

Cornell University
Graduate and Professional
Student Assembly

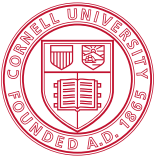
Cornell Graduate and Professional Student Assembly

Agenda of the October 26, 2020 Meeting

5:30 PM – 7 PM

- I. Call to Order (2 mins)
- II. Roll Call (2 mins)
- III. Approval of the Meeting Minutes (2 mins)
 - a. Monday, October 12th, 2020
- IV. Elections (4 mins)
 - a. Student Advocacy Committee Chair
- V. Presentations (30 mins)
 - a. Associate Judicial Administrator Christina Liang
 - b. Judicial Codes Counselor – Marisa O’Gara (LAW’21)
 - c. Graduate Student Trustee Candidate Presentations
 - i. Liz Davis-Frost
 - ii. Afua N Asantewaa
 - iii. Vince Christopher Hartman
 - iv. Jeff Pea
- VI. Reports of Officers and Committee Updates (10 mins)
 - a. Executive Committee – Nikola Danev
 - b. Communications – Kavya Krishnan
 - c. Operations – Martik Chatterjee
 - d. Finance – Arielle Johnson
- VII. New Business (20 mins)
 - a. Resolution 2: Condemning the proposed ruling by DHS requiring a fixed period of stay for International students
 - b. Resolution 3: On the Proposed Changes to the Student Code of Conduct
 - i. Supplemental document
- VIII. Breakout Session by Division (10 mins)
- IX. Open Forum (10 mins)
- X. Adjournment

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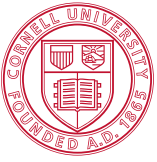
Cornell University Graduate and Professional Student Assembly

Minutes of the October 12, 2020 Meeting

5:30 PM – 7:00 PM

Zoom Meeting

- I. Call to Order
 - a. D. Dunham called the meeting to order at 5:30pm
- II. Roll Call
 - i. *Members Present:* A. Bidjarano, M. Cantar, M. Chatterjee, H. Cole, P. Cole, N. Danev, C. Duell, D. Dunham, M. Keefe, K. Krishnan, K. Laurent, S. Lopez, T. Luttermoser, M. Schoeffler, E. Schoenly, M. Sturgeon, P. Vinhage, M. Welch, H. Xu
 - ii. *Members Joined after Roll Call:* H. Bidigare-Curtis, R. Maloney, C. Ohenewah
 - iii. *Members not Present:* R. Barankevich, K. Beras, E. Call, A. Cirillo, J. Dotzel, K. Masters, A. Sontag, D. Wang,
- III. Introduction of Dean Kathryn Boor, Dean of the Graduate School
 - a. D. Dunham introduced Dean Boor serving as the new Dean of the Graduate School and Vice Provost for Graduate Education. In her position as Vice Provost for Graduate Education she would serve as an advocate for graduate education and oversee the graduate student experience as a member of the University leadership team. During her two terms as the Dean of CALS, she oversaw a record growth in undergraduate applications and prioritized retaining and recruiting top faculty. Some of her key achievements at CALS included launch of the School of Integrated Plant Science in 2014, building partnerships with New York State and the USDA, Helping to amplify a coalition of scientists from Cornell in an initiative for digital agriculture in 2017, and championing active learning in the classroom.
 - b. Dean Boor Noted that she wanted to be as accessible to Graduate students as they wished her to be and was delighted for an invitation to the meeting. Dean Boor also noted that she completed her PhD at UC Davis where she was the field of microbiology representative for the UC Davis equivalent of the GPSA and was familiar with what the GPSA was trying to achieve.
- IV. Approval of the Meeting Minutes
 - a. Monday, September 14th, 2020
 - i. A member moved to approve the minutes. The motion was seconded and approved.
 - b. Monday, September 28th, 2020
 - i. A member moved to approve the minutes. The motion was seconded and approved.



