

Cornell University  
University Assembly

**Cornell University Assembly**

Minutes of the February 18, 2020 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:* J. Anderson, A. Barrientos-Gomez, K. Barth, R. Bense, R. Howarth, A. Howell, L. Kenney, C. Levine, G. Martin, J. Pea, P. Thompson, C. Van Loan
    - ii. *Members not Present at Roll Call:* S. Chin, U. Chukwukere, D. Hiner, E. Loew, R. Mensah
- II. Call for Late Additions to the Agenda
  - a. There were no late additions to the agenda
- III. Business of the Day
  - a. Approval of the 1/21/20 meeting minutes
    - i. A member of the University Assembly moved to approve the minutes. The motion was seconded and **approved.**
  - b. UA member updates & changes – J. Pea
    - i. J. Pea welcomed C. Levine and U. Chukwukere as the newest members of the University Assembly. Additionally, J. Pea stated that L. Kenney had stepped down as the chair of the CJC and the role was filled by J. Anderson. J. Pea said to notify him if there were any other pending vacancy issues.
    - ii. R. Howarth stated his thanks to L. Kenney's time and efforts as the chair of the CJC and to J. Anderson for stepping in to fill the role.
  - c. President M. Pollack joined by J. Cole, Assoc. V. President for University Relations
    - i. M. Pollack stated that the first update that she had pertained to COVID-19. The university had two individuals that had been placed under isolation and tested negative for COVID-19 after meeting the criteria's necessary to do so and at the present moment, there had been no cases in New York. M. Pollack stated that the University Administration was in contact with it's public health officials and following all CDC and WHO regulations on screening and response. Additionally, there is a plan in place in the event of a COVID-19 breakout on campus.
    - ii. M. Pollack stated that the second update she wanted to talk about was that of the code revisions. M. Pollack stated that in her meeting with the CJC,

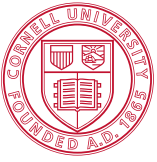


## Cornell University University Assembly

they had agreed that the General counsel would take the work that had already been completed and would produce three documents including the Free Speech document that would be campus-wide. The document pertaining to free speech would need to be succinct to avoid issues with federal regulation. The second document would outline the expected and prohibited behavior and the third document would outline the process of adjudication. The expected deadline for the code would remain as the end of the semester.

- iii. M. Pollack stated that the last item she wanted to address was that of the University's viewpoint on its role in sustainability. The university as a whole is well-versed in developing a multi-breadth sustainability curriculum with world class agriculture and veterinary science schools. The Atkinson Center has faculty engaged throughout the world researching and teaching. The first energy conservation initiative at Cornell was put out in 1985 with Cornell being the first university to sign the Kyoto protocol in 2001. M. Pollack stated that the principle purpose of the endowment, provided by the Board, was to provide income for the advancement of education at the university with Board members having a legal fiduciary role in ensuring that those goals are met. The Board aims to invest in ways that align with the goals of the university. The amount of the endowment that is in ESG (environmental, social, and governmental) funds has grown significantly with 80% of funds invested in that method. M. Pollack stated that the Board's criteria for investment pertaining to fossil fuels is being upheld and while she could not speak on behalf of their criteria she would like to point out that in the past 4 to 5 years, there has been a change in the investment landscape including climate change science and public concern on the matter. Although there is no certainty to say that if the five divestment resolutions were passed, the Board would move to divest, the Board would engage with the issue.

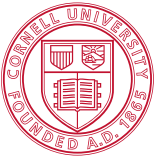
1. R. Bensele stated that if the university community came to know where the funds were being allocated in the university portfolio, then the university community could recommend actions. R. Bensele asked if there had been a past case in which the university had supported a proxy resolution on fossil fuels and would the university community have the power to do so.
  - a. M. Pollack stated that one question that the Board would be discussing would be that of whether you lose the ability to influence companies when you disengage. There is a sense



## Cornell University University Assembly

among individuals that having partial ownership within a company grants the ability to influence proxy voting. The method in which the university has been influencing proxy voting is by hiring the managers who have signed on to vote proxy. Additionally, M. Pollack stated that she does not believe the Board would be open to another committee.

