

Cornell University
Graduate and Professional
Student Assembly

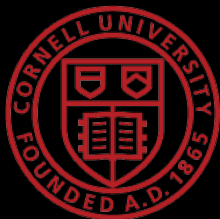
Cornell Graduate and Professional Student Assembly

Agenda of the November 23rd, 2020 Meeting

5:30 PM – 7 PM

Zoom Meeting

- I. Call to Order (2 mins)
- II. Roll Call (3 mins)
- III. Approval of the Meeting Minutes (5 mins)
 - a. Monday, November 9, 2020
- IV. Presentations (20 mins)
 - a. Laura Rugless - Compliance Programs Administrator, Office of Institutional Equity and Title IX
- V. Elections (10 mins)
 - a. Student Advocacy Committee Chair
 - b. M.Eng. Voting Member
- VI. Breakout Session by Division (15 mins)
- VII. New Business (20 mins)
 - a. Resolution 5: Internal Budget
 - b. Petition to the GPSA: Resolution 6: Student Code of Conduct
- VIII. 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
 - e. Appropriations – Aakarsha Pandey
 - f. DISC – Yu-Yu Shih
 - g. Faculty Teaching – Cody Duell
 - h. Programming – Kasey Laurent
 - i. Student Advocacy – *Pending election*
- IX. Open Forum (15 mins)
- X. Adjournment



Policy 6.4 Stakeholder Review Update

GPSA – November 23rd, 2020
Hannah Bidigare-Curtis & Laura Rugless

Background

- (Interim) Policy 6.4 and its Procedures cover Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct
- Effective Aug 14th 2020, Interim policy changes were made through the University's policy process to comply with new Title IX regulations
- New requirements apply to sexual harassment defined in the regulations

How is Sexual Harassment defined in the Title IX regulations?

Definitions

1. Quid Pro Quo by Employee
2. Hostile Environment that is Severe, Pervasive, and Objectively Offensive*
3. Sexual Assault
4. Stalking
5. Dating or Domestic Violence

*See also Non-Title IX definition (pervasive and objectively offensive) applicable to employee respondents

Jurisdictional Conditions

1. Respondent and context under control of university
2. Alleged incident occurred in Education Program or Activity
3. Complainant participating in or attempting to participate in Education Program or Activity, at time of filing formal complaint
4. Conduct against a person in the U.S.

Overview of 6.4 Procedures effective Aug 14th

Respondent	Prohibited Conduct	Co-Investigator*	Hearing Panel Process**	Reviewer Process	Appeal
Employee	Title IX	X	A		X
Employee	Non-Title IX	X		X	X
Student	Title IX and/or suspension or dismissal is a potential sanction		A		X
Student	Non-Title IX and suspension or dismissal is not a potential sanction		B		X

*Co-Investigator comes from a trained pool of faculty and staff; affiliation matches that of respondent

**Hearing Panel A involves real-time oral cross-examination conducted by a party's advisor;
Hearing Panel B involves written submission of cross-examination by party

Policy 6.4 Stakeholder Review Group

- Our purpose is to review the policy changes and gather input from the University community in order to finalize the policy through the University process.
- Representatives from each assembly as well as Tech and Weill are included in the review group.

Main Discussion Items

Policy:

- Evidentiary Standard – unchanged; remains preponderance of the evidence
- **Designated Reporters (DRs) – changed from broad duty to consult for all non-confidential employees to list of DRs**

Procedures:

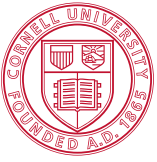
- Alternate Resolution – addition of informal as well as formal means of alternate resolution
- Hearing Panel Process – addition of oral cross-examination led by parties' advisors

*Additionally, unrelated to the Title IX changes, some members have interest in the bias process and protected status definitions.

Reach Out to Us

Provide feedback you would like the Stakeholder Review Group to consider as the policy changes are finalized by Dec. 2 to titleix@cornell.edu.

Thank you!



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University Assembly

Cornell University Graduate and Professional Student Assembly

Minutes of the November 09, 2020 Meeting

5:30 PM – 7:00 PM

Zoom Meeting

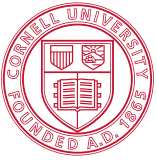
- I. Call to Order
 - a. Call to Order
 - i. D. Dunham called the meeting to order at 5:30pm
- II. Roll Call
 - i. *Present:* M. Balch, H. Bidigare-Curtis, A. Bidjarano, P. Cole, H. Cole, N. Danev, J. Dotzel, C. Duell, M. Keefe, K. Krishnan, K. Laurent, T. Luttermoser, C. Ohenewah, M. Schoeffler, E. Schoenly, M. Sturgeon, M. Welch
 - ii. *Members not Present at Roll Call:* K. Beras, M. Cantar, M. Chatterjee, A. Cirillo, S. López, R. Maloney, K. Masters, P. Vinhage, D. Wang, H. Xu
- III. Approval of the Meeting Minutes
 - a. D. Dunham noted that the total number of voting members for today was 17 and that all resolutions and votes on resolutions required an absolute majority of all seated voting members which would be 13 voting members. For all other motions, the simple majority would require 9 votes for a simple majority and 12 votes for a super majority.
 - b. N. Danev noted that A. Bidjarano entered the meeting after roll call so the total voting members should be 17.
 - c. Monday, October 26th, 2020
 - i. N. Danev moved to approve the minutes; the motion was seconded and approved.
- IV. Unfinished Business
 - a. Resolution 3: On the Proposed Changes to the Student Code of Conduct
 - i. N. Danev moved to untable the resolution; the motion was seconded and approved.
 - ii. Abstract: The GPSA expresses its dissatisfaction with the process of changing the Student Code of Conduct and notes several changes it supports.
 - iii. N. Danev noted that he would be submitting an amendment to the resolution that would strike out lines 18-23 of the resolution because the CJC was planning on holding a town hall.
 - iv. N. Danev noted that the first item that the GPSA should oppose was the removal of the ability to question the witnesses directly. Several other items