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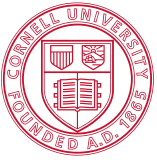
V. Elections

a. Appropriations Chair

- i. N. Danev stated that the Appropriations Chair would serve as the chair for the Appropriations committee which works in all aspects of the GPSA student activity fee including reviewing the GPSA Byline Allocation Procedures, the GPSA Eligibility Criteria and Obligations for Byline Funded Organizations, the GPSAFC Funding Guidelines, and GPSA Internal Budget. The duties of the Appropriations Chair would include reviewing the policies and procedures for setting the activity fee but since that occurred last year, it would not be necessary for this year. The Appropriations committee would also need to coordinate with the Student Assembly to determine deadlines for the preliminary byline applications in April and the final byline applications in September in the fall of non-fee-setting years. N. Danev also noted that the time commitment would usually be less than five hours per week.
- ii. A. Pandey was self-nominated for the position. A. Pandey noted that she was from BMCB (Biochemistry, Molecular, and Cell Biology) and had served as a class representative for approximately 3 years (currently a 3rd year PhD student). This semester, she had also joined the BMCB GPSA as an officer and was looking to be more involved with student activities this semester.
- iii. D. Dunham asked the OA to send out the poll for voting and noted that he believed only voting members were eligible to vote.
- iv. C. Duell moved a point of order and stated that he was under the impression that for these elections, any member (including field representatives) could vote as well.
- v. A member of the assembly stated that C. Duell was correct and that any member could vote.
- vi. A. Pandey was elected as the chair of the GPSA Appropriations committee by a vote of 27-2.

b. Vice President of Internal Operations

- i. N. Danev stated that the VP of Internal Operations would also serve as the chair for the committee of Operations and Staffing which is charged with appointing Graduate and Professional students to committees staffed by the GPSA. The committee would also be charged with maintaining and updating the GPSA Charter, Bylaws, and any other relevant documents. The duties of the chair would include organizing meetings at least once a month, maintaining an accurate list of all committee appointments for the GPSA,



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maintain communication with committee appointees and chair, coordinate committee reporting procedures, chair general meetings in the absence of the President and EVP, and serve on the Executive committee. The time commitment would range from 5-20 hours per week with the bulk of the work in the Fall.

- ii. M. Chatterjee was self-nominated for the role. M. Chatterjee noted that he was a 4th year PhD student in Genetics and Genomics and was currently the Student Advocacy chair in the GPSA. M. Chatterjee also noted that he was passionate about filling the position and continuing to serve on the GPSA because of the issues of inequity that had been heightened by the pandemic. He would want to serve as a voice for Graduate Students in communicating with University leadership/administration.
- iii. M. Chatterjee was elected as the VP of Operations by a vote of 35-1.

VI. Presentations

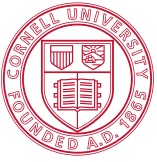
- a. D. Dunham – Overview of GPSA Objectives 2020-2021 (see attached “GPSA State of the Campus” PowerPoint on the OA website)
 - i. D. Dunham noted that the Ivy+ Summit had been held over the past several days and one of the events on Saturday had included a presentation by him on the state of the campus. D. Dunham stated that he would like to go over the main points of the presentation to give a brief overview to new members on the role of the GPSA and the Executive team’s objectives for the year. The Executive committee hoped that GPSA members would not only attend meetings but become involved in the committees as well. D. Dunham noted that all of the GPSA standing committees were chaired but that did not necessarily mean they would not need additional help from members and without the standing committees, the GPSA would be unable to do its job.
 - ii. M. Chatterjee asked a clarifying question and stated that while D. Dunham’s presentation touched on a lot of topics, he assumed that the points of the presentation would be explored over the next year.
 1. D. Dunham responded in the affirmative and stated that the reason he did not want to get into one particular topic was because he wanted to give more time for open forum to hear from the assembly about what was most important for members.
- b. N. Danev – International Teaching Assistant Program (see attached “GPSA ITAP” PowerPoint on the OA website)
 - i. N. Danev presented on the International Teaching Assistant Program (ITAP) and told members that it was a program founded in hopes of



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supporting international* graduate students to be successful in their work as teaching assistants (TA's) at Cornell. N. Danev noted that the program, created a boundary between TA's and international graduate students without explaining what international meant and stated that he did not think there was anything different between being a regular TA and an international TA. Additionally, a score in the 95th percentile on the TOEFL would be needed to be exempt from the ITAP test, and this percentile requirement was not a requirement at any other Ivy League or peer institution. The GPCI (Graduate and Professional Community Initiative) had a section on the ITAP and restructuring it. Demands from graduate students in the GPCI included having an appeals process and waiving requirements. Other notes from the GPCI on the ITAP included the fact that the ITAP was not focused on academic field and placed pressure on students prior to the start of their program with delayed results leading to stress. N. Danev stated that his proposal would be to send out a survey to all graduate students in ITAP, collect personal experiences and testimony from students, then schedule a hearing with the head of ITAP at a future GPSA meeting. The goal would be to summarize survey responses and have an open discussion after which, the GPSA could send a resolution to President Pollack. N. Danev noted that he did not intend to work on this alone and was planning on working with the International Student and Diversity committee but other GPSA members were welcomed to get involved if they wished to.

