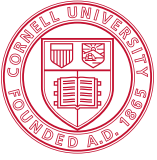


# Cornell University University Assembly

## Cornell University Assembly Agenda of the Oct. 1, 2019 Meeting 4:30 PM – 6:00 PM 401 Physical Sciences Bldg.

- I. Call to order - 4:30pm
  
  - II. Business of the Day
    - a. Martha Pollack – 4:30pm to 5:00pm
  
    - b. Approval of the 9/3/19 Minutes – 5pm to 5:03pm
  
    - c. Call for Late Additions to the Agenda – 5:03pm to 5:05pm
  
    - d. Discussion on update of the Code - 5:05pm to 5:25pm
      - i. Background and current status on assistance being provided by the University Counsel’s office
      - ii. Providing feedback to the CJC on their drafts
      - iii. Possible structure of the Code: Campus Code of Rights and Privileges (pertaining to all members of the Cornell community), with detailed Student Code of Conduct falling under that (postponing consideration of codes for faculty and staff until later)
      - iv. Should fraternities and sororities be included under the Student Code of Conduct?
      - v. Judicial administrator role: change from prosecutorial focus to a guidance/facilitation focus, reporting to Dean of Students?
      - vi. Hearing boards: primarily use for appeals; use trained professionals to run hearings?
  
    - e. Committees – 5:25pm to 6pm
      - i. Executive Cabinet - Notes 9-10-19 meeting
      - ii. Codes Judicial Committee
        1. Resolution 1
        2. Resolution 2
      - iii. Campus Welfare Committee
        1. Brief update on Tabaco Survey – David Hiner
  
  - III. Adjournment
- 

If you are in need of special accommodations, contact Office of the Assemblies at (607) 255-3715 or Student Disability Services at (607) 254-4545 prior to the meeting.



Cornell University  
University Assembly

**Cornell University Assembly**

Minutes of the September 3, 2019 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

- I. Call to Order
  - a. Call to Order
    - i. R. Howarth called the meeting to order at 4:30pm
  - b. Roll Call
    - i. *Present:* A. Howell, E. Loew, J. Anderson, J. Pea, R. Howarth, P. Thompson, A. Barrientos-Gomez, C. Van Loan, K. Barth, M. Haddad, R. Mensah, R. Bensel, D. Hiner
    - ii. *Members not Present at Roll Call:* M. Hatch, G. Martin, L. Kenney, I. Allen, S. Lobo
  - c. Welcome and Introduction
    - i. R. Howarth announced the election results from the May 7<sup>th</sup>, 2019 executive session with R. Howarth elected as the chair, P. Thompson as the Executive Vice Chair, J. Pea as the Vice Chair for Operations, and M. Haddad as the Ranking Member. R. Howarth also introduced the major committee chairs and informed the assembly of the goals for the current year including the completion of the provisions of the Campus Code.
    - ii. R. Howarth stated that the four major committee chairs will join the Executive Committee as part of an Executive Cabinet and will meet once a month between the University Assembly meetings in hopes of creating better coordination between the assembly and each committee.
    - iii. R. Howarth stated that the provost, Michael Kotlikoff, and VP, Joel Malina, about the formation of the Sustainable Cornell Council (SCC) that will replace the Climate Action group and President Pollack's Council of Sustainability. The SCC will consist of 3 operating committees. The provost had formally asked for the University Assembly to appoint liaisons for these three committees. The Executive Committee was tasked along with K. Barth, chair of the Campus Infrastructure Committee, to appoint liaisons. The Executive Committee appointed K. Barth to the Campus Operations Committee, Caroline Levine to the Education and Engagement Committee, R. Howarth to the Carbon Neutral Campus Committee.
  - d. Call for Late Additions to the Agenda
    - i. There were no late additions to the Agenda.
- II. Approval of the Minutes

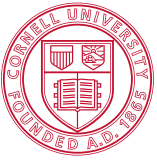


## Cornell University University Assembly

- a. 5-7-19 Minutes
  - i. A University Assembly member moved to approve the minutes. The motion was seconded by a member. There were no corrections or comments. The minutes of the 5-7-19 meeting were approved with M. Hatch abstaining from the vote.