Cornell University University Assembly

that N. Danev noted the GPSA should support included the JCC remaining separate from the OJA and using the clear and convincing evidence standard because it better advances the principles of fairness and due process. He added that he supported using the preponderance of evidence standard for Title IX proceedings but for cases not under Title IX, the standard of proof should be clear and convincing standard. Using the preponderance of evidence standard would place students with minimal law experience in a situation in which they would need to disprove seasoned lawyers which would place them at a disadvantage.

- v. The fourth point made by N. Danev was that the GPSA should support the right of the accused to be “afforded the assistance of an advisor provided through the Offices of the Complainants’ Codes Counselor and Respondents’ Code Counselor to assist and advise” and that right was no longer as explicit in the proposed Code despite being so in the previous Code. He noted that students should be made aware that they had a right to an advisor if charged with anything by the university. The fifth point was that the GPSA should not allow the University Council’s suggestion of not holding public hearings and N. Danev expressed that allowing respondents the option of having a public hearing served as an important check on the University administration and enforced accountability.
- vi. N. Danev presented on several other aspects of changes that the GPSA should oppose (as described in Supplement to Resolution 3: On the Proposed Changes to the Student Code of Conduct) including changes to temporary suspension in the new Code that would set a lower standard for placing individuals on temporary suspension and give more power to the VP of SCL’s Office, removing the statute of limitation which could allow evidence to deteriorate over time, and granting the University jurisdiction over off-campus conduct except if the misconduct is specified under the ‘Grave Misconduct’ provision in the current Code.
- vii. N. Danev stated that the resolution was not solely his opinion and that it was reviewed by the GPSA Executive Committee. Additionally, the resolution was worked on by several stakeholders including a group of law students that helped interpret the past and current Code particularly many individuals from the JCC’s office. N. Danev noted he believed the resolution fully represented the needs of graduate students and understood that different constituencies on campus may hold differing opinions. N. Danev also thanked the CJC committee members for attending the meeting and



Cornell University University Assembly

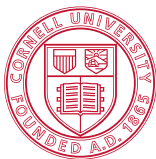
noted that the CJC would be voting on the proposed Code of Conduct changes and he appreciated them attending to hear about the resolution.

- viii. T. Luttermoser spoke in support of the resolution stating that N. Danev and the presentation from M. O’Gara from the JCC’s office had clearly laid out the case especially with the use of the clear and convincing evidence standard since most of the cases were the University charging a student rather than a student charging another student. T. Luttermoser also noted that M. O’Gara has spoken strongly in favor of the independence of the JCC’s office. In addition, he noted that M. O’Gara had mentioned that some of the changes in the proposed Code were made in anticipation of changes from the Federal Government that never occurred, so it made sense to get rid of those changes that were no longer needed.
- ix. C. Huang introduced herself noting that she was an undergraduate senior studying ILR and was attending the meeting in her capacity as SAA President. C. Huang noted that she was in favor of certain parts of the resolution but also recognized that the SA in the previous semester, through the OSA had drafted a resolution that was in conflict with Resolution 3. C. Huang expressed that the Code of Conduct disproportionately affected undergraduate students and although she was thankful of N. Danev acknowledging that other constituencies may have differing opinions, she was hesitant of the GPSA voting on a resolution that would disproportionately affect undergraduate students. She noted that in a report from the OJA’s office, undergraduate students were involved in 650-750 cases a year compared to 10-20 graduate students cases for Code violations. She expressed that the SA would disagree with certain parts of the resolution, specifically Numbers 1 and 3 but they would agree with Numbers 6 and 9. C. Huang invited the members to attend the upcoming SA meeting on Thursday to hear more about how undergraduates felt about the proposed Code changes.
- x. C. Duell stated that he was not sure that some of the characterization regarding public comment and feedback was reflective of how the proposed changes came about. He noted that he was not personally involved in the development but was a member of the UA during the Code discussions and noted that although there was a lot of good content in the resolution, characterizing it as having little feedback and public discussion was not accurate considering the process took a long time with multiple stages of feedback.



