget, Planning, Audit and Investment
- Information Technology
- College of Continuing Education & Summer Sessions
- Disability (per the Colleague Network Group)

I ask that you provide greater clarification regarding retirees. Do you intend to include all “active Retirees” as eligible to vote during an election, or rather to enable retirees to caucus among themselves and appoint a voting member?

I cannot accept your proposal to include a representative from Cornell Tech. Currently, the University Bylaws (§11.5 iii; top of page 5) define “employees” as being employed at Ithaca and Geneva. Until such time as the Bylaws are amended to include employees in New York City, either at Cornell Tech or at other non-Weill Cornell Medicine units, the staff at Cornell Tech fall outside of the purview and representative authority of the Employee Assembly.

I am appreciative of your efforts to ensure representation for all members of the staff community, and will ask that the Office of the Assemblies be notified should the University Bylaws be amended, and your representation expandable.

Parliamentary Procedures (Bylaws, Article 1, Section 10, subsection B)

I ask that you provide clarification regarding your intent around the clause, “The Assembly is not constrained to use parliamentary procedure for all discussions.” Please explore with Vice President Opperman and the Director of the Office of the Assemblies your rationale for this proposal.

In addition, the second “Whereas” clause of EA R10, “grants the Assembly the ability to control its own operations and maintenance, including bylaws, procedures and amendments...” Please clarify your intent for unilateral control, and its move from “Internal Maintenance” (Section §2.2 in the current Charter) to “Legislative Authority” (Section §IV.1.B in the attached proposed Charter). I have asked Vice President Opperman and the Director of the Office of the Assemblies to work with you to reach a mutual understanding of, and agreement on this provision.

Yours sincerely,

Hunter Rawlings
Interim President, Cornell University
300 Day Hall
Ithaca, NY 14853

From: bounce-121402578-72947682@list.cornell.edu [mailto:bounce-121402578-72947682@list.cornell.edu] On Behalf Of Ulysses J. Smith
Sent: Wednesday, April 05, 2017 3:32 PM
To: OA-ACTIONS-L <oa-actions-l@list.cornell.edu>
Subject: [oa-actions-l] EA R10: Charter & Bylaws Revisions

Dear Interim President Rawlings:

I am delighted to be able to convey to you EA R10: Revisions of the EA Charter & Bylaws. As you may recall, last year the EA restructured to become more representative of the staff across the institution. This led the Assembly to create seats dedicated to the academic and administrative units, as well as to the affinity groups represented by the Colleague Network Groups.

After a year of the new structure, we identified some small gaps in representation and also sought to align our Charter and processes with those of the other assemblies. The attached documents highlight the changes to the Charter and the Bylaws. Items of particular note in the Charter:

- Addition of the Tech Campus (Article III)
- Addition of section defining objections to actions (Article IV, Section 5)
- Addition of university calendar review (Article IV, Section 7)
- Revision of seat allocation (Article V, Section 2)

o Existing seats were reconfigured to better define constituencies and to cover areas that were previously excluded by accident (Budget & Planning, Audit, Investment, Information Technology, Continuing Education & Summer Session, Disability CNG, Retirees, Cornell Tech).

We hope that you will find the changes to the Charter acceptable, so that we can move ahead with our elections for the next term. At the very least, we are all thrilled about the consistent formatting that makes this much easier to read and understand.

The resolution passed by on April 5, 2017 by a vote of 14-0-0.

Take care,
Ulysses

Ulysses J. Smith
Chair, LGBTQ+ Representative, Employee Assembly