

Cornell University University Assembly

Cornell University Assembly

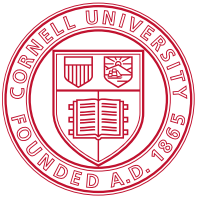
Minutes of the May 12, 2020 Meeting

4:30 PM – 6:00 PM

Zoom Meeting

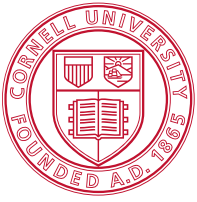
- I. Call to Order
 - a. Call to Order
 - i. R. Howarth called the meeting to order at 4:30pm
 - b. Roll Call
 - i. *Present:* J. Anderson, A. Barrientos-Gómez, K. Barth, R. Bensel, U. Chukwukere, C. Duell, D. Hiner, A. Hong, R. Howarth, A. Howell, L. Kenney, C. Levine, G. Martin, R. Mensah, D. Nyakaru, J. Pea, P. Thompson, C. Van Loan
 - ii. *Members not Present:* B. Fortenberry

- II. Call for Late Additions to the Agenda
 - a. R. Howarth called for late additions to the agenda and recognized R. Bensel to speak.
 - b. R. Bensel stated that the agenda that was circulated is in violation of UA Bylaws, therefore there can't be any additions to it.
 - c. R. Howarth asked if this was a point of order or an addition to the agenda.
 - d. R. Bensel confirmed that it is a point of order in that the bylaws state that the Executive Vice Chair must make the agenda of the assembly available to members no less than 24 hours prior to a meeting of the assembly. He went on to state that the agenda was sent the morning of this meeting and that 24 hours have not passed; therefore, the provision of the bylaws hasn't been met and this meeting agenda doesn't exist in procedural terms.
 - e. R. Howarth thanked R. Bensel for his point of order and asked the assembly to take a vote to approve the agenda as it was distributed earlier by the Executive Vice Chair.
 - f. R. Bensel stated that such a vote is illegal and indicated that the Chair can overrule his point of order as it is still outstanding and cannot be dismissed.
 - g. R. Howarth again called for a vote to proceed on the agenda as it is stated.
 - h. R. Bensel indicated that the Chair was out of order.
 - i. R. Howarth stated that R. Bensel was out of order.
 - j. R. Bensel stated that there is a point of order that has to be satisfied before moving on and referred to Robert's Rules that the Chair must rule on the point of order.



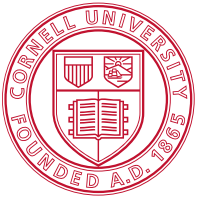
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- k. R. Howarth suggested proceeding by taking the majority viewpoint of the Assembly which is within the prerogative of the Chair under Robert's Rules.
- l. R. Bensel again stated that a point of order must be ruled on by the chair and once it has been ruled, then the meeting can proceed.
- m. R. Howarth stated that this is a technicality.
- n. R. Bensel disagreed that it is not a technicality and that it is very important and indicated that the Chair was delaying this. The rules that have been adopted by the Assembly are Robert's Rule and were sent to the members by R. Bensel. He again indicated that all the chair has to do is rule.
- o. R. Howarth proceeded to ask for a vote on accepting the agenda.
- p. R. Bensel interjected that R. Howarth could not proceed to a vote.
- q. R. Howarth again stated that R. Bensel was out of order and asked that he be muted.
- r. R. Bensel again stated that this isn't ambiguous and that it is a point of order under the assembly bylaws.
- s. R. Howarth asked for clarification that the point made is that the bylaws state that the agenda should be sent out 24 hours in advance and they were sent out late.
- t. R. Bensel clarified that was not his point of order but that the order is under Robert's Rules that if the agenda is not sent out in advance in accordance with the rules of the assembly that is meeting, then it is not on the table.
- u. There was more back and forth disagreement between R. Howarth and R. Bensel.
- v. P. Thompson indicated that L. Kenney has her hand raised and recommended hearing a second opinion.
- w. L. Kenney suggested in order to try to move the meeting along that the assembly that the particular provision within Robert's Rules be consulted and rule adequately on what Robert's Rules says is within the bylaws.
- x. R. Howarth indicated that at the first meeting of the University Assembly, he appointed P. Thompson as parliamentarian to interpret the Rules as they go as opposed to looking things up, given that they should get to the real business of the meeting.
- y. R. Howarth asked P. Thompson if it would be acceptable for the members to take a vote to approve the agenda as it was sent out and proceed.
- z. P. Thompson stated that, due to the discontent and various opinions, she would prefer the Office of the Assemblies to give an unbiased and general ruling and turned to G. Giambattista for a response.
- aa. G. Giambattista stated that she was looking up the provision.