### III. Business of the Day

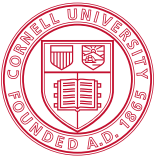
- a. Executive Cabinet
  - i. Meetings, Structure & goals
    1. R. Howarth stated that there is a proposal to meet this year less often than in the past as the full University Assembly as well as promote relations between the University Assemble committees and the Executive Committee.
- b. UA 2019 – 2020 Date Schedule approval
  - i. Sept. 3 / Oct. 1 / Nov. 5 / Dec. 3 in 2019  
Jan. 21 / Feb. 18 / Mar. 17 / Apr. 7 / May 5 in 2020
    1. R. Howarth stated that the University Assembly Bylaws state that the University Assembly body must approve the monthly meeting schedule with one more meeting held in the Spring compared to the Fall.
    2. J. Anderson asked as a point of clarification for the Executive Cabinet meetings and their relation to the schedule, if there will be public minutes for those meetings to the same degree as public minutes for general assembly meetings.
      - a. R. Howarth stated that whether there will be public minutes had not been discussed yet. P. Thompson pointed out that there will be a drafted agenda for each meeting that will be made public. R. Howarth said that he was planning on making the Executive Committee meetings informal and if there were minutes, they would be short and informal.
      - b. A University Assemble member asked if the meetings were going to be closed Executive meetings. R. Howarth stated that the first few meetings were going to be closed as it is a tradition for University Assembly Executive Committee to meet in a closed session. Furthermore, there is not a clerk scheduled to attend the Executive Committee meetings
      - c. J. Anderson made a request for the University Assembly to receive information on action items given to the committee



## Cornell University University Assembly

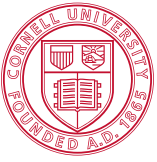
chairs pertaining to what projects are currently being undertaken by each committee.

3. R. Howarth requested a motion to approve the meeting dates for the general University Assembly body.
  4. J. Anderson motioned to approve the schedule of meeting dates. The motion was seconded by a member of the University Assembly.
  5. The scheduled meeting dates were **approved** unanimously.
- c. UA Committees – Goals for 2019–2020
- i. Campus Infrastructure Committee
    1. K. Barth introduced himself as the chair of the Campus Infrastructure Committee (CIC). He stated that the purpose of the committee is to review and approve proposed motions related to environmental impact and sustainability, information technology, transportation, and computer policies as well as topics deemed relevant by the University Assembly as a part of the campus infrastructure. According to K. Barth, the CIC is on a mission of purposeful discovery. The goal of all the committees and members of the UA is to search out information and to share it while ensuring that free and open expression is valued. The goal of the CIC is to advance solutions for a sustainable future at Cornell. Several ideas that are being looked at by the CIC and will be absorbed by the SCC include, the promotion of electric vehicles on campus and developing a program that provides carbon offsets for faculty and university travel.
    2. Additionally, K. Barth said that there is a plan to collaborate with the (Campus Planning Committee) CPC, an affiliate group to the University Assembly, to promote the creation of a campus circulator. The circulator would be a nuance approach to transportation around campus without regard to specific roles, whether that is faculty, staff, or student. K. Barth would like support of the University Assembly, Employee Assembly, Graduate and Professional Student Assembly, and Student Assembly as the proposal proceeds.
    3. K. Barth also wrote a proposal to create an “IT at Cornell” Green Team to collaborate with the SCC and create a policy allowing individuals to reduce their consumption of energy.
    4. The CIT is also working on the next generation campus network looking at the technological infrastructure of the campus.



