



**Minutes
University Assembly
October 20th, 2015
4:30pm - 6:00pm
401 Physical Sciences Building**

I. Call to Order

M. Battaglia called the meeting to order at 4:30 PM.

Attendance:

Present: M. Battaglia, J. Burns, M. Hatch, R. Howarth, M. Indimine, G. Kaufman, E. Loew, M. McBride, BJ Siasoco, P. Thompson, A. Thomson, R. Walroth

Absent: J. Batista, K. Herleman, N. La Celle, G. Mezey, U. Smith

Others Present: V. Bhaya, J. Kunk-Czaplicki, G. Giambattista, C. Grumbach, A. Mittman, J. Siliciano,

Call for Late Additions to the Agenda

No late items were requested.

M. Battaglia asked to deviate from the Agenda and have C. Grumbach, A. Mittman, and J. Siliciano speak first.

II. Approval of Minutes

Approval of Minutes of October 6th, 2015 was tabled to next meeting. Tabled by a vote of 10-0-1.

III. Reports From Assemblies

i. Student Assembly

M. Indimine stated that it was currently Mental Health Awareness Week and encouraged the Assembly members to attend the events.

ii. Graduate & Professional Student Assembly

R. Walroth said that the GPSA did not meet because of Fall Break. They are now looking to getting into Activity Fee procedures. Tomorrow night, there is a jointly hosted session with the Trustees.

iii. Employee Assembly

BJ Siasoco said that Elections are tomorrow, and that there are five people running for three positions.

iv. Faculty Senate

J. Burns said that the Faculty Senate had a discussion about sexual violence and the presentation of the AAU survey. They had a presentation by the Provost regarding committees he has set up that involve faculty components. The Faculty Senate has a Faculty forum tomorrow on financial aid policies.

IV. Committee Updates

i. Executive Committee

A. Thomson said that in 2013, Cornell's action plan was recommended to have carbon neutrality by 2035. President Emeritus Skorton in February 2014 accepted the goal of moving the University towards carbon neutrality by 2035. At the last meeting, President Garrett had made a statement saying that she will prioritize Cornell becoming a leader, but the time frame is less significant. A. Thomson said that it is concerning that accepted resolutions can be overlooked if they were found to be burdensome or inconvenient, and asked the Assembly members how they should move forward on the issue. M. Hatch said that those statements should be clarified. G. Kaufman asked when the annual report should be released, and M. Battaglia said it could either be based on the academic or annual calendar. G. Kaufman said that maybe it would make sense for the Assembly to pass a resolution reminding the President that they have a commitment to honor a resolution that they accept. BJ Siasoco said he does not think it is a punitive thing, but President Garrett is figuring out what her predecessor left to her. He asked what the Sustainability Office has to say about 2035 being an acceptable goal for carbon neutrality. M. Battaglia said that Skorton told the UA that 2035 was the goal, but that the Sustainability Office did not.

M. McBride asked if there was there any legal provision or if the Assembly just thinks it should be this way. G. Giambattista said that there is nothing binding besides past precedence – there is no legal relationship between the Assemblies and the president.

R. Howarth said that at the Campus Planning Committee (CPC), the campus architects said that they did not feel that making the campus carbon-neutral was their job. There needs to be some strong leadership from the President's office. R. Walroth said there could be more actionable policies than those that exist now. E. Loew said ultimately, the ability to meet this goal would depend on nothing but money. The bottom line is can we afford to do it. R. Howarth said that there are things Cornell can do that will not cost the University more, like building our buildings with less glass. M. Hatch said we should worry more about saying what we think than thinking about the money.

ii. Campus Infrastructure Committee

E. Loew said that the CIC is still not fully staffed, as they are missing four people.

iii. Campus Welfare Committee

M. Indimine, on behalf of U. Smith, said that the CWC is meeting with ADA coordinator team on Thursday. They will be bringing forward two resolutions, one about disability and the other regarding the restroom usage policy.