- ii. D. Dunham stated that he was in a program with lots of international students and had not heard of ITAP before and asked N. Danev how he knew that public opinion on ITAP was low?
 1. N. Danev said that the GPCI had included it as a core issue for international students from the previous work of GPSA members. N. Danev also noted that as an international student himself, he had to take it and had reached out to his program about how it made him feel along with the implications it carried. He stated that he had learned from his program administrators that the issue of ITAP had consistently been brought up to them. From the GPCI, it could be gathered that there was a general sense of dissatisfaction with the ITAP but there seemed to also be a general sense of lack of information about it as well. N. Danev noted that he did think it would be useful to have further discussion about it as well.
- iii. K. Krishnan stated that there was also a lot of documentation (visible through the GPCI) of the student discomfort associated with ITAP.



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- iv. D. Dunham asked if N. Danev was proposing for the survey to be sent out now and what objective he had for members today.
 1. N. Danev stated that if there were any objections to him sending out a survey. The GPSA had a right to send out 1 email per month to the entire graduate and professional student population so he was hoping for the survey to be included in it when it would be sent out. Additionally, N. Danev stated that he was hoping to reach out to Dean Boor to see if the Graduate School could forward the survey as well. The survey was made in Qualtrics, approached the topic in a non-bias way, anonymous, and used levels of agreement and disagreement with 'I' statements related to ITAP.
- c. D. Dunham – Ivy+ Summit Report
 - i. D. Dunham shared his thoughts and review from the Ivy+ Summit. He noted that there were 3 main sessions that the Executive team attended, and he wanted to share his impressions on some of the other topics that were a concern for different universities. One of the common threads that came up was the issue of qualifying exams and the gender bias and pass rate. Another university was able to collect data that determined that women were much more likely than men to fail their qualifying exam. The university worked to assess that issue and provide bias training for faculty to alleviate the disparity. A second major issue was affordable housing with many universities finding that new housing projects were going to be unaffordable with many making resolutions to demand change. In terms of diversity, equity, and inclusion, there was discussion on resources for different traumas, improving admissions for different underrepresented groups, and transitional funding making it easier for people to move to campus, transparency and communication of resources, and diversity initiative grants. In terms of the COVID-19 response, there was discussion on apps that were coordinating billing access and medical testing, providing technology for students going remote, and funding extensions for students in their final year. On the topic of community building, there was discussion on Slack channels that could narrow their focus to subgroups on campus. There was also discussion on online programming and orientation and figuring out how to have an effective orientation program. Additionally, there was discussion on maintaining Graduate common areas with many universities not having a common area like the Big Red Barn so they would need to think of other ways to hold communal activities to address the concern of mental health and isolation. The summit also had a mental health session that found that



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physical and mental well-being had worsened during the pandemic. The ongoing initiatives that were discussed included centralizing and coordinating health facilities, integrating the aspects of medical and psychiatric care, increasing the number of medical and mental health staff, increasing funds to mental health and counseling, extending the coverage to leaves of absence, and increasing the degree of representation among the providers. The last presentation that D. Dunham addressed from the summit was that of international student affairs. Some topics discussed included resolutions asking the university to address legal challenges to different visa policy rulings, getting involved in writing a public comment, and hosting immigration lawyers that could answer questions about the visa format. D. Dunham noted that they were looking for members to attend two of the remaining sessions.

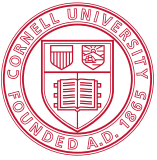
VII. Breakout Session by Division

VIII. Reports of Officers and Committee Updates

- a. N. Danev suggested to D. Dunham that since there were no committee reports to share, to skip the committee updates and allocate more time for the open forum.
- b. D. Dunham agreed and noted that the committee orientation meetings had not been held so he did not believe anyone had held any meetings yet so it would be okay to skip the update. D. Dunham noted that he would meet with the committee chairs this upcoming Thursday (10.15.2020) and any chairs that would be unable to make it could schedule a separate meeting with him.

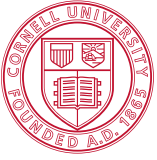
IX. Open Forum

- a. D. Dunham conveyed to the assembly that the open forum was a chance for any member to address the assembly on matters they would like to talk about it.
- b. N. Danev rose to a point of order and stated that members need to raise their hands to be added to the speakers list with speakers list being exhausted 3 times before the open forum discussion would be closed unless there was a motion to suspend Robert's Rules of Order.
- c. L. Kenney, a UA representative for the GPSA, informed the assembly members that the UA was holding their internal elections tomorrow (10.13.2020). L. Kenney reminded assembly members about the proposed amendments to the campus Code of Conduct which would encompass all students, including graduate and professional students. L. Kenney also noted that public commenting was open on the code and the University Assembly would be talking with President Pollack and the University Council about the code in the following week.
- d. C. Duell asked if there were division chairs and what sort of prompts there might be during division breakouts.



