



Cornell University University Assembly

Cornell University Assembly

Agenda of the October 3, 2017 Meeting

4:30 PM – 6:00 PM

Room 401, Physical Sciences Building

- I. Call to Order (Chair)
 - a. Call to Order (1 minute)
 - b. Welcome and Introduction (3 minutes)
 - c. Call for Late Additions to the Agenda (1 minute)
- II. Approval of the Minutes (Chair)
 - a. September 5, 2017 (2 minutes)
 - b. September 19, 2017 (2 minutes)
- III. Assembly Reports
 - a. Student Assembly (J. Kim) (2 minutes)
 - b. Graduate and Professional Student Assembly (E. Winarto) (2 minutes)
 - c. Employee Assembly (U. Smith) (2 minutes)
 - d. Faculty Senate (C. Van Loan) (2 minutes)
- IV. Committee Reports
 - a. Executive Committee (A. Waymack) (3 minutes)
 - b. Codes and Judicial Committee (M. Battaglia) (8 minutes)
 - c. Campus Welfare Committee (J. Anderson) (5 minutes)
 - d. Campus Infrastructure Committee (N. Jaisinghani) (2 minutes)
- V. Liaison Reports
 - a. Policy Advisory Group (E. Winarto) (2 minutes)
 - b. Transportation Task Force (K. Fitch) (2 minutes)
 - c. Council on Sexual Violence Prevention (K. Quinn) (1 minute)
 - d. Student Health Benefits Advisory Council (J. Anderson) (1 minute)
 - e. Campus Planning Committee (M. Hatch) (1 minute)
- VI. Business of the Day
 - a. Motion to Move Oct 31 UA Meeting to Dec 5, Study Period (A. Waymack) (5 minutes)
 - b. Appointments to Transportation Hearing and Review Board (K. Fitch) (5 minutes)
 - c. Consensual Relationships Task Force (C. Van Loan) (5 minutes)
 - d. Resolution 1: Appointment of University Hearing Board and University Review Board Members for Academic Year 2017-2018 (M. Battaglia) (5 minutes)
 - e. Resolution 3: Strategic Plan (J. Anderson) (5 minutes)



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- f. Resolution 2: Condemning Hate Crimes (A. Waymack) (10 minutes)
 - g. Resolution 4: Addressing Housekeeping Changes and Laying the Groundwork for a Holistic Evaluation of the Campus Code of Conduct (M. Battaglia) (10 minutes)
- VII. Late Additions to the Agenda (2 minutes)
- VIII. Adjournment (1 minute)



Minutes
University Assembly
September 5, 2017
4:30PM – 6:00PM
701 Clark Hall

I. Call to Order

- a. G. Kaufman called the meeting to order at 4:30PM.
- b. *Present:* J. Anderson, M. Battaglia, R. Bensel, L. Copman, M. de Roos, M. Hatch, N. Jaisinghani, G. Kaufman, J. Kruser, J. Kim, E. Loew, A. Martinez, E. Michel, K. Quinn, U. Smith, C. Van Loan, A. Waymack, E. Winarto
- c. *Absent:* K. Fitch, R. Howarth,
- d. *Others present:* G. Giambattista, M. Horvath, T. Malone
- e. Call for Late Additions to the Agenda

II. Approval of Minutes

- a. 5.2.2017 Meeting Minutes, 2017
 - i. **Approved** by unanimous consent

III. Assembly Reports

- a. Student Assembly
 - i. A. Martinez said that in the previous week, the SA met about international student financial aid. He said that he expects that conversations will center around university protections for DACA students, considering the recent decisions made at the federal level.
- b. Graduate and Professional Student Assembly
 - i. E. Winarto said that the GPSA had their first meeting on August 28, 2017, and they did introductions to the structure of the GPSA, and are finalizing and accepting applications to committees, as well as reviewing charter and bylaws.
- c. Employee Assembly
 - i. U. Smith said that the EA has been meeting all summer and had a retreat. He said that they followed up on the Board of Trustees' presentation and request for the chair that the EA submit formal resolutions to the board that call for the creation of a board level committee that is focused on the workforce and creating an additional employee elected trustee. He also said that there will be a presentation on the transition to tracking time in Workday and that the EA will be creating a staff strategic plan this semester
 - ii. President Pollack's Address to Staff has been scheduled for October 10, 2017 in Klarman Hall Auditorium during the lunch hour.

- d. Faculty Senate
 - i. C. Van Loan said that that the senate hasn't met, and will not for two weeks. He said that the senate would like to start developing a university level policy on consensual relationships. He also mentioned that the new calendar would start next year and orientation has expanded, and that exam rules and procedures are being examined. He said that there is a new policy in the works regarding the awarding of Emeritus status, which will wrap up this fall.
 - ii. There was also a discussion about updating the Campus Code of Conduct with input from all stakeholders in the university.

IV. Committee Reports

- a. Campus Infrastructure Committee
 - i. N. Jaishingani said that CIC is still accepting applications. He said that the committee would like to work on transportation with the Big Red Shuttle to offer more safety on campus for everyone in the community.
 - ii. M. Hatch added that the CPC, over the summer, has dealt with motions to fulfill the plans for Cornell to get closer to the Plan for Carbon Neutrality by 2035 by constructing a solar power generation facility.
- b. Campus Welfare Committee
 - i. J. Anderson said that the CWC will be meeting September 12, 2017 in Day Hall to discuss the tobacco-free campus referendum and will be looking to UA Resolution #9 for any critiques from President Martha Pollack. He also mentioned that the CWC will be setting goals for the academic year.
- c. Executive Committee
 - i. A. Waymack said that there is a new website and that she anticipates a busy year for the UA.

