



Cornell University University Assembly

Cornell University Graduate and Professional Student Assembly

Minutes of the November 23, 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. *Present At Roll Call:* R. Barankevich, H. Bidigare-Curtis, M. Chatterjee, A. Cirillo, H. Cole, J. Dotzel, C. Duell, M. Keefe, S. López, T. Luttermoser, R. Maloney, K. Masters, C. Ohenewah, E. Schoenly, M. Sturgeon
 - ii. *Not Present At Roll Call:* M. Balch, K. Beras, A. Bidjarano, M. Cantar, P. Cole, K. Laurent, M. Schoeffler, P. Vinhage, M. Welch
- III. Approval of the Meeting Minutes
 - a. Monday, November 9th, 2020
 - i. N. Danev moved to approve the minutes; the motion was seconded by T. Luttermoser. The minutes were **approved** with no objections or amendments.
- IV. Presentations
 - a. L. Rugless – Associate Vice President for Institutional Equity and Title IX (Refer to Meeting Materials Packet for Presentation PowerPoint)
 - i. L. Rugless introduced herself and thanked the assembly members for giving her the time to present. She noted that Policy 6.4 was the Universities policy for prohibited bias, discrimination, harassment, sexual and related misconduct which would include Title IX matters. She noted that the policy was currently undergoing reviews and specifically, reviews of changes that were made in the summer by the Federal Government. She noted that the Office of Institutional Equity and Title IX had heard that the policy was important to Graduate students and that she would be asking the assembly members for their feedback.
 - ii. L. Rugless noted that Title IX was a federal law that prohibits sex discrimination in educational programs and this past summer, it had undergone changes by the Federal Government, specifically to sexual harassment as the regulations defined it. The changes at the Federal level prompted Cornell to make policy and procedural changes.
 - iii. L. Rugless reviewed the definition of sexual harassment in the new Title IX regulations. The definitions included quid pro quo by an employee, stalking, sexual assault, etc. Along with one of the definitions being met, all the



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jurisdictional conditions also had to be met for the Title IX regulations to apply.

- iv. L. Rugless noted that the University had to make some changes to its procedure to comply with the regulations and one of the big changes under the revised regulation was that when the regulations applied, certain aspects of the procedures had to be completed. The main change included holding a hearing with real-time cross examination conducted by a party's advisor. Although, all student cases under Policy 6.4 already had hearing panels, they did not have the real-time cross examination aspect. In addition, the decision had been made by the University that with students, any cases that the Title IX regulations applied to as well as any cases where the Title IX regulations would not apply but the student might face suspension or dismissal, would go through the same process. The purpose of this decision was to treat like cases the same with the same type of process regardless of whether or not the Title IX regulations applied to the case. For employees accused under 6.4, the hearing panels with real-time cross examination would apply only when the Title IX regulations applied to the case. For all other non-Title IX cases against employees, the process would still be fair and thorough but there would not be a hearing panel.
- v. L. Rugless stated that when the changes were made to University policies, the pandemic was underway, there were only 100 days to make those complex changes, and people were away from campus so there was not an opportunity to communicate and gather input from the University community. The changes were reviewed by an Executive Policy review group and were made on an interim basis so that the opportunity would arise to hear from the University community about the changes.
- vi. One of the main discussion items from the Executive Policy Review group was the evidentiary standard. L. Rugless state that the current standard in the interim policy was the preponderance of evidence standard meaning that if the evidence demonstrated by more than 50%, then something occurred (more likely than not). Under the regulations, the standard could be changed to a clear and convincing standard. A change that was made in the interim policy was changing from an all employee mandatory system to Designated Reporters (DRs) with the research demonstrating that it was the best type of system to have.
- vii. N. Danev asked L. Rugless to confirm that the preponderance of evidence can be kept for Policy 6.4 while keeping the higher evidentiary standard, clear and convincing, for all cases not related to Policy 6.4 and Title IX.