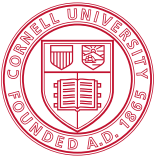
2. L. Kenney stated that there had been cases across campus involving undergraduate and graduate students not receiving their GI benefits with delays. These veteran students consequentially do not have the money for rent or groceries with the result of having to take out loans or borrow money.
  - a. M. Pollack stated that J. Burdick, the VP of Enrollment would have more information
  - b. L. Kenney asked to be placed in contact with J. Burdick.
  - c. M. Pollack told L. Kenney to email J. Burdick.
3. K. Barth stated that the two major resolutions of the CIC were the Divestment Resolution and the Campus Circulator resolution. K. Barth conveyed that the CIC had made a strong effort to using the facts presented in the Divestment FAQ to make a strong argument addressing the Board of Trustees criteria's. In terms of the Campus Circulator, the funding for the Campus Circulator is presenting itself as an issue in the process in the regards that any individual on campus would be able to ride without paying a fee. K. Barth stated that if the Campus Circulator resolution is passed, who would M. Pollack suggest working with to resolve the funding issue.
  - a. M. Pollack stated that it would be an expensive project and in order to provide the funds, there would have to be funds cut elsewhere. M. Pollack stated that any resolution that comes to her office goes to her cabinet and the resolution would be taken seriously.
4. A member of the assembly asked what the reviewing process of the five Divestment resolutions would be for M. Pollack and the Board of Trustees.
  - a. M. Pollack stated that from her understanding, all of the five assemblies would pass their Divestment resolutions before the upcoming Board meeting. The resolutions would go to the Investment Committee followed by the Executive Committee before going to the full Board. M. Pollack stated



## Cornell University University Assembly

that there is communication between her and the Board and so she would have an idea of the discussions.

5. J. Anderson asked if Cornell would go to an admissions process without standardized test results and how would that process be approached. Additionally, J. Anderson asked if the university would consider studying the effects of dropping legacy admissions as a consideration.
  - a. M. Pollack stated she could not convey the details yet because she had not gone to the Board with the issues, but she was in the process of promoting an initiative on affordability and access. Specifically, in regard to the UC system's agreement to drop standardized test in their admission process, there is debate among educators about whether or not it would lead to more diversity or the opposite. On the issue of legacies, M. Pollack stated that the university was not meeting the goal's of Ezra Cornell in terms of socioeconomic diversification. M. Pollack stated that she did not belief taking in consideration family-ties hindered on socio-economic diversity.
6. A. Barrientos-Gomez stated that the GPSA was currently searching for a new Dean of the Graduate School and VP for Graduate Education and asked M. Pollack what she believes would be a determining factor in the ideal candidate.
  - a. M. Pollack stated that she would look for personal affect because there needs to be a basis of trust. Secondly, they would have to be of an academic stature and respected by staff and students. Lastly, there is a necessity for an individual that understands the changing field for graduate students.
7. A member of the UA asked if M. Pollack would consider increasing resources such as career services access to graduate students.
  - a. M. Pollack stated that the budget would need to be looked at before deciding to invest more into resources.
- d. Divestment Resolution – A. Howell
  - i. A. Howell stated that C. Levine should be added as a co-sponsor to the resolution. A. Howell also stated that the efforts being taken to achieve divestment should be viewed in parallel rather than in lieu of divesting. Additionally, there is not one pathway to profit and there are multiple ways



## Cornell University University Assembly

and methodologies that the endowment could gain profits and these other ways of doing so would better align with the values of the institution. In regard to proxy voting, A. Howell stated that there had not been evidence found yet that companies were significantly influenced by it.