## Cornell University University Assembly

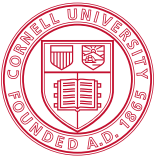
5. A member of the assembly asked if there is a priority on what task will be addressed first. K. Barth responded by stating that the priority is dependent on what tasks the SCC decides to pursue first. It is also important to find out what the committee members are passionate about before proceeding.
- ii. Codes and Judicial Committee
1. The Codes and Judicial Committee is in the process of completing the Campus Code revisions. L. Kenney, the chair of the CJC, stated that several things that will be considered for the Campus Code will be the removal of faculty and staff so the code would be a strictly student code. Additionally, the role of the Judicial Administrator would also be looked at specifically, its integration into other Universities and the structure of reporting. The goal is to have the revisions complete by December however if the product that is being produced is not up to standards, it is equally important to publish a Campus Code that will not need to be revised in the near future. Additionally, there will be discussion on how to improve the process of assigning members to the University Hearing and Review Boards.
  2. R. Howarth stated that the President and the trustees would like to see the revision of the Campus Code completed soon. He said that in a meeting with Martha Pollack, she believes that details of the code and what is allowed is student separate and does not apply to faculty in any way that relates to the faculty working relationships. Additionally, she does not believe that the details of the code are adequately protective of faculty interest.
  3. L. Kenney stated that the goal is to not have any “behind-the-door” meetings and to be as transparent as possible. The CJC working in conjunction with the University Assembly will be able to accomplish the revisions.
  4. R. Bensele stated that the language of the code should apply to every member of the campus community. Additionally, an issue that was not addressed was bring the sororities and fraternities under the Campus Code which R. Bensele stated he was in favor of.
  5. J. Anderson asked how the CJC was planning on creating a division of labor that would allow for actions completed by the CJC to be sent to the University Assembly. L. Kenney said that plan is to work in parallel with everything completed by the CJC to be addressed by



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the University Assembly the following week. Additionally, there are plans to hold working sessions for individuals to give their opinions prior to going to public comment since the code affects not only students, but staff and faculty.

6. K. Barth said that the code should only refer to students because otherwise it would be speaking to too many individuals. Employees and staff can be addressed with their own policy.
  7. A University Assembly member stated that it would be helpful to have a brain trust composed of individuals that have collective knowledge such as law faculty and Judicial Administrator staff. Additionally, everything should be public as the code is being revised because there was a lack of transparency last year.
  8. L. Kenney stated that the old language and the council's proposed language will be given.
  9. M. Hatch stated that the code should be explicitly defined as a student rather than a campus code if it is only addressing students on campus.
  10. L. Kenney asked if the code were to become two separate "student" and "campus" codes, would the expectation still be to complete both by the December deadline. R. Howarth stated that he believes the assembly should continue talking with the University Council.
- iii. Campus Welfare Committee
1. D. Hiner stated that last year ended without a tobacco survey being distributed, for the third year in a row. The purpose of the survey is to gauge the tobacco usage across campus. A major concern with the survey is that of reaching union staff and employee as well as funds.
  2. R. Howarth stated that Martha Pollack, the Cornell University president, has not been officially asked for funding but he believes she would turn down a request for funding.
  3. D. Hiner stated that a tobacco plan could be put in place and services through Cornell Health Services could provide resources to staff, faculty, and students to cope with the ban.
  4. R. Bensel asked about how many responses are being anticipated and D. Hiner stated 30% meaning 5,000 responses would be a good amount. D. Hiner stated that he would also be processing the responses himself.
  5. J. Anderson stated that the University Assembly does not have a wide capacity to hold a campus-wide health and wellness for staff



## Cornell University University Assembly

and faculty and it is ultimately up to each individual to decide. J. Anderson said he believes that the University Assembly should move forward with debating a ban on tobacco and have community members involved and engaged to hear their opinion. This ultimately would allow senior leadership to make the final decision based on responses from community members and creating the effects with the public health professionals and HR.