iv. Codes & Judicial Committee

M. Hatch said that the JA Search Committee met earlier that day and that things are proceeding nicely.

V. Liaison Updates

i. Council on Sexual Violence and Prevention

K. Herleman was not present.

ii. Policy Advisory Group

G. Kaufman confirmed that he had been added to the PAG listserv.

iii. Student Health Fee Advisory Committee Liaison

A. Thomson stated that the SHFC has not convened yet.

iv. Student Insurance Advisory Committee Liaison

M. Indimine stated that they are meeting tomorrow morning.

VI. Business of the Day

i. Presentation and discussion concerning changes to University Policy 6.4 and Title IX Adjudication

A. Mittman said that the Student Bill of Rights and Amnesty Provision were added to the Interim Policy, and mandated definitions were updated. They are engaging in a new policy template, regarding the Policy Statement, Reason for Policy, Entities affected by the Policy, and the Principles. J. Siliciano stated that the Current Policy 6.4. was adopted in 2012 in response to federal response and guidance, and to multiple problems with the use of the Campus Code. In 2012, it was removed from the Campus Code and switched from a trial/hearing context to an investigative model. There is a growing nationwide concern about the high incidents of sexual assault on university campuses. At the same time, there is a rising nationwide concern about the efficacy and fairness of campus processes. Two fundamental concerns from the review of the policy were the absence of the hearing and the inadequate procedural specificity. Another concern was unclear standards for temporary suspensions. C. Grumbach said that the cases they are working on are only those in which a student is the respondent. The procedures will provide much more specificity so that panels are not guessing. They are redefining the investigator's role, including interviews of complainant, respondent, and relevant witnesses. Under current procedure, the report includes findings of credibility and sanctions; under the proposed procedure, there will be no finding as to responsibility, but there will be a final investigation about credibility. Another proposal is the role of a Hearing Chair to provide

guidance; a Cornell faculty/staff member would fill this role. This member would also determine whether certain questions were appropriate, and whether certain evidence was appropriate. They would serve as a non-voting member of the panel. Another proposed revision is the appointment of a trained advisor who would assist both the complainant and the respondent.

M. Battaglia asked when they would have a form of a draft policy. J. Siliciano said that they want to get input from the constituent groups and then develop a product, because this is an initial version. A. Thomson asked who would be responsible for putting out alternative resolutions to the complainant or respondent. He said his concern is that a party may be pressured into that route if it is more convenient. C. Grumbach said it is likely that the new Title IV coordinator role would oversee alternative resolutions. They would never be proposed to either party; both parties would have to request it affirmatively and agree to it. C. Grumbach said she understands the concern of pressure, but both parties will have advisors and supporters. The hope is that they will not be pressuring students or other complainants, but that they will be getting remedial and protective measures in place. M. Hatch asked about the complexity of issues that they deal with, when it begins to meld into legal or criminal law. J. Siliciano said they are federally mandated to cover the whole spectrum and are bound by different standards.

M. Hatch said there was a lot said about how the Code was problematic, and that the Assembly tried constructing it in a way that it could deal with these issues. He asked how the Code was inadequate and how those issues could be made adequate. J. Siliciano said the Code has quite an aggressive hearing process. In the case of sexual assault, it has the potential of retraumatizing victims. G. Kaufman asked how exactly the interim suspension process has changed. J. Siliciano stated that someone should not be temporarily suspended unless there is a risk either to the victim or the community. It is the same goal, but with more texture. R. Howarth asked that if there was some mechanism for an alternative if either party was uncomfortable with an advisor. C. Grumbach said each party would be accorded an advisor by the University but would also be entitled to a second advisor. E. Loew asked if any punishments are specified in any of this new legislation. C. Grumbach said surprisingly, there are not.

VII. Late Additions to the Agenda

No late items were requested.

VIII. Adjournment

Meeting was adjourned at 5:59 PM.

Respectfully submitted,

Vishal Bhaya
Assemblies Clerk