

October 6, 2020

To: President Martha E. Pollack

From: David A. Lifka, Vice President for Information Technology
Michelle Benedict-Jones, Associate Vice President, University Treasurer, and Interim University Bursar

Re: GPSA Resolution 16, "Demanding Cornell Fight for Fair Terms for the Remote Services its Community is Required to Use."

We do not recommend acceptance of this resolution for the following reasons.

When negotiating contracts with vendors, the university constantly seeks to obtain terms and conditions for itself, as well as for Cornell students, faculty, and staff, that are progressive and fair. This negotiation is one reason Cornell urges faculty, staff, and students to use the services that the university selects and provides, instead of using personal accounts or alternative services they may prefer. The Cornell-negotiated contracts often differ in important ways from the "generic" terms and conditions offered by the vendors.

Zoom is a case in point. Cornell's contract with the vendor does not have an arbitration clause or prohibit class action. Regarding the security points made in Resolution 16, as Cornell prepared for the drastically expanded use of Zoom, the university participated in numerous security-related discussions with the vendor and other higher education institutions. The university's security-related concerns (including those noted in the resolution) were addressed satisfactorily and continue to be.

In the case of CASHNet, the university has confirmed that CASHNet is unwilling to create special terms and conditions for Cornell in exchange for providing the service. As is typical for credit card companies and similar payment industries, the CASHNet terms of use require mandatory arbitration for any student disputes with CASHNet and also prohibit class actions by students against CASHNet.

In recognition of these contract limitations, Cornell uses the CASHNet system to provide an option for students to make electronic payments. The university does not require students to use the service. Any student who does not wish to agree to CASHNet's terms may instead make payments by check, wire transfer, or the monthly Cornell Installment Plan. Students who choose to agree to the CASHNet terms should note that those terms do not govern a student's legal relationship with Cornell, and Cornell does not impose similar restrictions on students in their relationships with the university.