V. Business of the Day

- a. Presentation from the Judicial Administrator (M. Horvath)
 - i. JA M. Horvath presented on the scope of the OJA. She said that the office handled roughly 400 cases last year. She said that their new website is under construction, but in particular, there is a new online recording system in development. She also said that the office is working towards moving towards a model of restorative justice, and with a newly hired Associate JA, with background in restorative justice, the office can achieve that goal. She also mentioned that she hopes to change the image of the OJA and that the Campus Code of Conduct is dense and needs to be clearer. Lastly, she mentioned the successful rollout of the credit-bearing pilot program with the OJA and the Scheinman Institute on Conflict Resolution.

VI. Late Additions to the Agenda

- a. There were no late additions to the agenda.

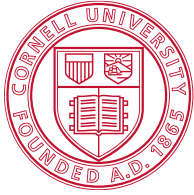
VII. Committee Reports (Part 2)

- a. Codes and Judicial Committee
 - i. M. Battaglia said that the CJC is still working to form a schedule of meetings, but that they are contemplating meeting weekly.

VIII. Adjournment

a. The meeting was adjourned at 6:00pm.
Respectfully submitted,

Terrill D. Malone
University Assembly Clerk



U.A. Resolution #1

Appointment of University Hearing Board and University Review Board Members for Academic Year 2017-2018

September 19, 2017

1 **Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial**
2 **Committee**

3
4 **On Behalf Of: The 2016 – 2017 UA Codes & Judicial Committee (M. Battaglia, N.**
5 **Chovanec, R. Herz, C. Hodges, J. Kruser, R. Lieberwitz, L. Munguia, D. Putnam, N.**
6 **Rogers, T. Shapiro, K. Zoner)**

7
8 **Whereas,** the 2016 – 2017 Codes and Judicial Committee received and reviewed applications for
9 service on the University Hearing and University Review Boards (UHRB) from students and
10 employees and made recommendations on appointments; and

11
12 **Whereas,** with a larger than anticipated turnover on the UHRB the Executive Committee of the
13 University Assembly authorized the appointment of individuals on a temporary basis to the
14 UHRB when insufficient numbers of regular appointees were available; and

15
16 **Whereas,** the students temporarily appointed were formally vetted and recommended by the
17 Codes and Judicial Committee during the 2016 – 2017 academic year; and

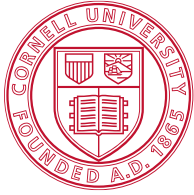
18
19 **Whereas,** the staff member temporarily appointed was a member of the UHRB during the 2016
20 – 2017 term who wished to continue her service; and

21
22 **Whereas,** the faculty member temporarily appointed was formally nominated for service by the
23 Dean of the University Faculty during the 2016 – 2017 academic year; and

24
25 **Whereas,** due to a number of UHRB members resigning their seats during the Assembly's
26 summer recess additional vacancies were created beyond those filled by temporary
27 appointments; and

28
29 **Whereas,** the remaining vacancies created by resignations may be filled by individuals who
30 applied and were formally vetted and recommended by the Codes and Judicial Committee during
31 the 2016 – 2017 academic year; and

32



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33 **Whereas**, all individuals appointed to serve on the University Hearing and Review Boards must
34 be confirmed by the University Assembly; therefore

35
36 **Be it Resolved**, the following student members are appointed to the UHRB for a two-year term
37 beginning retroactively from June 1, 2017 lasting until May 31, 2019 or their graduation from
38 the University, whichever is sooner:

39
40 Austin Boyle¹
41 Zoe Kohl¹
42 Carrie Montgomery²
43 Olivia St. Amand²
44

45 **Resolved**, the following staff members are appointed to the UHRB for a two-year term
46 beginning retroactively from June 1, 2017 lasting until May 31, 2019 or their separation from the
47 University, whichever is sooner:

48
49 Adidi Etim-Hunting³
50 Beth VanDine²
51

52 **Resolved**, the following faculty members are appointed to the UHRB for a two-year term
53 beginning retroactively from June 1, 2017 lasting until May 31, 2019 or their separation from the
54 University, whichever is sooner:

55
56 Tracy Carrick⁴
57 Michelle Cox¹
58 Vilma Santiago-Irizarry⁴
59 Makda Weatherspoon⁴
60 Michelle Whelan⁴

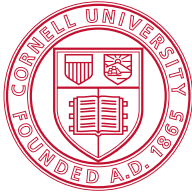
No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.

¹ New member given appointment on a temporary basis by the University Assembly Executive Committee.

² New member to fill a vacancy created by UHRB member resignation occurring during Summer 2017.

³ Continuing member given reappointment on a temporary basis by the University Assembly Executive Committee.

⁴ New member nominated by the Dean of the University Faculty during Summer 2017 to fill a preexisting vacancy, to fill a vacancy created by UHRB member resignation, or to fill a vacancy created by a faculty member being elevated to serve as a Hearing Board Chair.