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- i. N. Danev rose to a point of order and stated that there was no prompt for this particular breakout and that division members will appoint their division chair who is typically a voting member.
 - ii. D. Dunham noted that usually, there would be a question to motivate breakout room discussion or share feedback from the division's constituents to voting members present in the division.
- e. K. Laurent, chair of the Programming Board, provided a brief update on the programming board and stated that the committee had put together a poll to gather ideas for events.
- f. T. Luttermoser stated that some individual departments (EB and Plant Pathology specifically) had been able to provide funding for home technology and ergonomic needs. The division had discussed the fact that this funding would be important especially as the pandemic broadened so the GPSA should do something to keep those funds in place. Additionally, T. Luttermoser noted that the process for TA sick leavers was unclear as well as funding regarding a health leave of absence and stated that the funding should stay in place, but it would be important to make sure that it did.
- g. J. Pea informed the assembly members that UA would be electing committee chairs tomorrow and was looking for graduate and professional student representatives to sit on those committees as well.
- h. K. Krishnan mentioned concept of compensation for executive committee and/or committee chairs because of the work that was done. K. Krishnan noted that involvement would not be as equitable since it could discriminate against those that had to hold part-time jobs and consider child care.. Additionally, K. Krishnan stated that she would try inviting individuals to the GPSA Slack since there were members not on it. And the Slack was a great place to continue the division conversations. The DISC (Diversity and International Student Committee) would also be holding an event on 10.20.2020 from 12-1:30pm as part of the Building Allyship event.
- i. N. Danev informed the assembly about a new visa regulation that was being proposed by the government on which public commenting was open. The new proposed law puts limits on the length of stay for students without visas. Previously international students were allowed to stay without strict end dates as long as they were complying with the visa requirements. Under the new law, most students would only be able to stay for 4 years which was shorter than the length of most PhD degrees and those born in select countries (mostly Middle Eastern and African countries) would only be allowed to stay for two years. N. Danev informed the assembly that the process to reapply after the visa would expire would also be



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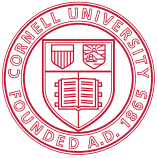
challenging and expensive so the proposal would greatly affect the experience of international students and overall quality of education and science in the U.S.

- j. D. Dunham followed-up stating that members should be aware of the commenting process that does exist.
- X. New Business
- a. Appointments
 - i. GPSA Liaison to the Student Assembly
 - 1. N. Danev conveyed to the assembly that the GPSA needed to send a representative to the Student Assembly (SA). The SA meets once a week for 1.5 hours.
 - 2. C. Ohenewah was self-nominated for the position. N. Danev motioned to appoint C. Ohenewah to the position. There were no objections and C. Ohenewah was appointed by the executive committee to serve as the GPSA Liaison to the Student Assembly.
- XI. Adjournment
- a. N. Danev moved to adjourn.

The meeting was adjourned at 6:59pm.

Respectfully Submitted,

Auriole C. R. Fassinou
Clerk of the Assembly



1 Resolution 2: Condemning the proposed DHS Ruling
2 requiring a fixed period of stay for International
3 students

4 **Abstract:** The proposed DHS ruling limiting F1 and J1 visas to a fixed 4-year or 2-year term
5 detrimentally affects international students. The GPSA states support for our international student
6 community and calls on Cornell administration to oppose this ruling.

7 **Sponsored by:** Kavya Krishnan

8 **Reviewed by:** Executive Committee on October 23rd

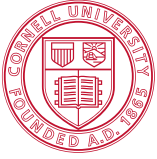
9 **Whereas,** 48.5% of all graduate and 32% of all professional students at Cornell are international
10 (over 3600 graduate and professional students from 116 different countries represented in the
11 Cornell student body),

12
13 **Whereas,** the Department of Homeland Security (DHS) has proposed the ruling ‘Establishing a
14 Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic
15 Students, Exchange Visitors, and Representatives of Foreign Information Media’ (ICEB-2019-0006,
16 RIN 1653-AA78) recommending that visas for F1 students and J1 scholars have a fixed time period
17 admission. This is a shift from current regulations which grant international students visas for the
18 ‘duration of stay’, a flexible period of time that covers the period of time that students are pursuing a
19 full course of study,