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1. L. Rugless confirmed N. Danev's statement noting that different evidentiary standards could be used under the Code vs. Policy 6.4.
- viii. M. O'Leary asked L. Rugless to clarify with regards to the policy as it interacts with Title IX and the incoming administration. Specifically, M. O'Leary asked if the University anticipated changes in terms of their shift in designated reporting standards.
 1. L. Rugless noted that the change in reporting was made through the changes in response to the Title IX regulations and the University was not required to make that change as a matter of law. The regulation changes clarified and provided background on how an all employee system came into existence which prompted the University leadership to look at the reporting system more closely and what benefits could be achieved from changing to a smaller group of employees being DRs. In addition, L. Rugless noted that the University had been told that the Title IX Regulation changes would likely be changed as a result of the changes at the Federal level, but those regulation changes would take time and in the meantime, the current regulation changes were the law.
 2. M. O' Leary asked if the DRs changes also applied to Graduate instructors who are instructors of record.
 - a. L. Rugless stated that the policy had a list attached to it that named all positions that were designated reporters. However, the list was not a closed list and continued to be revised and refined. She noted that the group M. O' Leary was referring to was necessarily identified as a designated reporter. In addition, L. Rugless stated that under NY State law, managers and supervisors were required to address workplace harassment and that legal requirement was also reflected in Policy 6.4. L. Rugless added that DRs were not people that others had to report to but people that had to report. However, they were not a barrier, and anyone could report but DRs had to report.
- ix. A. Johnson asked what efforts were being made to publicize the changes among faculty.
 1. L. Rugless stated that all University employees at the faculty and staff levels were required to complete a training which communicated the information. The training deadline had recently passed and there was almost 90% completion. In addition, a series of faculty facing



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workshops had been held and the changes were reviewed in great detail with attendants. The changes were also a topic of discussion at the Faculty Senate a few weeks prior.

V. Elections

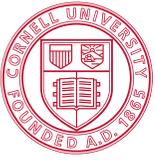
- a. Student Advocacy Committee Chair – *no nominations*
- b. M.Eng. Voting Member - *no nominations*
 - i. D. Dunham stated that according to the Bylaws, the M.Eng voting member position is elected from the general members of the assembly.
 - ii. D. Dunham noted that since there were not any nominations, the Bylaws also stipulated that if the position remained vacant after three meetings, it would be open to all Masters students, regardless of whether or not they were engineering students.

VI. Breakout Session by Division

- a. D. Dunham noted that the Physical Sciences Division and Johnson school had one vacant voting member positions that they could use the Division Breakout to fill.

VII. New Business

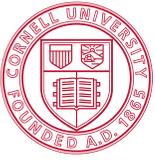
- a. D. Dunham clarified on the Rules of Procedure going forward and noted that he had incorrectly excluded certain individuals from debate on the premise of Robert's Rules of Order, but after speaking with several members of the assembly, it was clear that his judgment was inaccurate given the norms and expectations of discussion in past years of the GPSA. In addition, D. Dunham stated that going forward, all discussions on resolutions would remain open to the public in attendance at the meeting.
- b. Resolution 5: Internal Budget
 - i. A. Pandey introduced the resolution to the assembly and noted that most of the suggestions in the resolution were based on last year's budget. Several new points that were in the resolution included the extension of supporting Anabel's Grocery. The GPSA had originally planned to support the grocery for a maximum of four years but that had been extended. The Finance Commission had also requested an increase in their budget so that was increased as well. A. Pandey also noted that based on suggestions from many individuals, the resolution would also set up a \$2,000 access fund to support graduate students in their remote activities.
 - ii. N. Danev seconded the consideration of the resolution.
 - iii. M. Chatterjee conveyed concerns with some of the allocations given that a lot of activities were remote. For example, M. Chatterjee stated that their was no chair for the Student Advocacy Committee and they would not be meeting in-person until the latter half of spring so organizations like that



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could have their budget cut in half with the rest of the money given to cover the access fund.

1. D. Dunham asked M. Chatterjee if he was proposing an amendment or expressing his opinion.
2. M. Chatterjee confirmed that he was proposing an amendment.
- iv. M. Chatterjee motioned to amend the resolution by cutting the budget to the Student Advocacy Committee from \$1,300 to \$650 and having the remaining \$650 to go towards the access fund.
 1. The amendment was seconded by a member of the assembly.
 2. K. Krishnan conveyed her reservations about cutting the budget now and stated that the GPSA did not know if the position would be filled in the later half of the semester in which there could be a great deal of need for the money. She noted that she was inclined to have a separate resolution that would give leftover money to the access fund.
 3. C. Duell stated that he had the same reservations as M. Chatterjee about the Faculty Awards budget since it was not concrete yet whether or not any of the events would be held in person. C. Duell noted that it would make the most sense to have a budget that would allow for a small amount of in-person activities and do a second round again in the spring, but it would make sense to reduce the budget to some extent. C. Duell added that for the Faculty Awards, he was going to suggest a partially reduced budget from the normal budget but a slightly higher budget than what was listed on the resolution.
 4. M. Chatterjee responded to K. Krishnan noting that the reason why he had made the amendment cutting the budget to the SAC in half was assuming that the \$1300 was equally distributed over two semesters and the given one semester was already over.
 5. T. Luttermoser asked what the SAC budget had been used for in the past, whether it was primarily food for meetings or was it used for other things as well.
 - a. K. Krishnan stated that from her recollection, it was often used for things like food for the town halls, but she could not say exactly.
 6. M. Chatterjee noted that he was curious about how to access the access fund. M. Chatterjee stated that the moment, there was a deadline on the access fund and asked if the money that the GPSA



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was giving to the access fund could be used only for teaching and technical needs for Graduate students.