Cornell University University Assembly

- xi. N. Danev noted that he was also a member of the CJC, and the current proposed Code had 23 public comments posted and had been up for over a month so there was a lack of knowledge regarding the changes amongst the student body. He stated that he did not think the University had made a great enough effort to inform students and get them involved. Additionally, in response to C. Huang's statements, N. Danev noted that he understood that the SA body from the previous year had voted on the OSA's resolution but was not certain that this year's SA body would agree with that same resolution since they had not voted on it. In addition, he noted that he recognize that certain members of the SA may have differing opinions, but it was the GPSA's responsibility to represent graduate and professional students while also acknowledging that other constituencies may hold different opinions. The goal was to pass a resolution that would benefit the graduate and professional students the most considering that was the GPSA's constituency.
- xii. C. Huang express hesitation at the idea of the GPSA voting only in furthering the goals of its graduate and professional student constituency at the expense of another constituency or body. C. Huang recognized the hard work that the JCC's put into the process but urged members to hold off on the resolution until hearing more from undergraduate students. She noted that the Code was a student Code of Conduct and would like the assemblies to work together to benefit all students.
- xiii. D. Dunham noted that during debate, all questions should be directed to the chair and not any particular member.
- xiv. N. Danev motioned to amend the resolution by striking out lines 18-23 calling for the University to organize a public forum for discussing the proposed changes. The reason for the amendment was that the CJC was already planning on holding a forum on Thursday at 6:30 pm and therefore fulfilling that criterion of the resolution. The motion was seconded by K. Krishnan and the resolution was amended.
- xv. T. Luttermoser asked a clarification on point 8 of the resolution noting that he wanted to make sure that the point on the statute of limitations was not applying to Title IX cases and cases under the Code of Conduct.
 - 1. N. Danev responded in the affirmative noting that nothing in the resolution applied to Title IX cases.
- xvi. D. Dunham clarified that everyone was allowed to speak twice in discussion and noted that the assembly was currently in general discussion with



Cornell University University Assembly

members being allowed to make amendments or ask questions to the sponsor.

- xvii. N. Danev moved to vote on the resolution; the motion was seconded. The resolution **failed** 9-1-7 since it required an absolute majority of 13.
- xviii. N. Danev rose to a point of order noting that the Executive Board of the GPSA was called during Roll Call of the voting members despite being told they were not allowed to vote on the resolution meaning the majority number would need to be changed.
 - 1. D. Dunham noted that the absolute majority was always the same because it was the majority of seated voting members regardless of whether or not they were in attendance. Since there were currently 25 voting members, then the majority for all votes on resolutions should be 13 and since there were only 9 votes in favor of the resolution, the resolution did not pass.

V. Cornell University President Martha Pollack, Vice President Ryan Lombardi, and Dean Kathryn Boor Address to the GPSA

- a. President Pollack thanked the members for the work they had done despite the unprecedented aspects of the year. President Pollack expressed to the assembly several leadership changes. The first change that she noted was the new Dean of the Graduate School and Vice Provost of Graduate Education, Dean K. Boor. President Pollack noted that she had known Dean Boor since she had started serving as President of the University and noted that she view Dean Boor as a visionary capable of seeing people and institutions not only as they were but as what they could be and how to get from the present to the future. In addition, she noted that Dean Boor had been at Cornell for a long time and during that time, she had shown herself to be a fierce advocate for graduate students. President Pollack stated that she was looking forward to seeing where the Graduate School would go under the leadership of Dean Boor over the next five years. In addition to Dean Boor, there were 3 other new Deans that the University was happy to welcome to Cornell. She noted that L. Archer was the new Dean of Engineering, K. Bala was the new Dean of Computing and Information Science, and B. Houlton would be taking Dean Boor's place as the new Dean of CALS.
- b. President Pollack noted that the University was still seeing lots of great advancements in teaching, research, and engagement despite the pandemic. One example of this was CHESS (Cornell High Energy Synchrotron Source) which just received a \$32.6 million grant from the NSF to build a high magnetic field beam line which would support research that could not be done anywhere else in the world. Another example was the Institute for African Development at the Einaudi Center



Cornell University University Assembly

which just received a 3-year \$300,000 grant that would strengthen African studies and languages for Cornell undergraduate students both on-campus and in Africa which would strengthen the Universities presence as an international University.

- c. President Pollack stated that coping with the pandemic has been front and center despite not being easy. She thanked graduate students for taking on the semester with determination and commitment, voicing their concerns, working together to find solutions, and finding the best ways to move forward amidst the pandemic. She noted that everyone was dealing with the personal and emotional stresses of the year and these challenging circumstances made the commitment of graduate students more impressive. President Pollack stated that the Universities infection rates remained low with less than 141 cases since the beginning of the semester with 84 of those cases in the first 11 days. Approximately $\frac{3}{4}$ of cases had been students with $\frac{1}{4}$ being faculty and staff placing the University among the most successful in the country in terms of dealing with the pandemic. President Pollack voiced that the success was a community success along with the research that went into planning before the semester began. She also expressed gratitude to the MPH students who helped informed the Universities response with surveys and other initiatives. However, despite the current success, she noted that it would be important to stay vigilant and maintain physical distancing, completing the daily checks, and surveillance testing. President Pollack also added that she was concern due to the increase of cases in the surrounding counties and the incoming colder weather. She urged for everyone to limit their travel and gatherings during the holidays.
- d. President Pollack also informed the assembly that CAPS was continuing to provide mental health services via telehealth. Additionally, Cornell Health had expanded to provide telehealth physical and mental health appointments. She also noted that the Universities mental health report had been released and members of the Executive Accountability Committee which Dean Boor was a member of, would guide next steps. She also noted that the improved mental health services were just one of the changes the University made in response to the latest GPCI. Other changes included child care grant modifications that would expand eligibility and increase flexibility, the creation of a downtown COVID-19 testing center and encouraging fields and departments to allow graduate and professional students to use offices and other on-campus facilities safely.
- e. President Pollack noted that the University had also been advocating strongly on immigration issues in response to changes in immigration policies and practices that had made it difficult for international students. President Pollack expressed hopefulness for changes in policies that would create a welcoming climate for international students after the election. She noted that on November 2nd, the DHS