20
21 **Whereas,** the proposed 4-year fixed period significantly affects international students who would
22 take more than 4 years to complete their education, covering almost all PhD students (average time
23 to degree for a PhD student is 5.5 years). Additionally the 2-year visa period for certain countries
24 would also affect many professional students (time to degree varies by discipline but is on average 3
25 years),

26
27 **Whereas,** the proposed rule further discriminates against students from predominantly African and
28 Middle-Eastern countries by limiting students from these countries to a 2-year student visa, creating
29 additional barriers to higher education for an already underrepresented population of graduate and
30 professional students at Cornell,

31



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32 **Whereas**, this ruling disproportionately affects the graduate and professional community, with 70%
33 of all international students at Cornell in graduate or professional degree programs,

34

35 **Whereas**, the proposed rule also places an undue financial and mental burden on all international
36 students who would need to leave the country to renew their visa multiple times through their
37 graduate career,

38

39 **Whereas**, the proposed ruling, following the now rescinded July 6th directive from DHS barring
40 international students in the country from taking solely online classes, has been particularly
41 detrimental to the mental health and well-being of international students,

42

43 **Whereas**, the proposed ruling would also deter prospective international students from applying to
44 Cornell or any US-institution for fear of their graduate career being disrupted due to visa
45 uncertainties, adversely affecting not just Cornell's research capabilities but also graduate student life
46 at Cornell,

47

48 **Whereas**, the GPSA acknowledges that this is a proposed ruling and that the Office of University
49 Counsel, working with the Office of Global Learning and the Office of the Vice Provost for
50 International Affairs, will be submitting a public comment on the ruling on behalf of the University,

51

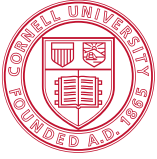
52 **Be it therefore resolved**, that the GPSA opposes the proposed DHS ruling 'Establishing a Fixed
53 Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic
54 Students, Exchange Visitors, and Representatives of Foreign Information Media' (ICEB-2019-0006,
55 RIN 1653-AA78).

56

57 **Be it further resolved**, that the GPSA reiterates our support for our international student
58 community and strongly urges the Cornell community to submit public comments at the Federal
59 Registrar by October 26th, 11:59pm
60 (<https://www.federalregister.gov/documents/2020/09/25/2020-20845/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant#open-comment>).

62

63 **Be it further resolved**, that the Cornell administration increase staffing in key academic units, such
64 as the Office of Global Learning, to assist with the increased workload of offices attempting to



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65 analyze these rulings, disseminate relevant information to students and staff and support
66 international students.

67

68 **Be it further resolved that,** given the disproportionate effect of the ruling on the graduate and
69 professional community, the Cornell administration hires additional staff members in relevant
70 academic units that are fully designated to work with graduate and professional students (who face
71 unique difficulties due to the ruling as compared to the undergraduate community).

72

73 **Be it further resolved,** that the Cornell administration collaborate with or at least maintain a
74 resource of non-profit or volunteer immigration law organizations that will be made accessible to
75 international students who may need individualized support for immigration problems.

76

77 **Be it further resolved,** that the Cornell administration inform and sensitize faculty and staff to the
78 proposed ruling, as well as new immigration rulings as they are proposed, to ensure support and
79 mentorship for international students in their academic pursuits.

80

81 **Be it further resolved,** that the Cornell administration prioritize sensitivity training of current
82 CAPS counsellors to immigration issues that adversely affect the mental health of the international
83 student community and commit to hiring of CAPS counsellors who specialize in dealing with unique
84 issues faced by this diverse community.

85

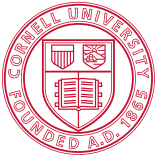
86 **Be it finally resolved,** that the Cornell Administration commit to challenging proposed DHS ruling
87 'Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for
88 Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information
89 Media' (ICEB-2019-0006, RIN 1653-AA78) legally if the ruling goes into effect.

90

91 Respectfully Submitted,

92 Kavya Krishnan

93 Vice-President Communications of the Graduate and Professional Student Assembly



Resolution 3: On the Proposed Changes to the Student Code of Conduct

Abstract: The GPSA expresses its dissatisfaction with the process of changing the Student Code of Conduct. The GPSA lists several concerns with the new proposed Student Code of Conduct and notes several changes it supports.