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- bb. P. Thompson indicated that this would be easier for the whole of the assembly to facilitate a smoother and proactive discussion to finalize the last meeting in a positive and unbiased manner.
- cc. C. Van Loan spoke to the general heading of making deadlines and that others have violated deadlines and to cut each other some slack. He then stated to get on with business as now is not the time to be upholding deadlines and didn't see this as major issue.
- dd. R. Howarth concurred and stated that would be his preference and would assume that is what most people would like.
- ee. R. Bensel stated that there are two problems with that. There have been a lot of surprises with the content of the SA draft.
- ff. R. Howarth interjected that they were not discussing R. Bensel's point.
- gg. R. Bensel stated that the illegal agenda takes the CJC draft off the table.
- hh. There was more back and forth discussion between R. Bensel and R. Howarth.
- ii. P. Thompson recommended that the discussion be paused until they hear from G. Giambattista in order to not escalate the issue and asked for a bit of patience.
- jj. A. Howell indicated that he had the relevant section of Robert's Rules and asked G. Giambattista if he could read it.
- kk. G. Giambattista affirmed that he could read it and they could concur as she was looking at the relevant section as well.
- ll. A. Howell stated that according to Robert's Rules, when a point of order is submitted to a vote of the assembly and the point related to stopping something from being done, the question is put the question so that an affirmative vote will be in favor of allowing the proceedings to continue as if the point had not been raised.
- mm. A. Howell indicated that he thought that both R. Bensel and R. Howarth are getting at the same thing and that there can be a motion to overrule the point or there can be a vote to proceed. He then stated that it is essentially the same thing and that they vote to proceed as if the point had not been raised.
- nn. R. Bensel indicated that the point is to do it in a procedurally correct way so that if the point of order is overruled, it can be appealed, and it is possible to debate the merits of the point of order and he felt this is a very important decision.
- oo. R. Howarth stated he would like to put it to a vote and proceed with the actual business of the meeting.
- pp. G. Giambattista clarified the matter of an appeal and that is it at the discretion of the chair as to hear the appeal or not.
- qq. R. Howarth agreed that is his understanding based on his reading of Robert's Rules.
- rr. R. Howarth asked for a vote of accepting the agenda as it was sent out by P. Thompson – approved 14-2



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ss. R. Howarth stated that he would proceed with the agenda as it was sent out.

III. Business of the Day

a. Approval of minutes to meetings

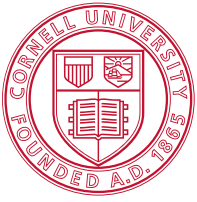
i. 4/28/20 - tabled

1. L. Kenney indicated that the minutes were sent at the same time of the agenda and that she hadn't had a change to read them and would like to make a motion to table.
2. R. Howarth agreed with her yet this is the last meeting.
3. L. Kenney stated that they are still the body until the next elected one and that she believes there can be a motion made to have any additions to the minutes sent to P. Thompson and the Office of the Assemblies and approve the minutes via email. She stated that she didn't feel comfortable with approving the minutes without reviewing them.
4. R. Howarth asked if members would like to proceed that way.
5. J. Anderson seconded the motion.
6. R. Howarth recognized the motion and stated they would proceed with doing so.

ii. 5/5/20 - tabled

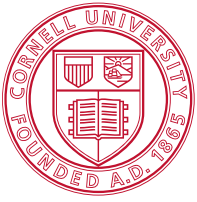
b. Resolution 4 – Support of the development and implementation of a Cornell Campus Circulator System

- i. K. Barth gave a brief overview of the proposal and that this has been a part of the campus master plan from 2008.
- ii. K. Barth updated the members that the Employee Assembly passed the version that is being voted on by the assembly today with amended language in the abstract and the “be it therefore resolved” clause which specifically mentioned the COVID-19 pandemic and that this is a general priority for the university and once the pandemic slows down, this should be something the university considers. He reported that the Employee Assembly passed it with a vote of 25-1-0 and that the Graduate and Professional Student Assembly also passed it with a vote of 13-1-11. He also stated that this resolution has also passed in the Student Assembly.
- iii. R. Howarth asked if there were any comments or discussion.
- iv. J. Anderson motioned to vote, and it was seconded by P. Thompson – approved 16-0