U.A. Resolution #2

Condemning Hate Crimes

September 19, 2017

1 **Sponsored by:** Anna Waymack, Graduate and Professional; Executive Vice Chair of the
2 **University Assembly**

3
4 **On Behalf Of:** The 2016 – 2017 UA Executive Committee (G. Kaufman, A. Waymack, J.
5 **Kruser, R. Howarth)**

6
7 **Whereas,** over the past year there has been an increase in hate-based incidents on college
8 campuses across the country; and

9
10 **Whereas,** on September 6, 2017 one or more students from Zeta Psi, a Cornell University
11 fraternity, shouted “build a wall” and “let’s build a wall around the LLC” at the Latino Living
12 Center; and

13
14 **Whereas,** on September 15, 2017 one or more students from the Chi Chapter of Psi Upsilon, a
15 fraternity no longer affiliated with Cornell University, allegedly used racial slurs against a Black
16 Cornell student and violently assaulted him; and

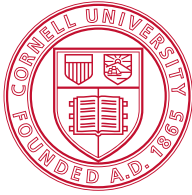
17
18 **Whereas,** later the same day on September 15, 2017, two or more Cornell students were
19 captured on video using racial slurs against another student; and

20
21 **Whereas,** all of these incidents appear to be clear violations of the Campus Code of Conduct,
22 should the allegations prove true, as it is a violation of the Campus Code of Conduct to:

- 23 • “harass another person...by acting toward that person in a manner that is by objective
24 measure threatening, abusive, or severely annoying and that is beyond the scope of free
25 speech,” or
- 26 • “assault or cause any physical injury to another person on the basis of disability,
27 ethnicity, gender, national origin, race, religion, or sexual orientation or affectional
28 preference;” and

29
30 **Whereas,** the Ithaca Police have arrested one student allegedly involved on September 15 and
31 charged said student with one count of assault in the third degree; and

32
33 **Whereas,** the Ithaca police are investigating the events of September 15 as a possible hate crime;
34 and



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36 **Whereas**, pursuant to New York State Penal Law Article 485, hate crimes “do more than
37 threaten the safety and welfare of all citizens” because they “inflict on victims incalculable
38 physical and emotional damage and tear at the very fabric of free society,” “send a powerful
39 message of intolerance and discrimination” and “disrupt entire communities and vitiate the
40 civility that is essential to healthy democratic processes;” and

41
42 **Whereas**, bias, discrimination, and hate crimes, by their nature, affect the fabric of the Cornell
43 community, prevent the fulfillment of and are deeply antithetical to Cornell’s motto “I would
44 found an institution where any person can find instruction in any study;” and

45
46 **Whereas**, these recent events place the onus on Cornell University to establish and justify its
47 members’ trust in our community; and

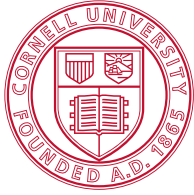
48
49 **Whereas**, we, the University Assembly, are appalled by these recent attacks and incidents;
50 therefore

51
52 **Be it Resolved**, that the University Assembly unequivocally condemns these violent, racist
53 actions; and

54
55 **Resolved**, that the University Assembly calls on all members of the Cornell community to join
56 us in this condemnation; and

57
58 **Resolved**, that the University Assembly charges all members of the Cornell community to
59 consider how best to heal these harms, and how best to accord all members of our community the
60 equal dignity and respect due to them as our peers.

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.



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U.A. Resolution # 3

Calling for the Development of a Strategic Plan

September 26th, 2017

1 **Sponsored by: Joseph Anderson, Undergraduate; University Assembly and Linda**
2 **Copman, Employee; University Assembly**

3
4 **On Behalf Of: University Assembly Campus Welfare Committee**

5
6 **Whereas**, senior leadership recognizes the critical need to address issues of injustice, racism and
7 bigotry, in the wake of separate incidents on or near campus this semester, and to develop
8 and/or enhance programs and services that support **diversity** and inclusion on our campuses;
9 and

10
11 **Whereas**, many in our campus community are dealing with questions and concerns about recent U.S.
12 executive actions on immigration travel bans, and DACA and undocumented students—and
13 the current and future implications for student, faculty, and staff activities and our
14 **international** programs; and

15
16 **Whereas**, the Senior Leaders Climate Action Group is working to integrate **sustainability** and
17 climate action strategies into the campus culture and strategic planning process; and

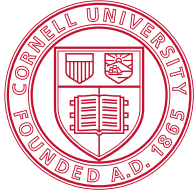
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19 **Whereas**, the opening of the tech campus in New York City marks the beginning of a new era of
20 unprecedented opportunity for Cornell, which hinges upon our ability to take advantage of
21 cross-college synergies and develop institutional capacity to act as “**One Cornell**” and create
22 more connections among the distinct parts; and

23
24 **Whereas**, there is an ongoing tension between our ambitious aspirations to enhance diversity,
25 sustainability, connectivity between colleges and campuses, and global impact, and the
26 limited availability of new resources to fund these aspirations; and

27
28 **Whereas**, the most recent strategic plan was completed in May 2010 and set forth specific objectives
29 and actions for the university for the period of 2010-2015; and

30
31 **Whereas**, this plan has not been updated to reflect the changing environment for higher education in
32 general and for Cornell in particular; and

33
34
35 **Whereas**, the strategic plan will guide institutional decisions about where to invest resources (i.e.,
36 time, effort, and money); therefore



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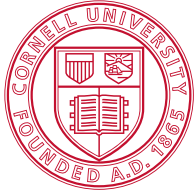
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Be it therefore resolved, that the University Assembly formally requests that the president and provost of Cornell University initiate a strategic planning process to begin in fall 2017 and be completed by spring of 2018; and

Be it Further Resolved, that the university administration should partner with all assemblies and ensure that faculty, students, and staff share in the strategic planning process and have a meaningful role in shaping the final strategic plan; and

Be it Further Resolved, that all assemblies will have the ability to appoint members to the strategic planning advisory council in the process of crafting the new strategic plan; and

Be it Finally Resolved, that the university administration should formally present a status update on the strategic plan to the University Assembly by October 2018.