Cornell University University Assembly

published a proposed resolution that would give preference to applications for higher-level positions and make it harder for new graduates to get H-1B Visa status for entry-level positions. President Pollack stated that the public commenting period was opened and urged international members of the assembly to comment and noted that Cornell would also be commenting. The Office of Global Learning would have talking points for students to use if they wanted to comment. President Pollack also noted that Cornell had commented on the proposed changes to the duration of status that would limit students to 4 and 2 years. Lastly, she noted that the University had just joined as a plaintiff in the lawsuit *Chamber of Commerce et al. v. US Department of Homeland Security et al.* which would oppose changes that would make it much more difficult to hire international students. President Pollack expressed that she, along with all Cornell leadership, were committed to doing everything possible to ensure that the University was welcoming to the very best students from across the world regardless of field and country of origin.

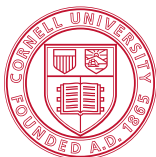
- f. Lastly, President Pollack noted that inclusive community-centered public safety continued to be a priority and the University had reformed the PSAC to report to EVP and CFO J. DeStefano. The PSAC also included undergraduates, graduates, faculty, and staff and was discussing a wide-range of initiatives already. Additionally, under the leadership of Dean of Faculty C. Van Loan and Associate Dean of Faculty N. Kudva, the Faculty Senate was developing framework for three faculty-led initiatives that included the creation of a center that would coordinate and promote research on the causes and ways to address systemic racism, an educational program for faculty on the same issues, and a 4-credit education requirement for all students on the topic. Additionally, she noted that the Graduate School was providing workshops, resources, individual consultations on equity-based holistic review with faculty, and developing strategies focusing on faculty mindsets and behaviors. President Pollack noted that the work should not be the responsibility of students but that it did benefit from them and thanked students for working towards making Cornell more equitable.

- g. Questions & Answers

- i. President Pollack asked members how they were doing.

- 1. D. Dunham expressed that it seemed like it had been a very long semester and it had been strange to not be on campus for a vast majority of time. The most difficult part was creating the right research environment despite not having the same amount of access to resources.

- ii. K. Krishnan asked if the same committees would be reinstated for decisions on the Spring semester as had been used for the Fall reopening or would the



Cornell University University Assembly

opening of the Spring semester be made by the administration with graduate and professional students having the ability to give input.

1. President Pollack stated that almost all the decisions that were made by the committees for the Fall would carry-over for the winter and there weren't many new decisions to be made. She added that she was concerned about the cases nationally and the University was carefully conducting Epidemiological modeling.
- iii. A. Pandey expressed gratitude for the successful reopening the University underwent.
 1. President Pollack noted that she believed the two reasons behind why the University had a successful reopening was because it followed the science and the community chipping in to do the right thing.
- iv. T. Luttermoser expressed concerns that he and his constituents had about the mental health report in regard to the language on the last page that seemed to be advocating for a reduction in counseling services. T. Luttermoser noted that they were concerned about the suggestion that the solution to mental health issues was to reduce service or access.
 1. President Pollack expressed appreciation to T. Luttermoser for raising that concern and stated that she did not have a detailed answer but assured that the administration was deeply committed to doing everything it could to assure the mental health of students.
- v. A. Johnson noted that she was the graduate student on the committee for the Preparation of Online Teaching committee and noted that within her department, one of the issues that had come up was that teaching assistantships were more demanding in many cases than they had been in the past because of the added challenges of moving courses online. A. Johnson stated that one of the recommendations from C-POT was to identify and fund sufficient TA resources to manage increased section numbers in the hybrid model. A. Johnson asked if the University was keeping track of the increased workload at a broader level and if there was a plan to increase the number of TA lines to accommodate that needs.
 1. President Pollack responded by stating that it would be something that would need to be done at the school, college, and department level and then feed up to the Provost for resources. She noted that those sorts of allocations would need to happen at the local level. She also added that she knew that everyone was working much



Cornell University University Assembly

harder and the University would do the best it could to support everyone.

2. A. Johnson noted that the TA assistantships had set hours and many students were surpassing those set hours.
 3. President Pollack stated that she understood the concern and told A. Johnson to make sure that her department chair was notified. She also noted that the University did not have a pool of money to provide but would try to address problems as they arose.
- vi. K. Krishnan expressed concerns over the lack of technological resources for students teaching from home.
1. President Pollack stated that she was not aware of any programs that were providing these technological resources but made it note and stated that the University would look into it.
- vii. A member of the assembly expressed a concern for the lack of infrastructural support (desks, office chairs, internet, etc.) in the shift to home learning and home dissertating particularly noting that it was a major concern for those in the Department of Literatures in English because of demands on labor and salary. Secondly, the assembly member expressed concern on the interruption of prescription services over the summer for students on the student health insurance. The member noted that she was aware of at least 4 individuals that dealt with serious interruptions to their supply of necessary medication and the cumulative loss of work that the change affected was in the area of 4-6 weeks.
1. President Pollack noted that she did not know anything about the interruption but would look into it.
- viii. L. Davis-Frost, Grad/Prof Student-Elected Trustee, asked if the administration had held any further conversations on supporting the Ithaca community in light of the pandemic and in light of the racial and social unrest occurring in Ithaca.
1. President Pollack noted that the University was always trying to support the community. The most recent example of that had been providing \$160,000 worth of testing to the public schools so that all students could be tested before going back to school. Earlier in the year, the University had also contributed to a fund to help bolster small businesses. President Pollack noted that the University was limited in what it could do and that the more money was given to the community, the less that would be available to help support the



Cornell University University Assembly

needs of students and financial aid but worked to help the community as much as possible.

