

Cornell University
University Assembly

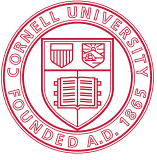
Cornell University Assembly

Agenda of the March 12, 2019 Meeting

4:30 PM – 6:00 PM

401, Physical Sciences Building

- I. Call to Order
 - a. Call to Order
 - b. Welcome and Introduction
 - c. Call for Late Additions to the Agenda
- II. Approval of the Minutes
 - a. 2-19-19 Minutes
 - b. 3-5-19 Minutes
- III. Presentation by President Pollack
- IV. Assembly, Committee, and Liaison Reports
- V. Business of the Day
 - a. Ombudsman Reappointment
 - b. Resolution 3: Examining the Need to Augment the Cornell Childcare Facility
 - c. Discussion on revision to the Campus Code of Conduct
- VI. Adjournment



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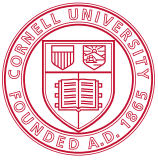
Minutes of the February 19, 2019 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

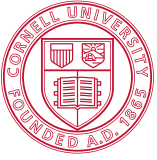
- I. Call to Order
 - a. Call to Order
 - i. M. Battaglia called the meeting to order at 4:36pm
 - ii. The Assembly did not have a quorum when the meeting was called to order.
 - iii. The Assembly reached a quorum at 4:44pm.
 - b. Roll Call
 - i. *Present:* I. Allen, J. Anderson, D. Barbaria, M. Battaglia, R. Bensel, L. Copman, V. Devatha, D. Hiner, L. Kenney, E. Loew, T. Onabajo, C. Van Loan, A. Viswanathan, E. Winarto
 - ii. *Absent:* K. Barth, D. Geisler, R. Howarth, J. Pea, C. Wiggers
 - iii. *Others Present:* L. Falkson, G. Giambattista, P. Hampton, T. Malone, C. Walcott, K. Zoner
 - c. Welcome and Introduction
 - i. M. Battaglia welcomed Charles Walcott, the University Ombudsman, L. Falkson Falkson, the Director of the Ombudsman Office, and Kathy Zoner, the Chief of the Cornell University Police Department.
 - d. Call for Late Additions to the Agenda
- II. Approval of the Minutes
 - a. 1-29-19 Minutes
 - i. There was no dissent. The minutes were **approved** by unanimous dissent.
- III. Presentation by University Ombudsman
 - a. C. Walcott said that the basic function of the office is to help people with problems, in one way or another. He said that Cornell is a complicated place, but that the Office has a good understanding of the different offices and resources available at Cornell.
 - b. He said that he and L. Falkson operate by the standards of the International Ombudsman Association (IOA), meaning that the Office is independent, confidential, and a neutral party, among other things.
 - c. L. Falkson said that the Office spends most of the time dealing with visitor issues. She said the Office is transparent about its annual report and that the report can be found on the website of the Office of the Ombudsman.

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.



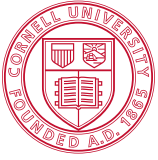
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- d. L. Falkson also gave an overview of the services offered by the Office of the Ombudsman, the operations of the Office, 2017-2018 report summary data, frequent visitor issues, the Office's new mediation program, and the Office's role as a change agent, among other things.
- e. C. Walcott and L. Falkson fielded questions from the Assembly.
- f. D. Barbaria asked how the decision is made with regard to exceptions of confidentiality.
- g. L. Falkson explained how the Office arrives at the decision to breach confidentiality, which, she said, happens as a last resort.
- h. K. Zoner said that, in her experience, her work with the Office of the Ombudsman has been great, and that she cannot recall when a situation has risen to the level of a complete breach of confidentiality.
- i. T. Onabajo asked about plans to expand the Office of the Ombudsman to increase diversification of the representation in the Office to make people more comfortable with going to the Office of the Ombudsman.
- j. L. Falkson said that that is something that the Office should think about more.
- k. J. Anderson asked about the problem area of academic actions.
- l. C. Walcott said that, with faculty members, sometimes one can win, other times, one loses. He said that it matters how a case is delivered to a faculty member. He said that he sometimes suggests that a student talks to his/her advisor, who may serve as an advocate. He said that it depends on the situation.
- m. R. Bensele asked about the number of visits per visitor and how the Office works with Cornell Tech.
- n. L. Falkson said that the Office does not keep numbers formally, however, she said that the number of students that the Office has worked with at Cornell Tech has been less than a dozen. She said that, with recurring visitors, they seem to be staff with employment-related issues.
- o. L. Kenney asked about other instances where the Office follows-up with individuals when someone waives confidentiality.
- p. L. Falkson said that the Office checks-in with the people who they believe were not doing well. She said that the Office serves a sort of conduit to help people help themselves.
- q. I. Allen asked if there is a place for advocacy within the process.
- r. C. Walcott said yes, he said, particularly, when someone is not being treated fairly.
- s. E. Winarto asked about the mediation project pilot.