U.A. Resolution # 4

Addressing Housekeeping Changes and Laying the Groundwork for a Holistic Evaluation of the Campus Code of Conduct

October 3, 2017

1 **Sponsored by:** Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial
2 Committee

3
4 **On Behalf Of:** UA Codes & Judicial Committee (R. Bensel, C. Hodges, N. Jaisinghani, J.
5 Kruser, R. Lieberwitz, S. Park, D. Putnam, K. Zoner)

6
7 **Whereas**, pursuant to Article Three, § 3.1 of its Charter and Title One, Article IV, of the
8 Campus Code of Conduct the University Assembly (the Assembly) may propose changes to the
9 Campus Code of Conduct (the Code) subject to the University President's approval; and

10
11 **Whereas**, the Assembly views its custodianship of the Code as crucial to facilitating dialogue
12 between the University Administration and wider Campus Community; and

13
14 **Whereas**, the Assembly strives to execute its responsibility to the Campus Code of Conduct and
15 Community with the utmost professionalism and care; and

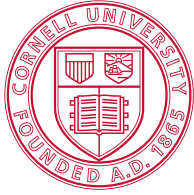
16
17 **Whereas**, the Assembly strives to be responsive to the needs and requests of the Campus
18 Community and the needs and requests University Administration; and

19
20 **Whereas**, the Assembly's Codes & Judicial Committee (the Committee) is undertaking the
21 process of conducting a holistic evaluation of the Code to ensure it reflects our practices and is in
22 a form that is clear for the Campus Community to understand; and

23
24 **Whereas**, in beginning this process the Committee is aware of pending Code changes requested
25 by the Administration; and

26
27 **Whereas**, in beginning this process the Committee is aware of pending Code changes requested
28 by the Judicial Codes Councilor; and

29



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30 **Whereas**, the Committee is also aware of other pending Code changes which reflect the current
31 practices of Cornell’s Judicial System, correct omissions or errors in the code, and have been
32 pending for some time; and

33
34 **Whereas**, the Committee believes handling these pending, “housekeeping” changes prior to
35 undertaking an evaluation of the Code enables the Committee to handle long-standing requests
36 and requests for improvement; and

37
38 **Whereas**, these University President has requested the Committee examine the Code to improve
39 its readability, and

40
41 **Whereas**, the University Administration has requested any changes be done together prior to an
42 evaluation of the Code, and

43
44 **Whereas**, the University Administration had directly and indirectly requested some of the
45 included Code changes, and

46
47 **Whereas**, clearing these requests best balances the current needs of custodianship and
48 responsiveness to change with the goal of evaluating the Code; and

49
50 **Whereas**, some of the proposed changes are time sensitive and handling them will allow the
51 Committee to best devote its attention to evaluating the Code; and

52
53 **Whereas**, these changes bring the Code to a state where the Committee is comfortable focusing
54 its attention on a holistic Code evaluation; and

55
56 **Whereas**, the Committee appreciates the input and assistance of various offices on campus
57 including the Offices or the Judicial Administrator, Risk Management, Judicial Codes Councilor,
58 Assemblies, and many others in handling these “housekeeping” changes; therefore

59
60 **Be it Resolved**, the appended changes be incorporated to the Campus Code of Conduct and are
61 approved in a non-severable manner:

62
63 **I: MODIFYING SUSPENSION LENGTH AND LIMITATIONS PERIOD FOR UNIVERSITY REGISTERED**
64 **ORGANIZATIONS**

65
66 **Whereas**, the Judicial Administrator requested the Committee consider increasing the maximum
67 suspension length for University Registered Organizations from one year to five years; and

68
69 **Whereas**, the Judicial Administrator also requested the Committee consider increasing the
70 limitations period for University Registered Organizations from one year to three years; and

71



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72 **Whereas**, the neither of these changes modify the policies or procedures for individuals; and

73

74 **Whereas**, the Judicial Administrator believes that a five-year maximum suspension length
75 provides the Hearing and Review Boards (the Boards) additional discretion to handle cases; and

76

77 **Whereas**, this lengthened suspension timeline allows the Boards to apply more granularity to a
78 sanction as a middle ground to dismissal; and

79

80 **Whereas**, the Judicial Administrator believes that a three-year limitations period enables the
81 better handling of long-term violations such as hazing; and

82

83 **Whereas**, this additional time will be viewed in-context by the Boards when deciding cases; and

84

85 **Whereas**, the Committee reviewed this request, gathered feedback from stakeholders, and held it
86 on its agenda for multiple meetings; and

87

88 **Whereas**, the Committee agrees with this request and received positive feedback from
89 stakeholders; and

90

91 **Whereas**, the Committee approved this request verbatim without changes; therefore

92

93 **Be it Resolved**, that Title Three, Article III, Section D.4 (Code pg. 24) be amended to add:

94

95 d. In cases where the Respondent is a University-Registered Organization the period shall be no
96 more than three calendar years from the alleged violation.