- ii. C. Levine stated that in regards to proxy voting, 125 requests from shareholders had been conveyed to fossil fuel companies since 1992 to 2014 to investigate the impact of fossil fuels on the environment and all were dismissed or rejected. This suggests the unimportance of proxy voting.
- iii. R. Bensei conveyed that he did not believe M. Pollack had completely addressed his question of proxies. R. Bensei stated that proxy resolutions had no effect on the investment portfolio but are rather statements of moral and ethical duties. The goal would not be to take out all fossil fuel companies from the portfolio but to have attention brought to the portfolio. R. Bensei stated that an amendment should be added to the current resolution indicating the publicization of the investments in the portfolio.
- iv. R. Howarth stated that he did not disagree with R. Bensei's statement but believed that the trustees were more likely to divest than divulge the contents of the portfolio. Additionally, R. Howarth conveyed that M. Pollack said that the divestment resolutions must be the same.
- v. R. Bensei stated that there was a possibility of the trustees arguing that the resolutions were not all identical, but divulgement would be an amendment and although the trustees might not consider divulging, it would be difficult to know what is being divested without transparency.
- vi. A. Howell conveyed support for transparency but with the current timeline, believes it would be a separate effort. A. Howell portrayed support for either creating a separate resolution for transparency or creating an addendum with the demand of transparency.
- vii. C. Levine stated that the goal was divestment and it would best to keep it to that goal as best as possible.
- viii. C. Van Loan stated that he would like to learn more about the managers of the ESG funds and how divestment funds were rated.
- ix. R. Bensei stated that he did not see transparency and divestment as separate issues.
- x. R. Howarth stated that he was in agreement with R. Bensei about transparency but in this case, he believes there is a reasonable chance that the trustees will divest and would not want to distract them from the core issues with another one of transparency.



## Cornell University University Assembly

- xi. A. Howell stated that divestment was not in regard to political viewpoints. A. Howell moved previous question; the motion was seconded. The resolution was **passed** with one member abstaining.
- e. Codes Judicial Committee Update – J. Anderson
  - i. J. Anderson stated that in regard to the 2020 Spring calendar for the CJC in terms of deadlines and the public forum, all committee members were aware of where the Campus Code would need to be. The objective for the semester would be collaboration between the CJC and the University Assembly in passing documents between both bodies until the public comment section. The public comment session would be between March 13<sup>th</sup>, 2020 and April 3<sup>rd</sup>, 2020 with four separate public forum dates. There would be a fifth public forum set later with employee and faculty schedules in mind. The fifth forum would be done with HR at the university for questions pertaining to the affects of the code on HR policy. J. Anderson noted that there should not be any changes to HR policy since the code would be a student code. The purpose of the last forum would mainly be to offer answers to employees and faculty. Classes would be in session for the first two weeks of public comment with the last week being Spring Break so the online message board would be utilized during the last week. Between April 3<sup>rd</sup>, 2020 and April 17<sup>th</sup>, 2020, the CJC would make edits based on the public comments. On April 17<sup>th</sup>, the edits would be sent to the University Councils office and after the draft is sent back to the CJC, they would subsequently finalize and send it to the University Assembly on April 24<sup>th</sup>. J. Anderson stated that the CJC would also formally request the University Assembly to hold an additional meeting on April 28<sup>th</sup> because the next meeting would be a meeting on May 5<sup>th</sup>. Holding the additional meeting would allow all UA members time to review the changes on the code and have clarifying questions answered with the final UA vote being held on the May 5<sup>th</sup>. The CJC is also considering two tentative Saturday retreats. The first would be on February 29<sup>th</sup> with work being done on the Procedural section of the code and the second would be on April 11<sup>th</sup> with the CJC reviewing the public comments.
    - 1. R. Howarth asked if a timeline involving receiving the code on April 24<sup>th</sup> and voting on the 28<sup>th</sup> work for everyone.
      - a. R. Bensel asked if the text would be received before then.
        - i. J. Anderson stated that the UA members would receive the sections as they are finalized as soon as