- a. D. Dunham noted that he would be happy to talk to the people running the access fund to see what the needs were and whether that could be accomplished. D. Dunham added that an alternative to giving money to the access fund would be to put the money aside for a particular purpose and by resolution, have the money from that GPSA fund used for a particular purpose.
7. N. Danev moved to call the question on the amendment; the motion was seconded by H. Bidigare-Curtis. The resolution was amended 8-0-7.
 - v. N. Danev moved to call the question on the resolution.
 - vi. D. Dunham stated that in order to call the question, the rules would need to be suspended first to allow for a vote during the meeting.
 - vii. N. Danev retracted his previous motion.
 - viii. D. Dunham stated that the assembly could either move to postpone the vote until the next meeting or if there were concerns about the resolution, it could be referred back to the Appropriations Committee.
 - ix. C. Duell stated that it might be more efficient to send it back to the committee for further assessment. C. Duell asked if he were to make a motion to amend, would the assembly still be able to vote on it next time.
 - x. D. Dunham noted that if an amendment was made without a vote on it, then the amendment would also go to the committee.
 - xi. C. Duell moved change the funding for the Faculty Awards committee. By increasing the budget from \$300 to \$725 and reduce the access fund by the \$425 difference. The motion was seconded by H. Bidigare-Curtis.
 1. N. Danev motioned to call the question; the motion was seconded by C. Duell.
 2. The resolution was amended 9-1-5.
 - xii. H. Bidigare-Curtis noted that Anabel's Grocery was not functioning this semester and would be functioning next semester so the \$20,000 did not make sense and the GPSA would have \$20,000 to spend in a different way.
 1. N. Danev stated that Anabel's Grocery was just the phrasing that was being used in the resolution, but the money would still go to help students with food accessibility issues. The money would be given to the Executive Committee of Anabel's Grocery who still



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work with organizations around campus and in Ithaca to help students access food.

- xiii. K. Krishnan moved to amend the resolution by striking out lines 37 to 42 given the possibility of the GPSA setting the money aside until having a better understanding of what the access fund would do with it.
 1. N. Danev moved to second the amendment.
 2. T. Luttermoser moved to amend the amendment with the following change in language starting at line 37 “WHEREAS, in the light of the pandemic and shifting of all GPSA activities to a remote setting, graduate students have experienced additional financial stresses and changed home technology needs;

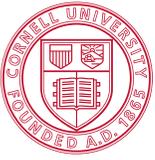
BE IT THEREFORE RESOLVED, the GPSA will set aside \$2000 for a fund to help support graduate students’ home technology needs, the exact distribution of which will be determined in collaboration with the Graduate School and other relevant offices.”

- a. The amendment to the amendment was seconded by M. Chatterjee.
- b. K. Krishan expressed support for the language of the amendment.
- c. A. Johnson noted that \$2,000 seemed like a small amount of money and asked if it was worth putting in language making this new fund, as opposed to K. Krishnan’s original suggestion of deleting the lines and figuring out what to do with the money when there was more to spend.
 - i. D. Dunham noted that he believed the idea was to set the \$2,000 as a placeholder until the GPSA had decided how much money that should be.
 - ii. T. Luttermoser noted that he would like to see the \$2,000 figure be bigger but in terms of splitting \$2,000 up into new webcams so that 20-30 people that had been buying webcams out of pocket now being covered, \$2,000 was a significant amount.
- d. D. Dunham recommended that the assembly vote on the second order amendment followed by voting on the amendment. Then, the amended resolution could be referred back to the Appropriations Committee and everyone could discuss it and come back with a more updated resolution.