97

98 [Current subsection d advanced to subsection e]

99

100 **Resolved**, that Title Three, Article IV, Section A.1.c.6 (Code pg. 35) be amended to read:

101

102 (6) Suspension of all privileges for a stated period not to exceed **one year five years**.

103

104 **II: ADDING DISCRETION TO INSTANCES OF NON-COMPLIANCE WITH SANCTIONS AND REMEDIES**

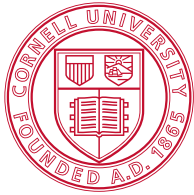
105

106 **Whereas**, the Judicial Administrator requested the Committee consider modifying the Code to
107 allow the Judicial Administrator discretion in cases of offenders not complying with prescribed
108 sanctions, remedies, or penalties; and

109

110 **Whereas**, the Code currently mandates that non-compliance result in automatic suspension until
111 compliance is achieved; and

112



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113 **Whereas**, the Judicial Administrator requested the Committee consider modifying the Code to
114 add a violation for refusal to comply with a penalty or remedy; and

115
116 **Whereas**, the Code does not currently have a violation for such an action, instead relying upon
117 automatic suspension; and

118
119 **Whereas**, the Judicial Administrator believes that being able to use discretion best serves the
120 educational nature of a University and the interests of justice; and

121
122 **Whereas**, the Committee reviewed this request, gathered feedback from stakeholders, and held it
123 on its agenda for multiple meetings; and

124
125 **Whereas**, the Committee agrees with this request and received positive feedback from
126 stakeholders; therefore

127
128 **Be it Resolved**, that Title Three, Article III, Section C.2 (Code pg. 36) be amended to read:

129
130 2. If an offender has not complied with the prescribed penalty or remedy within the specified
131 time, the Judicial Administrator **shall may** notify the University Registrar, Office of the Dean of
132 Students, and other offices on a need-to-know basis that the individual or organization is
133 suspended, and the suspension shall have immediate effect and continue until the offender has
134 complied. For any violation of the terms of probation committed during the probationary period,
135 the Judicial Administrator may impose on the offender additional penalties, including suspension
136 or dismissal. The offender may request an appearance before the Judicial Administrator in order
137 to show the fact of compliance, to contest the violation of probation, or to argue for a lesser
138 penalty. The offender may petition the University Hearing Board in writing for a review of the
139 penalty imposed by the Judicial Administrator for noncompliance or for violating probation.

140
141 **Resolved**, that Title Three, Article II, Section A.3 (Code pg. 18) be amended to add:

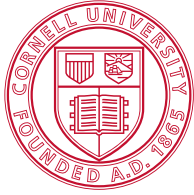
142
143 **(m) To refuse to comply with any penalty or remedy given pursuant to this Code.**

144
145 **III: CLARIFYING THE ROLE OF NON-MATRICULATED MINORS**

146
147 **Whereas**, the Office of Risk Management requested the Committee consider modifying the
148 definition of student in the Code to exclude non-matriculated minors; and

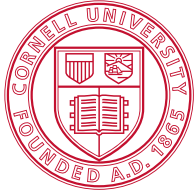
149
150 **Whereas**, the Office of Risk Management stated that in a number of areas, minors on Cornell's
151 campus are subject to separate written policies and procedures for behavior; and

152
153 **Whereas**, the Office of Risk Management stated that non-matriculated minors raise a number of
154 unique issues when examining discipline; and



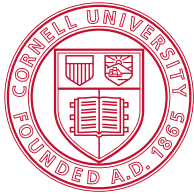
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155
156 **Whereas**, the Office of Risk Management worked with the Committee to examine sample
157 behavioral policies from various programs; and
158
159 **Whereas**, the Committee expresses its gratitude to the Office of Risk Management for their
160 assistance and willingness to explain the rationale behind the proposed change; and
161
162 **Whereas**, the Committee reviewed this request, gathered feedback from stakeholders, and held it
163 on its agenda for multiple meetings; and
164
165 **Whereas**, the Committee agreed that the Code is not the proper place to address non-
166 matriculated minors; and
167
168 **Whereas**, the Committee was concerned about non-matriculated minors, particularly high school
169 students being removed from the scope of the free expression protections contained within the
170 Code; and
171
172 **Whereas**, the Committee approved this request verbatim without changes; and
173
174 **Whereas**, the Committee discussed either including a provision in the Assembly’s Charter or
175 Bylaws reaffirming the Committee’s ability to examine these behavioral policies or adding
176 language directly into the code to that effect; and
177
178 **Whereas**, U.A. Resolution 4 incorporates such a provision; and
179
180 **Whereas**, such language is meant to ensure that concerns about specific policies may be brought
181 to and examined by the Committee; and
182
183 **Whereas**, any authority over other policies would be pursuant to the Assembly’s role in general
184 policy development and advisory powers; therefore
185
186 **Be it Resolved**, that Title Two, Article I, Section B.2 (Code pg. 18) be amended to add:
187
188 3. Individuals enrolled in or taking classes at the University while still an elementary, middle,
189 high school student, or foreign equivalent, so long as such individuals are subject to written
190 behavioral expectations, policies, or procedures are not students under the definition of this
191 Code.
192
193 **IV: DISCONTINUING THE USAGE OF INDEFINITE SUSPENSION**
194
195 **Whereas**, the Office of the Judicial Codes Counselor requested the Committee consider
196 removing indefinite suspensions from the Code in the 2014 – 2015 academic year; and