- ix. A member of the assembly expressed gratitude for the University reopening. Additionally, the member asked how the University would work to Segway back into normalcy if a vaccine were to become available in the middle of the upcoming semester.

1. President Pollack stated that she was increasingly optimistic that a vaccine would be available but noted that it would take a while to manufacture it and her best guess would be that vaccinations would most likely not start until early next year. She noted that the priorities would be for frontline workers, the elderly, individuals with pre-existing conditions, and then for the general population. President Pollack expressed hope for a live graduation next spring given enough people being vaccinated but that the University would continue to follow the science in returning to normalcy.

VI. Elections

- a. Student Advocacy Committee Chair

- i. There were no nominations and D. Dunham noted that the election would need to carry over into the next meeting and any members interested in the position should reach out to the Executive committee.

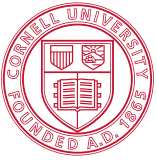
VII. New Business

- a. N. Danev motioned to allow L. Kenney, UA Chair, to speak.

- i. L. Kenney noted that any issues that come before the GPSA were within its real of jurisdiction and issues of the Code affected Graduate students deeply as well. L. Kenney stated that shared governance should be respected and not speaking against resolutions which the GPSA has brought to the floor. The role of the GPSA was to think about graduate and professional students and the university body as a whole but at the end of the day, the role of the GPSA was to represent its constituency.

- b. A. Johnson brought up Resolution 4: Enabling Prizes for Events to be Purchased with GPSAFC Funding

- i. Abstract: This resolution updates the GPSA Finance Commission Funding Guides to allow groups to give out prizes at Finance Commission-funded events. Gift card prizes and cash prizes are still prohibited.
- ii. A. Johnson noted that that there were a lot of groups that wanted to give prizes for events such as virtual trivia nights, but the current guidelines prohibited that. The resolution would attempt to change that while keeping



Cornell University University Assembly

gift card prizes and cash prizes prohibited. A. Johnson expressed that allowing groups the ability to present prizes would make events more fun.

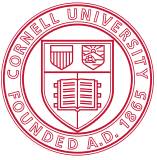
- iii. The resolution was seconded.
- iv. K. Krishnan expressed support for the resolution noting that there were many groups promoting it. K. Krishnan asked if the resolution would carry-over to future semesters.
 - 1. A. Johnson confirmed that the resolution would carry-over and the change would be permanent.
- v. D. Dunham stated that he had misinterpreted the Bylaws and any votes on a new Resolution would require a postponement of at least one meeting following the meeting in which the resolution was introduced. The rule could be suspended by a 2/3 majority vote of all seated voting members at which point discussion could continue.
- vi. A. Johnson motioned to suspend the rules; the motion was seconded with no objections and the rules were suspended.
- vii. There was a motion for previous question and the motion was seconded with no objections. The resolution **passed** 13-0-4.
- c. K. Krishnan moved to reconsider Resolution 3. The motion was seconded with no objections.
 - i. W. Treat from the OA noted that the vote was 9-1-7 with the 7 being counted as abstentions.
 - ii. N. Danev rose to a point of order and requested that GPSA members solely be involved in the discussion since it pertained to them.
 - iii. D. Dunham noted that he had made an exception of the rule and allowed non-GPSA members speak to the resolution. Therefore, he would grant N. Danev's request since it would not require a suspension of the rules.
 - iv. M. Munasinghe asked D. Dunham if he could defer a question to a non-member (C. Huang) if a GPSA member asked a question to an undergraduate rather than the non-member being unable to speak permanently.
 - 1. D. Dunham stated that in the general debate on a resolution, GPSA members could ask to question a non-member who could then speak. However, in formal debates, it should only be GPSA members speaking.
 - 2. M. Munasinghe asked where reconsidering would put the assembly in the discussion hierarchy.
 - 3. D. Dunham stated that from his understanding of the rules, questions should only be asked of the sponsor of the resolution.



Cornell University University Assembly

However, if the assembly wanted to suspend the resolution to allow something else, that could be done. Therefore, the discussion would now allow speaking for or against the resolution as a member of the GPSA or asking the sponsor questions.