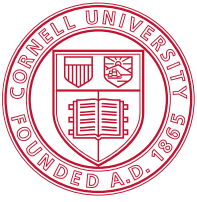
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- c. Resolution 8 – Recommendations for Revision of the Campus Code of Conduct
- i. R. Howarth informed the members that this resolution was prepared by the executive board based on the communication received from President Pollack.
 - ii. U. Chukwukere started with thanking the CJC members for the 2019-2020 academic year and motioned to bring Resolution 8 to the floor. The motion was seconded by P. Thompson and opened for discussion.
 - iii. U. Chukwukere stated that Resolution 8 serves a couple of purposes in that President Pollack had stated that she was already planning to reject the CJC version of the Campus Code of Conduct revisions. This poses the possibility of losing jurisdiction over changes to the code.
 - iv. U. Chukwukere stated that Resolution 8 gives the CJC the opportunity to shape the code through the University Assembly.
 - v. U. Chukwukere informed the assembly that they have been working on the code for the past 32-33 months and while nothing much has come from it, having the code shaped by the UA is something a lot of people would prefer. Additionally, passing the resolution would allow for the request for extended public comment.
 - vi. U. Chukwukere informed the assembly that the Office of the Student Advocate and the Student Assembly version of the code of conduct received organizational support from some of the largest identity-based organizations on campus. He also mentioned that the Code of Conduct was established in 1971 as a result of the Willard Straight Hall takeover. U. Chukwukere mentioned that he had heard a lot of discussion about the CJC draft of the code and how it helps support marginalized communities, yet there was not actual reaching out to those communities and getting their opinions or feedback. He felt that it was important that students were listened to, instead of speaking for communities that an individual isn't a part of while mainly affecting these communities. He stated that passing the Resolution would help address all the issues mentioned.
 - vii. A. Barrientos-Gómez thanked U. Chukwukere for his presentation of the resolution and addressed a point of concern with the fact that graduate and professional students were asked for input; however, the Student Assembly version never went in front of the Graduate and Professional Student Assembly and there are a lot of constituent groups that can be reached through that channel.



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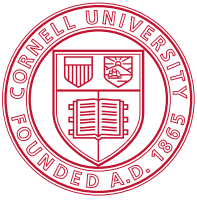
- viii. U. Chukwukere stated that while he agreed with A. Barrientos-Gómez's point of putting it in front of the Graduate and Professional Student Assembly, he felt there were other ways of gauging graduate student support other than going through the Graduate and Professional Student Assembly. He further stated that the Student Assembly and the Office of the Student Advocate did due diligence in making sure they were reaching out to as many undergraduate student organizations as that is their main jurisdiction and the main focus in getting support.
- ix. L. Kenney thanked the sponsors of the resolution and stated that most of her comments would be in opposition. Her first point was that the resolution gives the administration a blank check to do whatever they please with the code without any sort of accountability whatsoever. She felt this would be a deviation from all that shared governance stands for and it would not only let the Cornell community down but would remove due process.
- x. L. Kenney also indicated that it is contradictory to early resolutions that have been passed, referring to the resolution that was passed in the fall semester that affirmed the CJC jurisdiction over the code. L. Kenney stated that there was adequate representation of each constituent group to provide input on the CJC draft and offered her opinion that she would prefer for President Pollack to take away the draft and receive backlash, rather than get rid of any jurisdiction over the code.
- xi. L. Kenney also stated that she didn't believe that the Office of the Student Advocate draft accurately reflected comments from undergraduate students as she had spoken with some of the undergraduate groups and they were unaware of this.
- xii. L. Kenney noted that she would prefer for President Pollack to go to the Board of Trustees or use her power to take away the process rather than the UA to freely hand it over and not insure that the UA constituents are heard. L. Kenney lastly agreed with U. Chukwukere's point about having a longer public comment period and that giving this away to the administration without any sort of accountability would be a huge mistake.
- xiii. R. Howarth responded that his reading of the Charter disagrees with L. Kenney's interpretation.
- xiv. U. Chukwukere replied to L. Kenney that the point he was trying to make is that the undergraduate organizational support is reflected in the Office of the Student Advocate draft as they had reached out to many of the identity-based organizations and affinity groups. He stated that it was useful for



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these individuals to be well informed on how things are going to change and making sure they are involved and have their voices heard.