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197
198 **Whereas**, the Office of the Judicial Codes Counselor argued that such suspensions create
199 uncertainty for suspended students; and
200
201 **Whereas**, the Office of the Judicial Codes Counselor argued that the University’s educational
202 mission and the interests of justice are better served through the usage of suspension with a
203 definite term or in extreme cases dismissal; and
204
205 **Whereas**, the Committee has discussed these changes multiple times in interceding years; and
206
207 **Whereas**, the prior usage of indefinite suspensions was to demonstrate growth in an individual
208 before being permitted to return; and
209
210 **Whereas**, the Boards have a variety of other tools that are now able to fill this goal; and
211
212 **Whereas**, the Judicial Administrator has stated her agreement with the rationale for not using
213 indefinite suspension; and
214
215 **Whereas**, the Judicial Administrator has stated it is her practice not to seek indefinite
216 suspension; and
217
218 **Whereas**, the Judicial Administrator informed the Committee that there are students who remain
219 indefinitely suspended and requested it be made clear that for those students the appeals
220 procedures currently in place remain in effect; and
221
222 **Whereas**, the Committee reviewed this request, gathered feedback from stakeholders, and held it
223 on its agenda for multiple meetings; and
224
225 **Whereas**, those students who are currently indefinitely suspended will continue to remain
226 suspended use the existing appeals procedures; therefore
227
228 **Be it Resolved**, that Title Three, Article II, Section E.1c (Code pg. 24) be amended to strike:
229
230 e. The offender may petition in writing for readmission from indefinite suspension.
231
232 [Subsequent subsections d and e relabeled appropriately]
233
234 **Resolved**, that Title Three, Article IV, Section A.1.a.8 (Code pg. 34) be amended to read:
235
236 (8) Suspension from the University for a stated period not to exceed five years, or indefinitely
237 with the right to petition the University Hearing Board in writing at any time for readmission
238 after the academic term following the academic term in which the suspension occurred. Such



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239 petition shall be submitted no later than April 1 if the petition is for readmission for the fall
240 semester and by November 1 if the petition is for readmission for the spring semester. If the
241 Judicial Administrator agrees with the petition of the accused, he or she may permit the
242 readmission without the petition being considered by the University Hearing Board, after
243 consulting with appropriate professional colleagues and receiving approval of a Hearing Board
244 Chair. If the University Hearing Board denies the petition, the accused may not petition again
245 until the next semester and, in any event, may not petition for readmission for the same semester
246 denied by the University Hearing Board. While on such suspension, the student may not obtain
247 academic credit at Cornell or elsewhere toward the completion of a Cornell degree. [Add
248 footnote reading "The Code previously allowed for indefinite suspension. While indefinite
249 suspensions are no longer given, any student indefinitely suspended at the time of indefinite
250 suspensions being removed shall continue to be indefinitely suspended and subject to the appeals
251 provision in-place at the time of removal.]

252
253 **Resolved**, that Title Three, Article IV, Section A.2.b (Code pg. 34) be amended to read:

254
255 b. Ordinarily, the penalty for a third violation by a student within a twelve-month period should
256 be probation or suspension from the University for a stated ~~or indefinite~~ period and denial of
257 academic credit for the term in which the suspension occurs. The penalty may be reduced if a
258 lesser penalty would more appropriately serve the interests of justice and if, in addition, the
259 offender expressly agrees not to engage in misconduct of specified kinds in the next twelve
260 months. ~~In such a case of indefinite suspension, the offender may petition the University Hearing
261 Board in writing for readmission, but no application for readmission for the academic term
262 following the academic term in which the suspension occurred will be permitted.~~

263
264 **[NOTE: THE FOLLOWING SECTION IS STILL UNDER ACTIVE DISCUSSION BY THE CJC BUT IS
265 INCLUDED TO ALLOW FOR PRELIMINARY INPUT]**

266 267 **V: EXAMINING THE MISUSAGE OF CONFIDENTIAL INFORMATION**

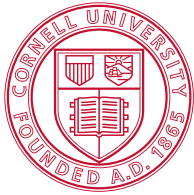
268
269 **Whereas**, events in the Spring of 2017 identified an area where the Code may not adequately
270 articulate Community norms for behavior regarding the use of confidential information; and

271
272 **Whereas**, an incident with allegedly confidential information resulted in a Hearing Board (the
273 Board) being convened; and

274
275 **Whereas**, the Board publically and in its report stated that the alleged actions were "wrong" but
276 were not violations of the code as written; and

277
278 **Whereas**, the Board noted that the Assembly and Committee are the proper venue to take or to
279 decline to take action to modify the Code; and

280



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281 **Whereas**, the principal of Freedom with Responsibility is core to the Cornell Community and
282 the Code; and

283
284 **Whereas**, this area involves a number of contrasting concerns including holding people to their
285 agreements, a perceived overconfidentialization of discussions and documents, the value of open
286 discussion, and many others; and

287
288 **Whereas**, the Committee reviewed these concerns, gathered feedback from stakeholders, and
289 held this change on its agenda for multiple meetings; and