Sponsored by: Nikola Danev

Reviewed by: Executive Committee on October 22, 2020

Whereas, the proposed changes to the Student Code of Conduct will affect graduate and professional students,

Whereas, only one public forum was organized by the University on the matter, in the peak of a global pandemic (5/7/2020), during finals season, and for which an incorrect Zoom link was distributed to the entire Cornell community, and public comment to the proposed changes was only allowed for three days - students received notice on 5/5/2020 and comments closed on 5/8/2020,

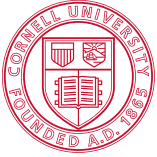
Whereas, the constituencies represented by the GPSA have voiced concerns over some of the changes in the new Student Code of Conduct,

Whereas, the GPSA strongly supports some of the changes suggested by the University Counsel in the proposed Student Code of Conduct,

Be it therefore resolved, that the GPSA requests that the University (specifically, the Office of University Relations or the Office of the President) organizes a public forum in the form of a town hall with representatives from various stakeholders, including but not limited to the Judicial Codes Counselor and the Judicial Administrator, where Graduate and Professional Students, as well as alumni of our constituencies, can ask questions and learn more about the proposed changes, so that they may contribute to the revision process with informed comments.

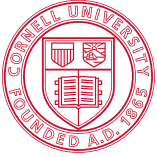
Be it further resolved, that the GPSA expresses the following opinions on the proposed changes to the Student Code of Conduct:

Number	Old Code Reference	New Code Reference	Comment
1	Article III E3(b)6(c) and Title	Procedures at 20.8.2 and	The GPSA opposes the proposed changes as we firmly believe that it is imperative that both complainants and respondents (both themselves and through advisors) should be given the opportunity to question witnesses directly. Parties should be allowed to ask questions directly and not



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	II Article II B	Procedures at 11	only through the chair. Parties should be allowed to have follow-up questions immediately, instead of having to submit them to the chair. To prevent the process from becoming unfair and needlessly daunting, advisors must continue to be allowed to speak during proceedings.
2	Title II Article II B	Procedures at 2.2.3	The GPSA opposes this change. The JCC must remain independent from the OJA. Respondents would not trust their advisors if they too fall under the same umbrella as those administrators.
3	Title III Article III E(9)	Procedures at 20.2	The GPSA believes that the clear and convincing evidence standard better advances principles of fairness and due process, ensures accurate outcomes, and creates trust in the misconduct process.
4	Title III Article III A(2)	<i>None</i>	The GPSA opposes this change because the right of the accused to be “afforded the assistance of an advisor provided through the Offices of the Complainants’ Code Counselor and Respondents’ Code Counselor to assist and advise... at all stages under these Procedures” (Procedures at 11) can only be realistically protected if students are aware of that right in the first place.
5	Title III Article III E(3)(b)(7)	Procedures at 20.8.1	The GPSA opposes this change because allowing respondents the option of having a public hearing serves as an important check on the University administration.
6	<i>None</i>	Procedures at 2.2.3	The GPSA supports the creation of the Office of the Complainants’ Code Counselor.
7	Title III Article III 3(B)(c)(1) and Title III Article III 3(B)(a)(1)	Procedures at 8.1 and Procedures at 8.2	The GPSA opposes both aspects of this change: (1) the shift to having temporary suspensions reviewed by the VP SCL instead of independent hearing panels composed of members of the University community and (2) the lowering of the standard for imposing a temporary suspension.
8	Title III Article III D(4)	Procedures at 5	The GPSA opposes this change. It is important that if a student respondent is found responsible for a violation of the Campus Code of Conduct that that finding is based on



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			evidence that has not deteriorated or become less reliable due to the passage of time.
9	<i>None</i>	Procedures at 7.2.4 and Section 3(B)	The GPSA supports the changes in the proposed Student Code of Conduct that expand opportunities for resolution through restorative justice.
10	Article III E3(b)9(a) and Article II C 2(b)	Section 3(A)	The GPSA is comfortable with the shift to granting the University jurisdiction over all registered student organizations and living groups, including fraternities and sororities, but does not think it is appropriate for the University to have jurisdiction over off-campus conduct except for as specified under the 'Grave Misconduct' provision in the current Code.

26 **Be it further resolved,** that the GPSA wishes to publicly acknowledge the tireless work of the
27 Judicial Codes Counselors and thank them for their efforts to preserve equity and fairness in the
28 judicial processes at Cornell. The GPSA also wishes to thank the Judicial Codes Counselors for their
29 efforts in helping the at-large graduate and professional student community better understand the
30 proposed changes to the Student Code of Conduct and for filling the gap that was perpetrated by
31 the lack of information provided by the University throughout the process of adopting the new
32 Student Code of Conduct. Finally, the GPSA wishes to thank the Judicial Codes Counselors for
33 helping draft parts of this resolution.