- v. K. Krishnan stated that there were many abstentions implying that people did not understand the resolution so they should have the opportunity to ask questions.
 - 1. D. Dunham stated that questions could be asked by the sponsor but otherwise all remarks should be directed to the chair of the meeting rather than an assembly member.
- vi. N. Danev stated that it would be important to not allow interference in the autonomy of the GPSA and it would be important to uphold the ideals of shared governance. Additionally, it would be important to hear from the JCC's since they had the most experience in the process.
- vii. N. Danev noted that it was important the resolution be passed because even if there weren't as many graduate students affected by the Code, those that were still were constituents of the GPSA. Additionally, he noted that none of the suggestions he was making were out of line but were in line with the proceedings of other universities including the defendant being independent of the prosecutor, the burden of proof shouldn't be lowered since 90% of individuals were found guilty anyways. The resolution would advocate for students, particularly graduate and professional students.
- viii. T. Luttermoser noted that he was in favor of the resolution and added that one thing that would be important to remember was that the resolution passed today would not be the final policy but would rather advocate for a set of changes. He stated that the individuals that were making the final policy would be responsible for balancing the needs of different stakeholders and it was not necessarily true that the contents of the resolution would end up being the final Code of Conduct. T. Luttermoser added that it would be worth advancing the bulk of the ideas proposed in the resolution that a majority of people were in favor of since the final policy would take into account all the differing opinions.
- ix. J. Pea rose to a parliamentary inquiry and asked if it would be possible to ask the JCC questions if they were present at the meeting.
 - 1. D. Dunham noted that if the JCC was willing to answer the question, then he would allow it.
- x. J. Pea asked the JCC, M. O'Gara for her perspective on the resolution.



Cornell University University Assembly

1. M. O’Gara noted that everything the JCC’s office was advocating for was based on feedback from undergraduate and graduate students that the office had advised. For example, in the implementation of the clear and convincing standard, many students had expressed that they thought they had been wrongly accused and using that evidentiary standard would grant them a fairer process. The items the office was advocating for were not the priorities of the JCC but rather those of the students.
- xi. C. Duell asked L. Kenney to comment on the 2nd “Whereas” statement on line 10 in regard to the public commenting and feedback that was instituted.
 1. L. Kenney stated that the resolution was correct in noting that only one public forum was organized and the issue of the incorrect Zoom link caused a 30 minute delay but that public comment was open for a longer period of time than the one mentioned in the resolution and an official email was sent out in a different time period.
- xii. N. Danev motioned to vote; the motion was seconded by T. Luttermoser. The resolution **failed** 10-0-7.
- d. D. Dunham asked if there was a motion to either adjourn or extend the meeting.
 - i. N. Danev rose to a point of order and noted that he had taken attendance already.

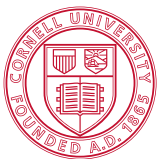
VIII. Adjournment

- a. An assembly member moved to adjourn the meeting and the motion was seconded with no objections.

The meeting was adjourned at 7:00pm.

Respectfully Submitted,

Auriole C. R. Fassinou
Clerk of the Assembly



GPSA Resolution 6:

Resolution Approving the GPSA Internal Budget for the 2020-2021 term

Sponsored by: Aakarsha Ajit Pandey, on behalf of the GPSA Appropriations Committee.

WHEREAS, The GPSA Bylaws require that the Appropriations Committee recommend an internal budget in the form of a resolution (3.05(D)(vii)); and

WHEREAS, The total recommended budget for the 2020-2021 fiscal year shall be a total of \$36,850.00; and

WHEREAS, The Administrative budget shall be 6,800.00, the Executive budget shall be \$150.00, the Communications budget shall be \$700.00, the Operations and Staffing budget shall be \$300.00, the Appropriations budget shall be \$800.00; and, the Finance Commission budget shall be \$1,600.00, the Student Advocacy budget shall be \$1,300.00, the NAGPS budget shall be \$800.00, the Faculty Awards budget shall be \$300.00, the Diversity Committee budget shall be \$1,800.00, and the travel budget shall be \$300.00; and

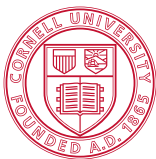
WHEREAS, The contribution to Anabel's Grocery shall be \$20,000.00; and

WHEREAS, The GPSA decided in 2015 to financially support the subsidized student-run and operated Anabel's Grocery through an annual contribution of \$20,000 for a maximum of four years (totaling \$80,000) in exchange for the ability of graduate and professional students to shop at the store; and

WHEREAS, This short-term contribution was decided at that time to come through the GPSA directly as a line item in the internal budget; and

WHEREAS, The chairs of the GPSA Finance Commission and chair of the GPSA Appropriations Committee met with the executive team of Anabel's Grocery in spring 2017 to formalize this relationship; and

WHEREAS, This discussion resulted in the formal agreement among all parties that 50% of the GPSA's contribution to Anabel's Grocery would be used for capital depreciation, and the remaining 50% be added to the subsidy fund; and



Cornell University
Graduate and Professional
Student Assembly

WHEREAS, The subsidy fund is an account used by Anabel's Grocery to subsidize the cost of food items to customers with demonstrated financial need; and

WHEREAS, The next \$20,000.00 contribution of the GPSA was agreed upon to come in the Fall of 2019; and

WHEREAS, in 2019 Fall the GPSA decided via [Resolution 4: Recommendation for the Graduate and Professional Student Activity Fee for 2020-2022](#) to support Anabel's Grocery for two years or until the next Byline cycle; and

WHEREAS, in the light of the pandemic and shifting of all GPSA activities to a remote setting, the GPSA has decided to generate an access fund supporting graduate and professional students; and

WHEREAS, the budget for this access fund will be \$2000, and the GPSA will notify graduate and professional students to apply to this fund to meet some of their financial concerns; and