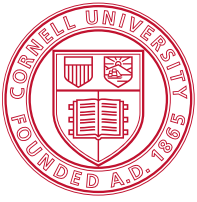
- xv. L. Kenney responded to U. Chukwukere stating that her argument on the shared governance process was more along the lines that giving away the UA's authority over the code was a deviation from shared governance. Additionally, in discussing the Willard Straight takeover, passing this resolution would give the administration the power to do as they would like at the end of the day. L. Kenney also noted that she understood that the OSA received a lot of input, but the government groups and the Cornell Veterans were not involved in that input. Shared governance had never been about giving away power to the administration and was afraid of seeing a biased system.
- xvi. R. Bensel emphasized that the SA draft was very similar to the University Council's draft and Resolution 8 would send back the University Council's draft to themselves. R. Bensel moved that the CJC draft be accepted as an amendment in the substitute. The motion was seconded and R. Bensel stated that the two drafts should be compared.
- xvii. R. Bensel and R. Howarth briefly discussed about the process for discussing amendments in the substitute.
- xviii. A. Howell moved a point of order stating that Resolution 8 was on the floor and under debate. R. Bensel's motion would bring two items on the floor at the same time.
- xix. R. Howarth stated that his understanding of R. Bensel's motion was to accept the CJC draft as a substitution and therefore, that would be debated and voted on before moving back to Resolution 8.
- xx. R. Bensel stated that A. Howell was correct, and the meeting procedure should be clear. R. Bensel stated that an amendment in the form of a substitute would take the CJC draft and substitutes it for the entirety of the resolution. Therefore, there would be two different drafts in debate and finally compared to each other.
- xxi. A. Howell commended the hard work and passion being brought in from all sides. A. Howell conveyed that he was planning on voting against the original resolution, not as amended. He stated that he did not feel that the expectations laid out by the UA at the beginning of the year had been respected and carried out to the conclusion that was expected by the constituents of the different assemblies. Having the process changed at the 11th hour would be disturbing to him. A. Howell closed by stating that he



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had nothing but respect for everyone that brought forth their proposals but did not feel that he could support the original resolution.

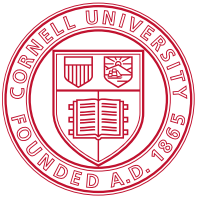
- xxii. G. Martin addressed comments made by L. Kenney and stated that to preface, there was an issue in referencing the Willard Straight Hall Takeover for any individual who was non-Black. Black labor, Black energies, and Black lives were on the line in the Willard Straight Hall Takeover meaning that the legacy is brought to Black students on campus as well as the assemblies. Additionally, the OSA was an advocate for many students on campus with an exogenous perspective that many groups do not have on campus and undergraduates are very thankful for them as well the draft that they have brought. G. Martin noted that there was rhetoric that the SA did not have enough time to review the draft and stated that similar to the other assemblies, the SA agendas were sent out 24 hours in advance. Additionally, it is important to remember that the Cornell Veterans do have a seat on the SA. G. Martin also stated that comments on Reddit and Facebook would not be the best barometer for measuring public opinion. Lastly, students are best represented by students and it is unequivocal that the undergraduates on the call support the resolution at hand.
- xxiii. C. Van Loan asked CJC members why the big issues such as standard of evidence and the alignment under the Dean of Students were not discussed along the way. He noted that he was not sympathetic to the argument that the President should have given more time for public comment.
- xxiv. J. Anderson responded to C. Van Loan stating that his mentality had been to have substantive discussions at the UA level and presentations during his time as the chair of CJC.
- xxv. L. Kenney responded to C. Van Loan stating that over the Fall, the CJC attained the first substantive portion from the University Council later than expected with the main argument being the removal of the OJA's office to be under administration. The reason why there were not more substantive conversations with the UA was because she was waiting for the procedural draft. L. Kenney noted that she was not chair of the CJC when the procedural draft was adequately worked through so she could not comment on it.
- xxvi. U. Chukwukere said that President Pollack can accept or deny any draft of code that the UA gives her, and the UA had the past 32 months to revise the code and that did not happen. He stated that he was confused by why members were bothered by the fact that the OSA was able to draft a code that had widespread student support. He asked why there was not



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widespread community outreach during the process before this semester to some of the marginalized communities and organizations. Passing Resolution 8 was not a sign of giving the administration a blank check because at the end of the day, the UA had failed and now was the time to make a decision to move the process along.