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- t. L. Falkson said that it is pretty early in the referral process, but that there is a protocol.
 - u. L. Copman asked about the commonalities between cases dealing with fairness, and, if so, what is done to address those commonalities.
 - v. L. Falkson said that, the Office's position has been to reach out to a person with more authority in the area or division where multiple issues of fairness arise.
 - w. C. Walcott said that the Office practices upward feedback, but that it can be difficult. He said that he is impressed with the willingness of everyone in the University to honor requests to begin conversations regarding fairness in particular areas or departments of the University.
- IV. Assembly, Committee, and Liaison Reports
- a. Student Assembly
 - i. J. Anderson said that elections for the Assembly will begin in March, as well as the student-elected trustee position.
 - ii. He also discussed a recently-passed resolution looking at median grade reporting; he also discussed the new initiative, Swipe Out Hunger; he spoke about the hiatus of Anabel's Grocery; and he mentioned a new coalition on health services.
 - b. Campus Infrastructure Committee
 - i. L. Copman discussed the last Campus Infrastructure Committee meeting. She said that there will be an event held in the future.
 - c. Codes and Judicial Committee
 - i. D. Barbaria said that the committee will be finalizing its amendments to the University Hearing and Review Board application questions at the next meeting.
- V. New Business
- a. Resolution 2: Expressing Appreciation and Best Wishes for CUPD Chief Kathy Zoner
 - i. M. Battaglia said that the resolution was sponsored by him, and that the resolution thanks K. Zoner for her work in the Cornell University Police Department. He said that she has been working with the Codes and Judicial Committee for about 17 years and serving the University for much longer.
 - ii. D. Barbaria motioned **amend** the resolution on lines 14, 27, and 37. The motion was seconded. There was no dissent. The amendments were **adopted** by unanimous consent.
 - iii. M. Battaglia called the question on the resolution. There was no dissent.



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1. By a vote of 13-0-0, with the Chair voting in favor, the resolution was adopted unanimously.
- VI. Executive Session
 - a. The meeting moved into an Executive Session.
 - VII. Adjournment

Respectfully Submitted,

Terrill D. Malone
Clerk of the Assembly



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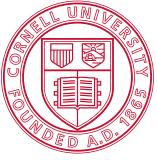
Minutes of the March 5, 2019 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

- I. Call to Order
 - a. Call to Order
 - i. M. Battaglia called the meeting to order at 4:31pm
 - b. Roll Call
 - i. *Present:* J. Anderson, D. Barbaria, K. Barth, M. Battaglia, R. Bensel, L. Copman, V. Devatha, M. Hatch, D. Hiner, R. Howarth, L. Kenney, T. Onabajo, J. Pea, C. Van Loan, A. Viswanathan, E. Winarto
 - ii. *Absent:* I. Allen, D. Geisler, E. Loew, J. Pea, C. Wiggers
 - c. Welcome and Introduction
 - i. M. Battaglia welcomed the guests, Vice President Mary Opperman, Vice President Joel Malina,
 - d. Call for Late Additions to the Agenda
 - i. There were no late additions to the Agenda.
- II. Approval of the Minutes
 - a. 2-19-19 Minutes
 - i. M. Battaglia motioned to postpone the approval of the minutes. There was no dissent. The approval of the minutes was postponed to the next meeting.
- III. Presentation from Vice President Opperman and Vice President Malina
 - a. Vice President Opperman gave a presentation on core values. She gave an overview of the different components of core values statements, and she also gave examples of the core values statements of different universities and organizations. She said that the goal is to have a finalized draft of core values for the University by May 2019.
 - b. Vice President Opperman and Vice President Malina opened up the discussion to hear from members of the Assembly about what things should be included in a core values statement.
 - c. Members of the Assembly shared their thoughts and insights with Vice President Opperman and Vice President Malina.
- IV. Presentation from Vice President Opperman and John Siliciano on Policy 6.4
 - a. Vice President Opperman said that the policies have been revised. She went over key changes to the procedures in Policy 6.4. She said that the status of the

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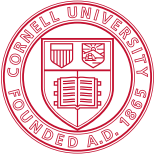
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responding party guides the process and procedures followed. She said that the staff and faculty procedures have been combined; she said that the definition has been updated; she said that procedure of academic freedom and freedom of speech has been updated; she said that the statute of limitations on complaints has been expanded from six months to three years; she said that there is now complete transparency with regard to the collection and dispersion of evidence; she also discussed other changes to the Policy.