6. K. Barth stated that as an employee, the issue would impact employees differently from students and faculty. Additionally, K. Barth said that he thinks the Qualtrics survey should be sent out as soon as possible to hear everyone's input and foster an environment where everyone feels welcomed. The University Assembly members should also make an effort to be present at locations where there are townhalls to make campus community members aware of the proposed ban and to hear their input as well as inform them of the survey due date.
7. C. Van Loan said he agrees with K. Barth and the University Assembly cannot make decisions that affect people's lives without hearing their input. He said he is in favor of doing a Qualtrics survey if the cost is not too high.
8. A. Barrientos-Gomez asked about what type of support there is from Cornell Health and if there are any additional available resources. D. Hiner said that he doesn't believe there are currently any additional resources. In earlier versions of the survey, there were questions that asked about what type of service an individual would use. The majority of options included nicotine gum and patches. He said that if there was going to be a ban, the CJC would ask Cornell Health to put forward a survey to ask individuals about the types of surveys they would use.
9. A coordinator of Tobacco Clean Tompkins from the Tompkins County Health Department stated that the best practice would be to move forward with banning and then to have members ask their constituency about how to make it work for them. The idea should be to change norms. The University Assembly needs to think about people who would be evicted after the ban, but the assembly also needs to think about individuals who are put at high risk if they are exposed to second-hand smoke from tobacco. The planning has to be done properly.





## Cornell University University Assembly

10. A University Assembly member stated that he would want to move forward with the Qualtrics survey and do what K. Barth suggested of encouraging members to respond to survey. Additionally, Cornell Health also needs to allow Cornell Health to get cessation plans in order.
11. D. Hiner moved to proceed with plans for the Qualtrics survey with a prologue, going to townhalls to hear community feedback, and reporting back to the University Assembly. The motion was seconded by R. Bensel.
12. A University Assembly member asked if there was a prologue that discussed the issue of second-hand smoke brought forth by a previous speaker. The prologue containing the language would be an important element to the survey because it would inform the public that the ban relates to the health of individuals on campus rather than being seen as a vindictive action.
13. J. Anderson inquired if the Campus Welfare Committee would be willing to go to the University Registrar and get the master list to send the survey out to every student. R. Howarth stated that it could be done but it would just be a matter of doing it expeditiously.
14. The motion was voted on and approved with all members in favor and one abstaining.
15. D. Hiner said that one issue that was not discussed last year was a resolution that was put forth for childcare sponsored by Cornell. Martha Pollock responded to the resolution and said that Cornell would not sponsor expanded childcare options. Martha Pollock also said that there were staff and resources for faculty and staff to find childcare services in the Ithaca community.

### d. Online Access & Forum

#### i. Hosted by the Dean of the Faculty

1. R. Howarth stated the Martha Pollack would be at the October 1<sup>st</sup> meeting to discuss the Campus Code. Additionally, the Campus Judicial enforcer will attend the November 5<sup>th</sup> meeting to discuss the code and Michael Kotlikoff will be at the December 3<sup>rd</sup> meeting to discuss the SCC and its role.
2. C. Van Loan said that the key to having the online forum is to do homework in advance and read the handouts that correspond with the agenda topic. This allows for the meeting to have real discussion. There would also be easy access to what all the committee are doing





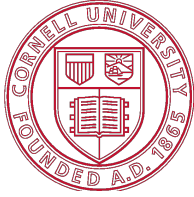
## Cornell University University Assembly

- on the online forum. R. Howarth said that there needs to be more focus on discussing the larger issues.
3. A University Assembly member said that this would not be inconsequential and that the site would have to be maintained and updated after each meeting and asked if C. Van Loan's office would be responsible for the maintenance. C. Van Loan stated that he would maintain the website. Additionally, there will be an opportunity on the website to read the handouts and comment on them before the associated meeting. The commenting option would allow for more discussion through providing a sense of both sides to an issue.
  4. A member of the University Assembly stated that they were in favor of extending the length of meetings.
  5. A member of the University stated that the forum was a great idea for efficiency but in the long run and the future outlook, what would be the plan for maintaining the online forum system. C. Van Loan stated that this would be a test to see the efficacy of the online system.
  6. M. Hatch mentioned that another member brought up the possibility of adding 30 mins to the meeting period to reduce unfinished business. M. Hatch motioned to extend all following meetings for the year to two minutes.
  7. R. Howarth said that if there is a focused discussion and the online forum is used, 90 minutes would be enough.
  8. A. Barrientos-Gomez said that 90 minutes would allow for the members to be more focused on the issues.
  9. L. Kenney stated that if there was a need to extend the time, it could be done on a meeting-by-meeting basis.