34 **Be it finally resolved,** that in its current form, the GPSA opposes the proposed Student Code of
35 Conduct, however, will strongly support it upon implementation of the suggestions expressed in this
36 resolution.

37

38 Respectfully Submitted,

39 Nikola Danev

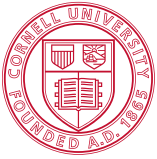
40 PhD Student, Executive Vice President of the Graduate and Professional Student Assembly, Voting
41 Member, Field Representative for Genetics, Genomics and Development



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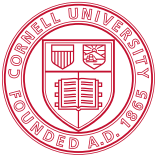
Supplement to Resolution 3: On the Proposed Changes to the Student Code of Conduct

Number	Old Code Reference	New Code Reference	Comment
1	Article III E3(b)6(c) and Title II Article II B	Procedures at 20.8.2 and Procedures at 11	<p>The GPSA opposes the proposed changes as we firmly believe that it is imperative that both complainants and respondents (both themselves and through advisors) should be given the opportunity to question witnesses directly. Parties should be allowed to ask questions directly and not only through the chair as this creates unnecessary and impractical delays. Moreover, parties should be allowed to have follow-up questions immediately, instead of having to submit them to the chair constantly. At hearings, the Complainant, in the overwhelming majority of cases, will be the University, and the University will be represented by the Office of the Judicial Administrator (OJA) (now Office of Student Conduct and Community Standards), who are full-time professionals with an abundance of experience and resources. Meanwhile, respondents typically have a law student advisor (a JCC — now Respondents' Code Counselor) if the respondent cannot afford an attorney. It is inherently unfair to allow full-time professionals with the authority of the University to oppose an inexperienced, student-respondent without the active involvement of their advisor during a hearing. It can be incredibly difficult and intimidating for a student-respondent to tell their story clearly and concisely using their evidence and witnesses. Students' oral presentation skills should not affect whether they are found responsible or not responsible. Likewise, students who may have a harder time with spoken or written English may be at an unfair disadvantage. In addition, forcing a respondent to lead and speak in the hearing without the assistance of an advisor in the name of making the process an "educational experience" overlooks</p>



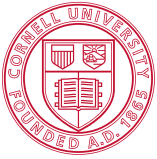
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			<p>the anxiety, stress, and fear a student experiences during campus misconduct proceedings. Silencing advisors exacerbates that emotional toll and makes the process more intimidating and likely less educational for the student. Allowing advisors to continue to speak at hearings would not make hearings more “litigious” either. Attorneys and outside advisors may only speak during limited circumstances. And the JCCs always encourage students to make statements on their own behalf during the hearing when they feel comfortable. To prevent the process from becoming unfair and needlessly daunting, advisors must continue to be allowed to speak during proceedings.</p>
2	Title II Article II B	Procedures at 2.2.3	<p>The JCC must remain independent from the OJA. Some have suggested that moving the JCC under Student Conduct and Community Standards will “increase accountability, understanding of other aspects of student life, and make the process less legalistic and more educational.” The JCCs are held accountable through the diverse body of University stakeholders who sit on their hiring committee; by their law school advisor, who has been responsible for revising Cornell’s codes for over 20 years, and by their clients, whose interests they serve. Separation from the University administration is important to ensure that respondents trust their JCC advisor/Respondent’s Code Counselor. Additionally, under these proposed procedures and Policy 6.4, administrators from the Office of Campus and Student Life (including the OJA and the Vice President of Student and Campus Life) determine when a student is responsible, uphold interim measures, and rule on appeals. Respondents would not trust their advisors if they too fall under the same umbrella as those administrators.</p>
3	Title III Article III E(9)	Procedures at 20.2	<p>The GPSA believes that the clear and convincing evidence standard better advances principles of fairness and due process, ensures accurate outcomes, and creates trust in the misconduct process. In a hearing, respondents, who are often still teenagers and frequently are first time offenders, face the employees of the Office of the Judicial Administrator (now Director of the Office of Student Conduct and Community Standards)—almost all of whom</p>