- b. R. Howarth asked if there was a thought about the role of departmental faculty in the process, referencing a unique case.
- c. Vice President Opperman said that had the circumstances been different, she isn't sure that what happened would have needed to happen, referencing a unique case.
- d. R. Bensel asked about the latitude for deans or the Vice President to decide the sanctions after recommendations are provided by the hearing board.
- e. Vice President Opperman said that they have latitude to increase the sanction or decrease the sanction, but that they must go back to the hearing board and explain the reasoning.
- f. R. Howarth asked if there was an opportunity for the hearing board to comment on the dean or department head's decision.
- g. Vice President Opperman said yes.
- h. To clarify, Vice President Opperman said that there is no loop back to the hearing board after the dean or department head decides the sanctions. She said that either side could appeal. She also said that there would be a written record of the proceedings.
- i. Vice President Opperman said this work is difficult and takes a lot of work. She said that there are 297 complaints on the student-side. She said that the long-term goal would be to move away from the formal complaints as being the only way to deal with these issues.

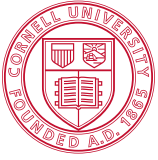
V. Assembly, Committee, and Liaison Reports

- a. Employee Assembly
 - i. K. Barth said that Employee Assembly elections will be happening in the future.
- b. Student Assembly
 - i. V. Devatha said that Student Assembly elections and Undergraduate student-trustee elections will be happening in the future.
- c. Executive Committee



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- i. J. Anderson said the executive committee met with Joanne DeStefano and Michael Kotlikoff about the future of the Budget Planning Committee.
 - d. Campus Infrastructure Committee
 - i. R. Howarth said that the campus infrastructure committee met, and that Bill McKibben will be speaking to an audience at Call Auditorium next week on the topic of Climate Change and Divestment. He said that he would like help to get the word out.
 - e. Codes and Judicial Committee
 - i. D. Barbaria said that the committee will be meeting tomorrow to continue the conversation on the revision of the Campus Code of Conduct.
 - f. Campus Welfare Committee
 - i. T. Onabajo said that she is presenting a resolution from the campus welfare committee later about the University's child care facility.
- VI. New Business
 - a. Ombudsman Reappointment
 - i. M. Battaglia said that he received an email from President Pollack to confirm Charles Walcott as the Ombudsman of the University.
 - ii. M. Battaglia moved to postpone voting on the resolution to the next meeting.
 1. There was no dissent. By unanimous consent, the vote on the resolution was postponed to next week.
 - b. Resolution 3: Examining the Need to Augment the Cornell Childcare Facility
 - i. T. Onabajo said that, through anecdotal reports, the Campus Welfare Committee has heard a number of complaints from graduate students, faculty, and staff. She said that the committee has good reasons to believe that there are inadequacies within the child care facilities. She said that the committee would like more information about the waiting lists and how selections from the waitlist are made.
 - ii. R. Howarth asked who Bright Horizons reports to in the University Administration.
 - iii. T. Onabajo said that she is unsure.
 - iv. Voting on the resolution was postponed to the next meeting. There was no dissent.
 - c. Discussion on revision to the Campus Code of Conduct
 - i. D. Barbaria said that these are the primary substantive changes that have not been reviewed by the University Assembly.



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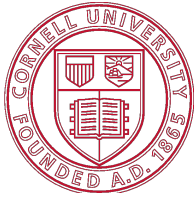
- ii. L. Copman made a comment about section (d) and said that she wanted to see the definition of “harassment” expanded.

