

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

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

Sponsored by: Nikola Danev

Reviewed by: Executive Committee on October 22, 2020

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

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

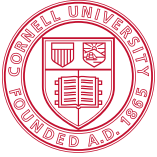
Whereas, the constituencies represented by the GPSA have voiced concerns over some of the changes in the new Student Code of Conduct,

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

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

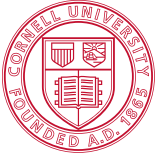
Be it further resolved, that the GPSA expresses the following opinions on the proposed changes to the Student Code of Conduct:

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



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



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

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

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

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38 Respectfully Submitted,

39 Nikola Danev

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