

Cornell University
University Assembly

Cornell University Assembly

Agenda of the March 5, 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
- III. Presentation from Vice President Opperman and Vice President Malina
- IV. Presentation from Vice President Opperman and John Siliciano on Policy 6.4
- V. Presentation from Marin Clarkberg on Middle States Accreditation
- VI. Assembly, Committee, and Liaison Reports
- VII. New Business
 - 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
- VIII. Executive Session
- IX. Adjournment



Cornell University University Assembly

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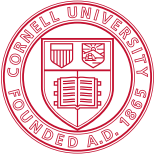
Minutes of the February 19, 2019 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

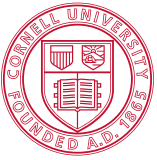
- I. Call to Order
 - a. Call to Order
 - i. M. Battaglia called the meeting to order at 4:36pm
 - ii. The Assembly did not have a quorum when the meeting was called to order.
 - iii. The Assembly reached a quorum at 4:44pm.
 - b. Roll Call
 - i. *Present:* I. Allen, J. Anderson, D. Barbaria, M. Battaglia, 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.



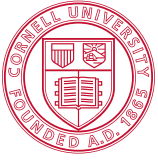
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- d. L. Falkson also gave an overview of the services offered by the Office of the Ombudsman, the operations of the Office, 2017-2018 report summary data, frequent visitor issues, the Office's new mediation program, and the Office's role as a change 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



Cornell University

Martha E. Pollack
President

February 27, 2019

Mr. Matthew Battaglia
Chair, Executive Committee
University Assembly
109 Day Hall
Cornell University
Ithaca, NY 14853

Dear Matthew,

I am pleased to recommend that Charlie Walcott be reappointed as Ombudsman effective July 1, 2019 through June 30, 2021. Charlie has been the Ombudsman since being appointed to the role in July 2011. In accordance with the established procedures in the Campus Code of Conduct, I seek the concurrence of the University Assembly on this reappointment.

Charlie has performed extremely well in his role as Ombudsman. Under his leadership, the Ombudsman's office has significantly increased their outreach efforts to the Cornell community as well as clarifying the role of this office. Charlie's colleagues and key stakeholders praise his contributions and leadership. We look forward to Charlie serving another two-year term in this role.

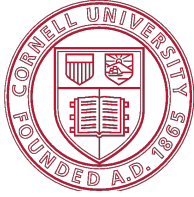
I look forward to hearing from you.

Best regards,

A handwritten signature in black ink that reads "Martha E. Pollack".

Martha E. Pollack

cc: Mary Opperman
Debbie Philip



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

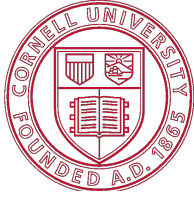
19 **Whereas,** anecdotal evidence gathered by this committee indicates that the facility's capacity
20 does not meet demand for childcare services; and
21

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,
34 and Human Resources, in collaboration with the director of the Cornell University Child Care



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- 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.**