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- e. N. Danev moved to call the question; the motion was seconded by K. Masters.
 - f. The resolution was amended.
 - 3. D. Dunham noted that he would have to check on the rules, but he did not think the original amendment by K. Krishnan would need to be voted on again since the second order amendment overrides it. The discussion would then return to the original resolution
 - xiv. N. Danev motioned to refer the resolution back to the Appropriations Committee. The motion was seconded and approved, and the resolution was referred back to the Appropriations Committee.
- c. Resolution 6: Petition to the GPSA on the Student Code of Conduct
 - i. J. Pinchak spoke on behalf of the petition and introduced it to the assembly. J. Pinchak noted that the University was almost at the end of the long process to reform and change the Code. He noted that the Code that the administration was looking to pass could be with students for many years and it would be important for those who the Code applies to who have to work within the Code have an obligation to think about how it could impact not only current students but students down the road. J. Pinchak stated that not all students who have faced charges under the code would be willing to express their experiences and JCC's who had interacted with those students had the role of giving a voice to those who have concerns with bringing their opinions to the Assembly.
 - ii. J. Pinchak addressed one of the main points of the petition which was the evidentiary standard. He noted that the current standard was the clear and convincing standard which was a middle ground and that was why it should not be changed because typically, the evidentiary standard was reflective of the type of punishment. With the Code, the punishment was not as bad as going to jail, which would require the standard of beyond a reasonable doubt, but it was worse than losing money, which would require the preponderance of evidence standard, since students could face expulsion from school. In addition, J. Pinchak stated that it would not make sense to have a lower evidentiary standard for Code violations, preponderance of evidence, than Academic Integrity violations that used the clear and convincing standard. J. Pinchak also noted that high evidentiary standards minimized the opportunity for unconscious biases to creep into decision making.
 - iii. Another main point that J. Pinchak discussed was speaking rights and noted that currently, JCC's had the ability to talk in hearings on behalf of the



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student but the proposed code would take away the student and JCC's ability to ask witnesses questions and questions would instead have to be submitted in writing for a vast majority of cases coming in front of the hearing panel. J. Pinchak also noted that it would raise questions of fairness. In closing, J. Pinchak stated that the Code largely effects undergraduates, but if Faculty, Professors, UA, and Trustees get to vote on the proposed changes, then Graduate Students should as well.

- iv. N. Danev seconded the resolution. N. Danev conveyed his support for the resolution and noted that he was on the CJC and confirmed that all the suggestions in the resolution were in line with what the CJC had signed and sent to the University Council. In addition, the resolution was also in line with the feedback from graduate and undergraduate students. N. Danev also expressed that it would be important for the GPSA to have a voice on the matter.
- v. N. Danev motioned to extend the meeting by 10 minutes; the motion was seconded and by general consent, the meeting was extended by 10 minutes.
- vi. N. Danev motioned to suspend Robert's Rules of Order so the assembly could vote on the resolution before the end of the meeting because it was extremely time sensitive for the assembly to convey the resolution to the President before December 10th.
 1. D. Geisler asked N. Danev to clarify on why the resolution was needed by December 10th.
 2. N. Danev stated that the Trustees were meeting on December 10th to approve the changes and if the resolution was conveyed before then, then the Trustees would be able to take into account the assemblies opinion.
 3. N. London rose to a point of order noting that it would be suspension of the Bylaws not Robert's Rule of Order.
 4. The motion was seconded and with a 2/3 majority vote, the rules were suspended.
- vii. N. Danev motioned for a roll call vote noting that there were many abstentions at the previous meeting and considering the issue was important to all 110 graduate students that signed it, the voting members should express their opinions publicly.
 1. D. Dunham explained that the motion would change the voting method and would require a simple majority of those present to approve it.



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2. C. O'Connor noted that he would be the new voting member for Physical Sciences and was curious to whether or not he would be required to cast a vote or excluded from casting a vote in this context.
 - a. D. Dunham stated that C. O'Connor could vote.
 3. The motion was seconded, and the simple majority requirement was met with 12 members in favor.
- viii. L. Kenney reiterated the importance of having a resolution from the GPSA noting that the UA had not heard from the GPSA outside of committee meetings. L. Kenney noted that she believed it was important for the UA to know where the GPSA stood on the proposed changes. Additionally, it was important for the assembly members to consider themselves under the Code as well.
- ix. D. Geisler asked where more information could be found on not just the resolution but the proposed Code changes as well.
 1. L. Kenney noted that members could contact her for more information and added that based on the agenda that was out for the upcoming UA meeting, all comments taken over the past several weeks were there.
- x. N. Danev motioned to call the question; the motion was seconded.
- xi. Roll Call Vote
 1. *In favor* [14]: K. Masters, H. Cole, S. López, M. Chatterjee, T. Luttermoser, M. Keefe, J. Dotzel, C. Duell, C. O'Connor, H. Bidigare-Curtis, R. Barankevich, C. Ohenewah, R. Maloney, A. Cirillo
 2. *Opposed* [0]:
 3. *Abstained* [11]: M. Cantar, M. Balch, P. Vinhage, K. Laurent, M. Welch, K. Beras, E. Schoenly, M. Schoeffler, M. Sturgeon, A. Bidjarano, P. Cole
- xii. The resolution was **approved** 14-0-11.

VIII. Adjournment

- a. D. Geisler motioned to adjourn the meeting; the motion was seconded and with no objections, the meeting was adjourned at 7:06pm.

Respectfully Submitted,

Auriole C. R. Fassinou
Clerk of the Assembly