290
291 **Whereas**, the Committee's understands the value of the well-argued viewpoints on each side and
292 aims is to address behavior that violates community norms while ensuring individuals are not
293 unwittingly ensnared; and

294
295 **Whereas**, the Committee's goal is to balance these concerns and ensure the Code evolves when
296 potential shortcomings are identified; and

297
298 **Whereas**, the Committee intends to examine this area in more depth in the coming term; and

299
300 **Whereas**, the Committee believes that balanced tailored language best addresses the concerns on
301 both sides; therefore

302
303 **[NOTE: THE FOLLOWING LANGUAGE IS STILL UNDER ACTIVE DISCUSSION BY THE CJC BUT IS**
304 **INCLUDED TO ALLOW FOR PRELIMINARY INPUT]**

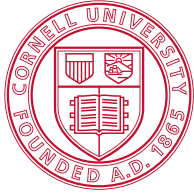
305
306 **Be it Resolved**, that Title Three, Article II, Section A.2.d (Code pg. 17) be amended to read:

307
308 d. To (1) forge, fraudulently alter, willfully falsify, or otherwise misuse University or non-
309 University documents (including computerized or noncomputerized records, parking permits,
310 dining cards, identification cards, other permits or cards, reserve books, or other property), or (2)
311 possess such forged, altered, or falsified documents, or (3) unlawfully possess the identification
312 of another person if that identification has a date of birth that would make the person legal to
313 consume alcohol at a time the accused is not of a legal drinking age, or (4) disclose University
314 documents denoted in writing to be confidential where an individual has explicitly assented in
315 writing or other recorded medium to described terms of confidentiality.

316
317 **VI: CLARIFYING UNIVERSITY HEARING AND REVIEW BOARD APPOINTMENT PROCEDURES**

318
319 **Whereas**, the Assembly, Committee, and Dean of the Faculty are responsible for selecting and
320 confirming members of the University Hearing Review Boards (the Boards); and

321



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322 **Whereas**, the Assembly and Committee take this obligation seriously and exercise their utmost
323 care in the selection process; and

324
325 **Whereas**, the President in the Spring of 2017 noted that the Code did not fully describe the
326 practices that the Committee and Assembly had been utilizing; and

327
328 **Whereas**, the President in her message raised important concerns about transparency; and

329
330 **Whereas**, the Assembly and Committee take these concerns seriously and agree with the
331 importance of transparency; and

332
333 **Whereas**, the Committee reviewed the concerns raised, gathered feedback from stakeholders,
334 and held the topic on its agenda for multiple meetings; and

335
336 **Whereas**, the changes, while minor, align the practices currently utilized in UHRB selection
337 with the Code; therefore

338
339 **Be it Resolved**, that Title Two, Article IV, Section C.3 (Code pg. 14-15) be amended to read:

340
341 3. Members of the University Hearing Board and University Review Board pool shall serve
342 terms of office as follows:

343 a. All members shall be appointed for two-year staggered terms, except for students
344 entering their final year of study, who shall be appointed for one-year terms.

345 b. Terms of office shall begin June 1 of the year appointed. Any appointment to fill a
346 vacancy or to address an emergency shall become effective immediately.

347 c. Currently serving members may be appointed for additional terms if reconfirmed by
348 the University Assembly after review by the Codes and Judicial Committee.

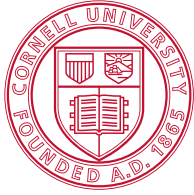
349 d.-e. The Chair of the Hearing Board or Review Board shall have the authority to remove
350 a member of the pool if the member is not honoring his/her commitment to the university
351 to communicate promptly with the Chair or the Judicial Administrator's office, to
352 participate in hearings, to arrive punctually, and otherwise to participate responsibly in
353 this process.

354
355 [NOTE: THE FOLLOWING SECTION IS STILL UNDER ACTIVE DISCUSSION BY THE CJC BUT IS
356 INCLUDED TO ALLOW FOR PRELIMINARY INPUT]

357
358 **VI: CLARIFYING JUDICIAL ADMINISTRATOR REAPPOINTMENT PROCEDURES**

359
360 **Whereas**, the Committee was made aware of an incongruity between the Code and historical
361 practice for reappointment of a sitting Judicial Administrator; and

362



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363 **Whereas**, the Code as currently written requires that the Chair of the Assembly convene a search
364 committee for a new Judicial Administrator in the October preceding the Judicial
365 Administrator’s term expiring; and

366
367 **Whereas**, conducting a full search when the sitting Judicial Administrator would like to continue
368 serving is not a prudent use of limited resources; and

369
370 **Whereas**, the Committee agrees with concerns raised by the University Administration that the
371 Code should reflect current practices; and

372
373 **Whereas**, the Committee believes this provision was originally put in place to provide feedback
374 to the Judicial Administrator prior to reappointment; and

375
376 **Whereas**, prior Judicial Administrator’s in their reports to the Assembly, informal conversation,
377 and formal written reports have identified a request for a more formal feedback structure; and

378
379 **Whereas**, the in the 2014 Judicial Administrator’s report the previous Judicial Administrator,
380 Mary Beth Grant, requested a more formal structure so that office “has more opportunities for
381 more accountability, mentorship and professional development, better efficiency and a better
382 design philosophically.”; and

383
384 **Whereas**, the Committee believes this area is one that is important to the long-term health of the
385 Office of the Judicial Administrator and their role in application of the Code; and