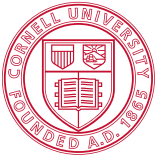
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			<p>are attorneys—the University, and the resources available to both. If the University switches to a preponderance of the evidence standard, the Code would effectively be putting its thumb on the scale of justice against a side that is already systematically disadvantaged. This may be especially harmful to students from low-income backgrounds who are unable to afford an attorney. Some people have raised concerns that the University has had difficulty in meeting this burden. However, no evidence has been presented to support that claim, and the clear and convincing evidence has been the longstanding standard used in non-sexual assault campus misconduct proceedings at Cornell. The clear and convincing evidence standard signals to the campus community that the University is committed to avoiding finding the innocent responsible, thereby giving the community the confidence that the campus adjudicatory system is operating fairly. Further, the entire justification for shifting to the preponderance of the evidence standard—that the new Title IX regulations were expected to require that the standard of evidence for Title IX cases be the same as the standard applied to other student conduct cases—is no longer applicable as the new Title IX regulations were released and explicitly do not require that evidentiary standards be uniform across campus codes. Finally, it makes sense to have different evidentiary standards for the Title IX process and the Campus Code of Conduct process given that Title IX cases rarely have witnesses other than the Complainant and the Respondent and it is much more difficult to obtain evidence in those cases. That is not the case in Campus Code of Conduct proceedings. The evidentiary standard should, accordingly, remain different in these two very different administrative processes.</p>
4	Title III Article III A(2)	<i>None</i>	<p>The right of the accused to be “afforded the assistance of an advisor provided through the Offices of the Complainants’ Code Counselor and Respondents’ Code Counselor to assist and advise... at all stages under these Procedures” (Procedures at 11) can only be realistically protected if students are aware of that right in the first</p>



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			place. Under the current Code, students must be informed in writing of their right to be afforded the assistance of an advisor prior to the beginning of conduct proceedings, and yet still, countless students report after proceedings have ended and indicate that they were not sufficiently aware of this right. If anything, the Code should implement additional measures to ensure awareness of this right. It is quite difficult to understand why the University would remove this provision and hide this right from students unless its desire is for them not to exercise it in the first place.
5	Title III Article III E(3)(b)(7)	Procedures at 20.8.1	The GPSA opposes this change because allowing respondents the option of having a public hearing serves as an important check on the University administration. The way to appropriately balance the privacy interests of complainants and other members involved in the hearing process is not to eliminate this right entirely—but to give the hearing chair discretion to determine whether a public hearing is appropriate in circumstances given the competing interests.
6	<i>None</i>	Procedures at 2.2.3	The GPSA supports the creation of the Office of the Complainants’ Code Counselor
7	Title III Article III 3(B)(c)(1) and Title III Article III 3(B)(a)(1)	Procedures at 8.1 and Procedures at 8.2	The GPSA opposes both aspects of this change: (1) the shift to having temporary suspensions reviewed by the VP SCL instead of independent hearing panels composed of members of the University community and (2) the lowering of the standard for imposing a temporary suspension. First, having an independent panel consisting of a combination of student, faculty, and staff perspectives functions as a critical check on the unilateral decision of the Director of Student Conduct and Community Standards and maintains campus-wide trust and faith in the integrity of the disciplinary process. Second, it’s important to remember that temporary suspensions are imposed before an individual has had an opportunity to have their case adjudicated on the merits. That means they have not at all had an opportunity to provide evidence or share their side of the story. It is also a



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			serious measure which forces students to vacate campus and deprives them of the opportunity to access their education. Accordingly, it should only be imposed in the most serious of circumstances for that reason, which is why the prior standard of “in extraordinary circumstances and for the purpose of ensuring public order and safety” must be maintained.
8	Title III Article III D(4)	Procedures at 5	The GPSA opposes this change. It is important that if a student respondent is found responsible for a violation of the Campus Code of Conduct that that finding is based on evidence that has not deteriorated or become less reliable due to the passage of time. We believe that one year affords a generous amount of time within which to bring a complaint and extending that time window any further threatens the fairness of the process for students respondents. The proposed Code itself seems to recognize this, in that it says: “A delay may affect the Director’s ability to gather relevant and reliable information, contact witnesses, investigate thoroughly and respond meaningfully, and may also affect the imposition of appropriate discipline upon a Respondent who has engaged in prohibited conduct.”
9	<i>None</i>	Procedures at 7.2.4 and Section 3(B)	The GPSA supports the changes in the proposed Student Code of Conduct that expand opportunities for resolution through restorative justice.
10	Article III E3(b)9(a) and Article II C 2(b)	Section 3(A)	The GPSA is comfortable with the shift to granting the University jurisdiction over all registered student organizations and living groups, including fraternities and sororities, but does not think it is appropriate for the University to have jurisdiction over off-campus conduct except for as specified under the ‘Grave Misconduct’ provision in the current Code.