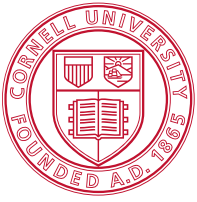
- xxvii. K. Barth stated that Resolution 8 had his support because the code is not currently working for anyone right now and it is important for the students to know that the University wants them here but there are mistakes people make and people need to learn some lessons. President Pollack's rejection of the CJC code before reading it takes the wind out of the sails of the CJC members. K. Barth conveyed that the OSA moving to create a draft was good but wished there had been more collaboration between the OSA and the CJC. Ultimately, the UA's job in shared governance was to provide recommendations. K. Barth stated that he was voting for the Resolution 8 because the UA wanted more time and this resolution would take the progress made by the CJC and OSA along with their input and entrust it to the administration. Additionally, there would be nothing stopping the assemblies to make amendments to the code in the Fall.
- xxviii. P. Thompson thanked K. Barth for his comments and noted that the agenda was late because of the comments and the email from President Pollack. Additionally, the Executive cabinet had a lot of dialogue, but the reality was that the UA had no more time. Resolution 8 was not perfect, but President Pollack had made it clear that the UA had no more time to work on the code. The resolution was simply an attempt to have more discussion in an open forum, allow the rest of the campus to provide comments through the summer, and push through to have both the OSA and CJC drafts looked at and considered by the administration. The resolution was not meant to belittle anyone's efforts but to move the process forward.
- xxix. C. Duell asked if anyone had any sense of President Pollack's response to her being incorrect on having the two standards not being allowed. The idea had been raised internally.
- xxx. R. Howarth responded that President Pollack was convinced that her view, based on the University Council's opinion, was correct and doesn't think that is a debatable point.
- xxxi. J. Anderson acknowledged that it was not his intention to dig at L. Kenney. J. Anderson noted that he would most likely end up abstaining because he felt conflicted as the chair of the CJC and SA president. Shared governance and governance in general was messy. At the end of the day, their would be



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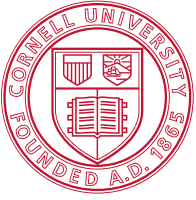
curveballs and it would be up to the UA to adapt to determine what made the most sense. Every member of the conversation has the same ethos of wanting to make the campus better. In his semester of chairing the CJC, there were things that could have always been completed differently but right now Resolution 8 would give the University Council to compare the drafts. This moment was an educational moment for all of shared governance. J. Anderson acknowledged that shared governance is messy, and it is the ability to persevere that creates a better body of shared governance.

- xxxii. A. Barrientos-Gómez conveyed that he was reluctant on the resolution because he agrees with L. Kenney and A. Howell in that passing it would give up the UA's say in shared governance. He asked if a therefore clause could be added that states that before the final Campus Code of Conduct is sent to the Board of Trustees, it would come back to the UA and be approved and then sent forth.
- xxxiii. R. Howarth responded by stating that, if he understood correctly, it could be added as an amendment after the discussion on R. Bensel's amendment.
- xxxiv. D. Nyakaru stated that it was important to recognize that the code would continue to change as the community stands and as it currently stands, Resolution 8 would offer students to have an educational aspect rather than a punitive aspect that the status quo did not offer. From her perspective, the code was now supporting students in many aspects.
- xxxv. J. Pea said that both sides made good points and that he had his personal reservations for the resolution because of the inability of accountability from the President and how the process would proceed. He noted his support of A. Barrientos-Gómez's comment about having the resolution come back to the UA. The UA was an advisory board on the code and today's vote would not mean much but he was excited to hear the remainder of the discussion.
- xxxvi. L. Kenney echoed the comments of J. Pea and A. Howell on accountability and the CJC not being adequately heard. Additionally, she noted that she wished the OSA draft had been presented to the UA earlier and CJC first. Additionally, the past two meetings had included comments no how certain individuals should not speak on behalf of others based on race and L. Kenney noted that she found that to be inappropriate because she considered herself a diverse person and that not being visible on the outside did not mean that she did not have her own diversity. L. Kenney asked R. Howarth to recognize the current JCC.
- xxxvii. R. Howarth declined the request.