## Cornell University University Assembly

possible but public comment could make change those sections

- ii. R. Howarth stated that if there was no objection, there would be a special UA meeting on April 28<sup>th</sup>.
- ii. J. Anderson stated that another document that was sent out was one stating the seven big concepts and changes of the code that were considered including narrowing the code so it would only apply to students and removing the OJA's office from under the division of SCL having the JA report to the Dean of Students. The third change is a burden of proof change from the current "clear and convincing" phrasing which is at odds with the Title IX. The committee is supportive of moving Greek Life under the Student Code of Conduct. J. Anderson stated that the CJC believes that "preponderance" is a better means of evaluating than "clear and convincing" to ensure that Greek Life is safer and held more accountable. The fourth key theme is a separate freedom of speech section with the University feeling that is better to have a clearer and more concise document denoting its standing on freedom of expression. The fifth theme would be to recognize student organizations including Greek Life under the code but there is a need to recognize that it has a burden of proof implication. The sixth theme is that of jurisdiction and the reach the code has off-campus. Largely the code applies to off-campus when the behavior is serious enough to warrant it. The last theme is a move to a single investigator model which would separate the fact finding from the adjudication aspect of the code. J. Anderson stated that the UA members were welcome to provide feedback and advice as the process unfolds.
  1. K. Barth recognized the CJC members and the chairs for their efforts in completing the edits and setting a timeline. K. Barth stated that the term "Judicial Administrator" was mentioned in Section 3 of the code and that was the first mention. There was an opportunity to explain the role of the "Judicial Administrator".
  2. J. Anderson stated that the JA's office would be defined in the adjudication section. Additionally, the JCC UHRB content would be pulled out of the code and placed in HR policies and practices.
- iii. C. Levine asked J. Anderson to define what was meant by the phrase, "preponderance of the evidence".
  1. J. Anderson stated that the "preponderance of the evidence" pertained to the idea that more likely than not, the situation in question occurred. In comparison, "clearly convincing" pertains to





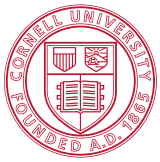
## Cornell University University Assembly

the idea that there is strong support that the situation in question happened. Essentially, one was lower than the other.

- iv. R. Howarth stated that there would most likely be an interim individual filling in the role of the Judicial Administrator until the completion of the code.
- v. R. Bensei stated that a recommendation had been given for the role of the Judicial Administrator, but the administration failed to act on it. Additionally, it would be difficult to serve as an interim Judicial Administrator due to the volume of cases.
- vi. L. Kenney stated that she had asked M. Pollack about the possibility of amending the current Bylaws to avoid the issue with having an interim JA and conveyed the problematic nature of having an interim JA while the code was being revised. L. Kenney said that she was not aware of a reason the Bylaws were not amended
- vii. J. Anderson said that it was not a concern for the CJC but with the edits of the code would be easier to adjudicate from any standpoint.
- viii. R. Bensei said that a simpler code would not make the workload easier.
- ix. J. Anderson stated that the Bylaws were not of the highest priority for the CJC and anything changed to the code would need to be vetted through public comment. Therefore, the effects would not be able to take place until later.
- x. P. Thompson asked if J. Anderson had quorum.
- xi. J. Anderson stated that J. Bogdanowicz had resigned so a new GPSA representative would be needed.
- xii. L. Kenney asked as clarification if the resignation was to the CJC and the UA or just the CJC.
- xiii. J. Anderson stated that the resolution was both to the CJC and the UA.
- xiv. L. Kenney said that she would look for the possibility of getting a veteran graduate student to fill the role.
- xv. A. Howell asked when the UA's internal elections would be held.
- xvi. R. Howarth stated that the internal elections would be done at the last meeting on May 5<sup>th</sup>.
- xvii. G. Giambattista asked if the undergraduate ranking number had been upended.
- xviii. J. Pea said he would check the bylaws.

The meeting was adjourned at 5:50pm.





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Respectfully Submitted,

Auriole C. R. Fassinou  
Clerk of the Assembly