The meeting was adjourned at 6:00pm.

Respectfully Submitted,

Auriole C. R. Fassinou  
Clerk of the Assembly



**Cornell University**  
**University Assembly**

**University Assembly Resolution #X**

**Unauthorized Online Publication of Campus Code of  
Conduct Working Drafts**

*September 23, 2019*

**Sponsored by: Logan Kenney, Chair of the Codes and Judicial Committee (CJC)**

**Whereas**, the University Assembly (UA) bylaws, as accepted by Cornell University President and Board of Trustees, state: “by delegation from the Assembly, the [CJC] will review any proposed motion related to [the] Campus Code of Conduct,” “the [CJC] must approve resolutions referred for its consideration before they can be advanced to the Assembly for a vote and for debate;” and that it is the responsibility of each committee to submit public notice on the Assembly’s website related to each motion related to a substantive policy change;

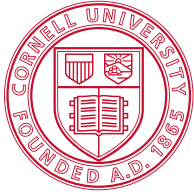
**Whereas**, posting of the University Counsel draft through the Dean of Faculty’s website was done without approval by either the CJC or the UA.

**Be it therefore resolved**, the CJC requests that the UA remove any and all published drafts relating to the Campus Code of Conduct revisions from any and all platforms.

**Resolved**, that the CJC working draft and Office of the University Counsel’s working draft be removed from the Dean of Faculty’s website and any additional platforms.

**Be it finally resolved**, that any and all drafts of the Campus Code of Conduct and other related documents under purview of the CJC will be posted for public review and comment only after formal approval by the CJC.

**No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.**



Cornell University  
University Assembly

**University Assembly Resolution #X**

**The Codes and Judicial Committee Reaffirms its  
Jurisdiction Over the Cornell Campus Code of Conduct**

*September 30, 2019*

1 **Sponsored by:** Martin Hatch and Richard Bensel, Members of the University Assembly  
2 Codes and Judicial Committee

3  
4 **On Behalf Of:** The 2019-2020 Codes and Judicial Committee (J. Anderson, R. Bensel, J.  
5 Bogdanowicz, M. Hatch, L. Kenney, R. Lieberwitz, G. Martin, J. Michael, L. Taylor, K.  
6 Wondimu)

7  
8 **Whereas,** the bylaws of the Cornell University Assembly (accepted by the President of Cornell  
9 University and its Board of Trustees), specify that the University Assembly’s Codes and Judicial  
10 Committee (hereafter CJC) “will review any proposed motion related to the Campus Code of  
11 Conduct;...may propose, review and amend resolutions as it deems appropriate...must approve  
12 resolutions referred for its consideration before they can be advanced to the Assembly...”; and  
13

14 **Whereas,** Article 1, section C.2 of the CCC states that “The [CCC] is the University  
15 community’s code, and hence is the responsibility of all community members”; and  
16

17 **Whereas,** several amendments to and reformulations of the Cornell University Campus Code of  
18 Conduct (hereafter CCC) have been proposed by agencies and divisions of the university over  
19 the course of the spring, summer, and fall of 2019; and  
20

21 **Whereas,** the CJC is cognizant of its responsibility to act in accordance with its role as specified  
22 in the Bylaws of the Cornell University Assembly;  
23

24 **Be it therefore resolved,** that the CJC hereby reaffirms its jurisdiction over the CCC; and  
25

26 **Be it further resolved,** that the CJC will continue to consider any and all proposals and  
27 resolutions concerning changes to the CCC that pertain to any and “all community members”, as  
28 specified in Article 1, section C.2 of the CCC.

**No signature block is present until the resolution has been disposed of by the Assembly  
(Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily  
Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.**