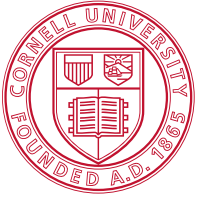
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- xxxviii. G. Martin responded to L. Kenney's comments stating that the Willard Straight Hall Takeover was on behalf of Black labor, Black energies, and Black lives on the line. Despite the result being the formation of the Student Assembly and shared governance, it is important to remember that when invoking an event in which Black labors and lives were the syndicate, deference has to be shown to those who are black. It would be demeaning to say anything otherwise.
- xxxix. D. Nyakaru added stating that it important to recognize that when coming from a perspective of privilege and power and invoking the idea of marginalized communities in any capacity, the way the message comes across can be misinterpreted.
- xl. U. Chukwukere echoed the comments of D. Nyakaru and G. Martin by stating that throughout the process, individuals of color and those from marginalized communities had not been involved in the process as they should have been.
- xli. L. Kenney responded by stating that she was not trying to discredit anyone and their experiences. She was trying to represent all the voices of people she spoke to.
- xlii. R. Bensel restated his amendment and said that it was in the form of a substitute and would substitute the CJC draft as submitted for all of Resolution 8. Voting yes would indicate that an individual wanted to accept it for resolution 8 and voting no would indicate an individual not wanting to substitute it for Resolution 8. R. Bensel called for a vote on the amendment and the motion was seconded by L. Kenney. The amendment **failed** 6-10-1.
- xliii. L. Kenney requested that names be stated to have consistency and accountability for the record.
- xliv. J. Anderson moved a point of order stating that there would need to be a request for a roll call for each amendment.
- xlv. L. Kenney stated that she believed it was allowed for her to ask for a read-off of votes.
- xlvi. R. Bensel said that J. Anderson was correct, and it would be important to have the names for the record.
- xlvii. R. Howarth asked for the Office of Assemblies to record the votes.
- xlviii. A. Barrientos-Gómez moved to amend the resolution by adding a be it further resolved clause after line 31 stating that prior to submitting the final version of the Campus Code of Conduct, to present it to the assembly to have their approval. The motion was seconded by P. Thompson and a question was called on the amendment.



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1. The amendment was passed 14-2-2.
 - xlix. L. Kenney motioned to amend the resolution so that the University Council would not be the only body working on the code. Another body such as an ad hoc committee with various members of the legal faculty so the University Council is balanced out with lawyers and members from each constituent group in the nature of shared governance. The motion was seconded by R. Bensel.
 - l. G. Martin asked L. Kenney to elaborate on why she felt it important to bring in other parties of people despite the University Council.
 - li. P. Thompson moved to extend the meeting by 10 minutes. The motion was seconded and approved.
 - lii. L. Kenney stated that her main reason was that the SA and University Council's draft were nearly identical, and this motion would provide accountability and prevent the UA from receiving a draft that they did not expect. The amendment would ensure due process and allow the CJC's draft to receive equal consideration.
 - liii. R. Bensel conveyed his support of L. Kenney and that in the past, the law faculty had been involved in the CJC revisions. It was important to note that the University Council was not neutral and had biases. He did not think that that the University Council was well-versed in Title IX issues.
 - liv. D. Nyakaru asked how the members of the ad hoc committee would be chosen and what type of undergraduate representation would be on the committee.
 - lv. L. Kenney responded to D. Nyakaru, stating that her thoughts for selection would be to have the number of legal faculty equal to the number of University Council members with 1-2 members from each of the four constituent bodies and no one from the UA to avoid the conflict of interest.
 - lvi. J. Anderson noted that he did not support the resolution because legal faculty in the past, when working with the CJC have called undergraduate students naïve, questioned authority, and belittled undergraduate students on the process. He stated that he could support an ad hoc committee where students are the student voice but one with legal faculty would lead to students being disadvantaged. He also noted that he believed A. Barrientos-Gómez's amendment to be sufficient and pursues accountability. The current amendment biases the system to be more legally ingrained while stifling the voice of students. Any method that is proposed to allow for accountability needs to be student-centered.



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- lvii. L. Kenney echoed R. Benschel stating that the Dean of the Law School would place faculty who would not demean undergraduates on the ad hoc committee. Additionally, since it is a legalistic document that needs to be enforceable, there needs to be other attorneys in addition to the University Council.
- lviii. There was a motion to call the vote. The motion was seconded, and the amendment was voted on. The amendment **failed** 8-10-1.
- lix. C. Levine called a question to vote on Resolution 8 as amended. The motion was seconded, and the resolution was voted on. Resolution 8 was **passed** 14-2-2.

IV. Adjournment at 6pm

The meeting was adjourned at 6:10pm.

Respectfully Submitted,
Office of the Assemblies