BE IT THEREFORE RESOLVED, The current and remaining contributions of the original \$80,000 decided on by the GPSA to Anabel's Grocery will be designated as line items in the GPSA internal budget;

BE IT FURTHER RESOLVED, That the Appropriations Committee will continue to stay in communication with Anabel's leadership to evaluate their finances and progress towards sustainability once funding ceases;

BE IT FURTHER RESOLVED, That the GPSA adopts these recommended allocations for the budgets as proposed in this resolution;

Respectfully Submitted,

Aakarsha Ajit Pandey, GPSA Appropriations Chair

November 13, 2020

Per Section 4.04 part B of the GPSA Bylaws as amended in 2018, the undersigned Graduate and Professional Students of Cornell University request that the Graduate and Professional Student Assembly review and vote on the resolution below at the next Graduate and Professional Student Assembly meeting:

Resolution 6: 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 both lists several concerns with the new proposed Student Code of Conduct and notes several changes it supports.

Sponsored by: Undersigned Graduate and Professional Students of Cornell University

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

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

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

Number/Topic	Old Code Reference	New Code Reference	Comment
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<p>1) Students and Their Advisors Ability to Speak & Ask Questions</p>	<p>Article III E3(b)6(c) and Title II Article II B</p>	<p>Procedures at 20.8.2 and Procedures at 11</p>	<p>The GPSA opposes the proposed changes as we firmly believe that it is imperative that both complainants and respondents (both themselves and through their advisors) be given the opportunity to question witnesses directly. Parties should be allowed to ask questions immediately and directly instead of only in writing and through the chair as this creates unnecessary and impractical delays. At hearings, the Complainant, in the overwhelming majority of cases, will also be the University, and the University will be represented by staff members who have the resources of the University available to them. It is 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</p>
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			<p>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 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. RCCs also 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>
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<p>2) Confidentiality</p>	<p>Title II Article II B</p>	<p>Procedures at 2.2</p>	<p>While understanding the importance of confidentiality and always keeping confidential information within the Office unless otherwise required by law, for years, the RCCs have been effective, in large part, because they have been able to share confidential information within their Office and therefore, collaborate and work together. They remain in essentially constant communication with each other to discuss questions as they arise. Students deserve to benefit from the institutional knowledge and wisdom that this collaborative environment helps create.</p>
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<p>3) Independence of Advisors</p>	<p>Title II Article II B</p>	<p>Procedures at 2.2.3</p>	<p>The RCC must remain independent from OSCCS. Specifically, the Office of Student Conduct and Community Standards should not play a role in the hiring or removal of the Respondents' Code Counselor, even in a consulting capacity. This new proposed Code creates a fundamentally unfair imbalance by giving the Director a newfound ability to influence the hiring and removal of the RCC, thereby threatening the independence that leads students to trust their advisors in the first place. The RCCs should only be subject to removal by action of the Board of Trustees upon the recommendation of the Student and Graduate and Professional Student Assemblies.</p>
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<p>4) Standard of Evidence</p>	<p>Title III Article III E(9)</p>	<p>Procedures at 20.2</p>	<p>The GPSA believes that the clear and convincing evidence standard—which requires that the decision-maker find it is “substantially more likely than not” or be about 75% sure that a violation has occurred in order to find a student responsible—best advances principles of fairness, ensures accurate outcomes, and creates trust. In a hearing, respondents, who are often still teenagers and frequently are first time offenders, face the University and the many resources available to it. If the University switches to a preponderance of the evidence standard, the Code would 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. No evidence has been presented that suggests the University has had any difficulty finding students responsible for violations under the clear and convincing evidence standard. Additionally, the clear and convincing evidence has been the longstanding standard used in <i>non</i>-sexual assault campus misconduct proceedings at Cornell. The clear and convincing evidence standard signals to the campus community that the</p>
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			<p>University is committed to avoiding finding the innocent responsible, thereby giving the community the confidence that the campus adjudicatory system is operating fairly. Finally, 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. 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>
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5) Right of Students to Be Informed of Ability to Access an Advisor	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 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 contact the RCC and report after proceedings have ended that they were not sufficiently aware of this right. If anything, the Code should implement <i>additional</i> 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.</p>
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6) Public Hearings	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 (as the current Code does) to determine whether a public hearing is appropriate in circumstances given those competing interests.
7) Addition of Advisors for Complainants	<i>None</i>	Procedures at 2.2.3	The GPSA supports this change

<p>8) Temporary Suspensions</p>	<p>Title III Article III 3(B)(c)(1) and Title III Article III 3(B)(a)(1)</p>	<p>Procedures at 8.1 and Procedures at 8.2</p>	<p>The GPSA opposes the shift to having temporary suspensions reviewed by the VP SCL instead of independent hearing panels composed of members of the University community. 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 to suspend a student and maintains campus-wide trust in the integrity of the disciplinary process. On the other hand, the GPSA supports the addition of the phrases only “where immediate action is necessary to protect the Complainant or the University community” and only “when less restrictive measures are deemed insufficient to protect the Complainant or the University Community” that were added to the standard for imposing a temporary suspension. We would, however, recommend that the phrase only “in extraordinary circumstances” from the current Campus Code of Conduct be added back in. The phrases that were added are important because they ensure that temporary suspensions are only used as an interim measure in urgent situations where less burdensome options are unavailable to address</p>
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			<p>potential threats to campus safety. Still, we believe that it's important to explicitly indicate that this serious interim measure should not be used in ordinary circumstances because temporary suspensions are imposed before a student has had an opportunity to provide any evidence or share their side of the story. It forces students to leave campus and deprives them of the opportunity to access their education (even over Zoom).</p>
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9) Timeframe in Which Complaints Can be Brought	Title III Article III D(4)	Procedures at 5	<p>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.”</p>
10) Alternate Dispute Resolution	<i>None</i>	Procedures at 7.2.4 and Section 3(B)	<p>The GPSA supports these changes.</p>

11) Scope of Code's Application	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.
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Be it finally resolved, that in its current form, the GPSA opposes the proposed Student Code of Conduct, however, will strongly support it upon implementation of the suggestions expressed in this resolution.