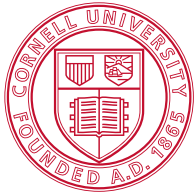
386
387 **Whereas**, the Committee believes there is value in having a formalized feedback process and
388 dialogue for the Judicial Administrator prior to reappointment; and

389
390 **Whereas**, the Committee believes adding a feedback provision to the reappointment process is
391 beneficial to both the Community and Judicial Administrator; and

392
393 **Whereas**, the Committee does not intend or wish to interfere with the President’s sole
394 prerogative to nominate or decline to nominate the Judicial Administrator for an additional term;
395 and

396
397 **Whereas**, the Committee believes that a modified procedure, based upon the existing search
398 committee procedure strikes the correct balance between managing resources and providing
399 feedback; and

400
401 **Whereas**, the Committee is aware of the time-sensitive nature of this request; therefore
402



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403 [NOTE: THE FOLLOWING LANGUAGE IS STILL UNDER ACTIVE DISCUSSION BY THE CJC BUT IS
404 INCLUDED TO ALLOW FOR PRELIMINARY INPUT. THE COMMITTEE HAS ALSO APPROVED STOP-GAP
405 LANGUAGE SHOULD THE NEED ARISE]

406
407 **Be it Resolved**, that Title Two, Article II, Section A.3 (Code pg. 12) be amended to read:
408

409 3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator
410 can be reappointed for additional terms. ~~In October of the year~~

411 a. Six months preceding the expiration of the term of the Judicial Administrator, the chair
412 of the University Assembly shall convene a six-member committee, including two
413 members appointed by the President, two members appointed by the University
414 Assembly, the chair of the Codes and Judicial Committee, and the Judicial Codes
415 Counselor to provide feedback to the Judicial Administrator and evaluate their term. The
416 committee will internally elect a chair and shall make a recommendation to the President
417 either in favor or against the Judicial Administrator being nominated for an additional
418 term. Such recommendation must be made at least four months prior to the expiration of
419 the current terms. ~~or~~

420 b. Upon the University Assembly chair's receipt of notice of the Judicial Administrator's
421 resignation or removal, the chair shall convene a six-member search committee,
422 including two members appointed by the President and four members appointed by the
423 University Assembly, to propose two or more nominees to the President.

424 The President shall appoint **or reappoint** a candidate with the concurrence of the University
425 Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be
426 appointed by the President, with the concurrence of the University Assembly, to serve until a
427 permanent Judicial Administrator is appointed.

428
429 **VI: ALIGNING PRACTICES WITH PROCEDURES REGARDING NO-CONTACT DIRECTIVES**
430

431 **Whereas**, the Office of the Judicial Codes Counselor requested the Committee consider
432 clarifying language around no-contact directives in the Code during the 2014 – 2015 academic
433 year; and
434

435 **Whereas**, the Office of the Judicial Codes Counselor argued that the current language resulted in
436 scenarios where an individual bound by a no-contact directive was antagonized by another
437 individual not bound by a directive; and
438

439 **Whereas**, the Office of the Judicial Codes Counselor argued that the current language only
440 allowed the Judicial Administrator to suspend an individual who was found to violate a no-
441 contact directive as an additional interim remedy; and
442



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443 **Whereas**, the Office of the Judicial Codes Counselor argued that the University’s educational
444 mission and the interests of justice are better served through the usage of mutual no-contact
445 directives in interim situations; and

446
447 **Whereas**, the Committee has discussed these changes multiple times in interceding years; and
448

449 **Whereas**, these provisions are utilized as interim measures prior to any determination of
450 responsibility; and

451
452 **Whereas**, their interim nature necessitates extra care as no finding of responsibility has been
453 made and all facts may not be known; and

454
455 **Whereas**, the grave nature of the offenses that result in no-contact directives being implemented
456 also necessitate extra care; and

457
458 **Whereas**, the Judicial Administrator has stated her agreement with the rationale for only
459 utilizing mutually binding no-contact directives; and

460
461 **Whereas**, the Judicial Administrator has stated it is her current practice to only utilize mutually
462 biding no-contact directives; and

463
464 **Whereas**, the Committee reviewed this request, gathered feedback from stakeholders, and held it
465 on its agenda for multiple meetings; and

466
467 **Whereas**, the Committee believes allowing discretion should a no-contact directive be violated
468 best serves the interest of justice; and

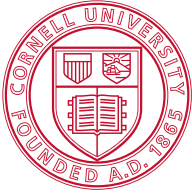
469
470 **Whereas**, the Committee agrees with this request and received positive feedback from
471 stakeholders; therefore

472
473 **Be it Resolved**, that Title Three, Article III, Section B.2 (Code pg. 19) be amended to strike:
474

475 a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity,
476 the Judicial Administrator, after making a reasonable effort to meet with the accused if
477 appropriate to do so, may issue a No-Contact Directive, **binding upon all involved parties.**

478 b. The Judicial Administrator shall make available to the accused the exact terms of the No-
479 Contact Directive, as soon as it is issued.

480 c. In the event the Judicial Administrator is notified of a violation of the terms of the No-Contact
481 Directive, the accused shall be provided with an opportunity to review the matter with the
482 Judicial Administrator within two business days. If the Judicial Administrator determines, based
483 upon the information available, that the No-Contact Directive has been violated, he or she may



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484 impose additional interim measures or suspend the accused temporarily, pending resolution of
485 the underlying case.