VII. Adjournment

- a. The meeting was adjourned at 5:49pm

Respectfully Submitted,

Terrill D. Malone
Clerk of the Assembly



U.A. Resolution #3

Examining the Need to Augment the Cornell Childcare Facility

March 5, 2019

1 **Sponsored by: Tirenolu Onabajo, Undergraduate; Chair, Campus Welfare Committee.**

2

3 **On Behalf Of: UA Campus Welfare Committee (E. Roszkowski, B. Roebal, C. Van Loan,**
4 **D. Geisler, D. Hiner, T. Onabajo, J. Pea.)**

5

6 **Whereas,** access to child care services is a salient concern to all constituents of the university:
7 faculty, staff, and students; and

8

9 **Whereas,** all indications are a larger facility is beneficial for recruitment of faculty, staff, and
10 students; and

11

12 **Whereas,** the Cornell Child Care Center has been in operation for ten years without an in-depth
13 review of its adequacy to serve the growing needs for early childcare of the Cornell community;
14 and

15

16 **Whereas,** members of this committee have been unable to obtain waitlist-related information
17 from the Cornell Child Care Center despite repeated efforts to do so; and

18

19 **Whereas,** anecdotal evidence gathered by this committee indicates that the facility's capacity
20 does not meet demand for childcare services; and

21

22 **Whereas,** expansion of the facility may be economically feasible provided demand is adequate;

23

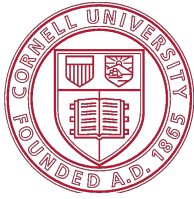
24 **Be it therefore resolved,** the University Assembly requests that the Institutional Research and
25 Planning office launches a survey of faculty, staff, and students regarding their experiences with
26 the Child Care Center and its perceived adequacy; and

27

28 **Be it further resolved,** the University Assembly requests that Bright Horizons provides the
29 Assembly with information on the length of the current waitlist and details of how selections
30 from this waitlist are made; and

31

32 **Be it finally resolved,** the University Assembly requests that President Martha Pollack
33 commissions the university divisions of Facilities and Campus Services, Budget and Planning,



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34 and Human Resources, in collaboration with the director of the Cornell University Child Care
35 Center to initiate, by the end of the academic year 2019–20, an investigation into the viability of
36 expanding the Cornell University Child Care Center.

1 **Current Code Language:**

2 Article II. Violations

3 A. Listing

4 1. It shall be a violation of this Title, as an
5 offense against another person or the university:

6 a. To (1) rape, (2) sexually assault, or (3)
7 sexually abuse another person, as those terms
8 are defined in Cornell University Policy 6.3.

9 b. To intentionally (1) expose a private or
10 intimate part of one's body in a lewd manner or
11 (2) commit any other lewd act in a public place.

12 c. To harass another person in a manner that
13 would violate Cornell University Policy 6.4 if it
14 were applicable².

15 d. To harass another person (1) by following that
16 person or (2) by acting toward that person in a
17 manner that is by objective measure threatening,
18 abusive, or severely annoying and that is beyond
19 the scope of free speech.

20 e. To assault or cause any physical injury to
21 another person on the basis of disability,
22 ethnicity, gender, national origin, race, religion,
23 or sexual orientation or affectional preference.

24 **Proposed Updated Language:**

25 Article II. Violations

26 A. Listing

27 **Definitions:**

28 **Protected Status:** Actual or perceived age,
29 ancestry or ethnicity, color, creed, disability,
30 gender, gender identity or expression, height,
31 immigration or citizenship status, marital status,
32 national origin, race, religion, religious practice,
33 sexual orientation, or socioeconomic status,
34 veteran status, or weight.

35 1. It shall be a violation of this **Code**,

36 a. To (1) rape, (2) sexually assault, or (3)
37 sexually abuse another person, as those terms
38 are defined in Cornell University Policy 6 .4.

39 b. To intentionally (1) expose a private or
40 intimate part of one's body in a lewd manner or
41 (2) commit any other lewd act in a public place.

42 c. To harass another person in a manner that
43 would violate Cornell University Policy 6.4 if it
44 were applicable².

45 d. **To harass another person by acting toward**
46 **that person in a manner that is unwelcome and**
47 **sufficiently severe, persistent, or pervasive that**
48 **it unreasonably interferes with, limits, or**
49 **deprives an individual or group of individuals**
50 **from participating in or benefiting from the**
51 **University's education, research, and/or**
52 **employment programs or activities.**

53 e. **To engage in discriminatory hostile**
54 **environment harassment directed against any**
55 **person or group of persons based on Protected**
56 **Status.**

57 e. To assault or cause any physical injury to
58 another person on the basis of **Protected Status**.

59 e. **To stalk another person by (1) intentionally**
60 **engaging in a course of conduct directed at a**
61 **specific person and (2) that would cause a**
62 **reasonable person to feel threatened or**
63 **frightened.**