Respectfully Submitted,

Name	NetID	Department
Joanna Schacter	jrs649	Law
Kaitlyn Marasi	Kpm77	Law
Anna Kaufman	ack264	Law
Quanece Williams	Qaw2	Law
Brie Michaelson	Bmm256	Law
Matthew Sunday	mjs729	Law
Lanay Mitchell	Lm799	Law
Logan R. Kenney	Lrk74	Law
Marisa O'Gara	mao229	Law
Yam Schaal	Ys2235	Law
Benedict C. Bussmann	bc98	Law
Divij Singh Kadan	dsk268	Law
Nathan Harp	ndh38	Law
Mary Victoria Martin	mvm59	Law

Alyssa Ertel	abe33	Law School
Audrey Burnim	aab293	Chemistry
Nikola Danev	nd398	Genetics, Genomics and Development
Virginia McGhee	Vem26	Chemistry and Chemical Biology
Kathleen Quain	keq5	Johnson
Piyush Jain	pj248	Chemical and Biomolecular Engineering
Anna Russell	amr458	Law
Itamar Haritan	ih255	Anthropology
Hayden Rutledge	Hsr52	Law
Prachee Sawant	pss238	Law
Zachary Sizemore	zrs8	Law
Grant Shillington	ges242	Law
Kayleigh Yerdon	Kay28	Law
Evelyn Hudson	Emh263	Law
Kianna Early	Kme68	Law
Julia Gebhardt	jag579	Law
Evelyn Hudson	Emh263	Law
Robert Ward	rww98	Law
Julian Xu	jjx7	Law
Jason Steuerwald	jls722	Law
Emery Staton	ebs235	Law
Natalie Grieco	nag82	Law
Siunik Moradian	sm2783	Law
Conor Bednarski	Cb827	Law
Omkar Mahajan	Om94	Law
Danielle Dominguez	dtd54	Law
Adnan Hussain	ah2275	Law
Serene Kabir	ssk292	Law
Robert Reese Oñate	rro22	Law

Jennifer Yu	jjy28	Law
Danielle Dominguez	dtd54	Law
Alicia Denutte	ad2295	Law
Danielle Dominguez	dtd54	Law
Mary Catherine Holt	mh2397	Law
Julia Gebhardt	jag579	Law
David Nelkin	Drn47	Law and Johnson
Serene Kabir	ssk292	Law
Frederick Horowitz	fmh45	Hotel School
Weston Boose	wsb78	Johnson
Ethan Everett	eae75	Johnson
Athena Ebinger	are64	Johnson
Marisa Werner	maw393	Law and Johnson
Richard Hoff	rh659	Biomedical Engineering
Patrick Fitzgerald	pgf45	Johnson
Victoria Quilty	vjq3	Law
Tim O'Connor	Tjo73	Johnson
Lauren Gergel	lg563	Johnson
Eric Espinel	ee297	Johnson
Robert Carney	rmc335	Johnson
Charles Day	cd636@cornell.edu	Johnson
James Bogdanowicz	jpb387	Law
Isaac Branaum	ijb38	Johnson
Victor Flores	Vmf6	Law
Eirene Kim	Ehk67	Law
Melissa J. Lin	MJL246	Law
amanda miner	awm78	Law
Suzanna Swanson	sms725	Law
Hannah Jung	hj446	Law
Olivia Rosen	owr5	Law
Destiny Reyes	dir33	Law

Martin Sasson	ms3532	Law
John Mucciolo	jrm585	Law
Zachary Jagielski	zjj6	Law
Anthony Bautista	Ajb498	Law
Zora Franicevic	zff2	Law
Stephen Brown	stb84	Law
Heather Donato	hmd63	Law
Kayla Anderson	kja72	Law
Alice Yao	Jy845	Law
David Relihan	Dar337	Law
Melissa Muse	mrm393	Law
Federico wynter	Fjw44	Law
Nicholas Pulakos	nep45	Law
Ryan Zehner	Rhz7	Law
Anthony Bautista	Ajb498	Law
josh Howard	Jjh376	Law
Sam Steiger	Sjs473	Law
Thomas Turgeon	Tpt32	Law
Zachary Jagielski	zjj6	Law
Thomas Turgeon	Tpt32	Law
Eirene Kim	Ehk67	Law
Freddie Xu	fmx2	MBG
Stephanie Tanis	slt97	Genetics, Genomics and Development
Alexx Shumway	as3999	Genetics, Genomics and Development
Ari Broad	amb647	Genetics, Genomics and Development
Hallie Sussman	hrs86	Genetics, Genomics and Development