

Cornell University Assembly

Agenda of the October 17, 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. October 3, 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) (2 minutes)
 - b. Codes and Judicial Committee (M. Battaglia) (3 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) (1 minute)
 - b. Transportation Task Force (K. Fitch) (1 minute)
 - 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. Statement Condemning Hate Crimes (A. Waymack) (10 minutes)
 - b. Resolution 3: Calling for the Development of a Strategic Plan (J. Anderson) (10 minutes)
 - c. Resolution 4: Addressing Housekeeping Changes and Laying the Groundwork for a Holistic Evaluation of the Campus Code of Conduct (M. Battaglia) (30 minutes)
 - d. Resolution 5: Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (M. Battaglia) (5 minutes)
- VII. Late Additions to the Agenda (2 minutes)



VIII. Adjournment (1 minute)



Minutes University Assembly October 3, 2017 4:30PM – 6:00PM 401 Physical Sciences Building

I. Call to Order

- a. G. Kaufman called the meeting to order at 4:35PM.
- b. *Present:* J. Anderson, M. Battaglia, R. Bensel, L. Copman, M. de Roos, G. Kaufman, E. Loew, A. Martinez, E. Michel, U. Smith, C. Van Loan, A. Waymack, E. Winarto
- c. *Absent:* K. Fitch, M. Hatch, R. Howarth, N. Jaisinghani, J. Kim, J. Kruser, K. Quinn
- d. Others present: G. Giambattista, T. Malone
- e. Call for Late Additions to the Agenda

II. Approval of Minutes

- a. 9.5.2017 Meeting Minutes
 - i. Adopted by unanimous consent
- b. 9.19.2017 Meeting Minutes
 - i. Adopted by unanimous consent

III. Assembly Reports

- a. Student Assembly (A. Martinez) (2 minutes)
 - i. A. Martinez said that, at the last Student Assembly meeting, the high budget of Women's Resource Center, and that the Student Assembly decided to overturn the decision of the Appropriations Committee and fund the Women's Resource Center at their requested number.
- b. Graduate and Professional Student Assembly (E. Winarto) (2 minutes)
 - i. E. Winarto said that the GPSA discussed bylaws, funding, and had several special groups present statements on campus climate. She also said that the GPSA passed Resolution 4 and Resolution 5, which is similar to Resolution 2: Condemning Hate Crimes.
- c. Faculty Senate (C. Van Loan) (2 minutes)
 - i. C. Van Loan said that the Faculty Senate hopes to announce a committee line up soon on consensual relationships. He also said there have been updates from the groups working on Orientation, as well as final exams.

IV. Committee Reports

- a. Executive Committee (A. Waymack) (3 minutes)
 - A. Waymack said that there is deep consideration into moving the October 31, 2017 meeting to another date in December. She also said that the Executive Committee is discussing the implementation of speaker time limits
- b. Codes and Judicial Committee (M. Battaglia) (8 minutes)

- i. A. Waymack motioned to move the Codes and Judicial Committee Report to the end of the Agenda. J. Anderson seconded the motion. There was no dissent. The motion was adopted.
- c. Campus Welfare Committee (J. Anderson) (5 minutes)
 - i. J. Anderson said that President Martha Pollack has gotten back to the CWC with the Tobacco Referendum, and that the CWC will be meeting next week with the purpose of educating and engaging the public in the process.

V. Liaison Reports

- a. Policy Advisory Group (E. Winarto) (2 minutes)
 - i. E. Winarto said that the next PAC meeting is scheduled for October 23, 2017, and that the last one was cancelled.
- b. Student Health Benefits Advisory Council (J. Anderson and G. Kaufman) (1 minute)
 - i. G. Kaufman said that the council determined the cost of the health fee.

VI. Business of the Day

- a. Motion to Move Oct 31 UA Meeting to Dec 5, Study Period (A. Waymack) (5 minutes)
 - i. A. Waymack said that it is open for discussion on when to move the next meeting for October 31, 2017.
 - 1. G. Kaufman called the question for a vote on the motion. By a vote of 10-0-1, the motion was adopted, moving the October 31, 2017 meeting to December 5, 2017.
- b. Appointments to Transportation Hearing and Review Board (K. Fitch) (5 minutes)
 - i. R. Bensel motioned to table the Appointments to the Transportation Hearing and Review Board. E. Winarto seconded the motion. The motion was adopted by unanimous consent.
 - ii. E. Michel motioned to move Resolution 1: Appointment of University Hearing Board and University Review Board Members for Academic Year 2017-2018 to later on the Agenda. There was no dissent. The motion was adopted by unanimous consent.
- c. Consensual Relationships Task Force (C. Van Loan) (5 minutes)
 - i. C. Van Loan said that it is easier to have specific policies that everyone can look at and read.
 - 1. A. Martinez asked about current policies.
 - a. C. Van Loan said that there are three paragraphs in a handbook, and that it is vague and does not educate anyone.
 - 2. J. Anderson asked who the chair of the committee will be, and the charge of the committee.

- a. C. Van Loan said that he will be meeting with President Pollack to discuss the committee, its end goals, and the specific charges of the committee.
- 3. R. Bensel asked if graduate students are covered.
 - a. C. Van Loan said yes.
- 4. L. Copman said that it makes sense for it to be all-encompassing to cover everyone.
- 5. C. Van Loan said that it is really important that the language is clear
- 6. L. Copman said that it would be wise to reach out to the Employee Assembly.
- 7. R. Bensel said that working on this is the right way to go.
- 8. A. Waymack asked R. Bensel how he understands that Postdocs don't fall under the umbrella.
 - a. R. Bensel said that formal relationships must be "policed."
 He said that teaching and grading would be covered,
 whereas not teaching or grading is not covered.
- 9. G. Kaufman asked C. Van Loan about the role of the University Assembly in regard to the Task Force.
 - a. C. Van Loan said that the committee will propose policy, which will come to the University Assembly for a vote, in which the vote, and all comments made, will be given to President Pollack.
- 10. J. Anderson said that there may be an important relationship between the student and a career adviser, so that should be looked into.
- 11. E. Leow said that faculty are held by a different standard by parents.
- d. Resolution 1: Appointment of University Hearing Board and University Review Board Members for Academic Year 2017-2018 (M. Battaglia) (5 minutes)
 - i. M. Battaglia said that, to clean up from summer, there needs to be UA approval for UHRB members put forth.
 - ii. G. Kaufman requested to amend the title of the resolution, "Completing the Appointment of..."
 - 1. M. Battaglia moved the question.
 - a. By a vote of 12-0-2, the motion was approved.
- e. Resolution 3: Strategic Plan (J. Anderson) (5 minutes)
 - i. J. Anderson introduced the resolution.
 - ii. L. Copman mentioned the SLCAG had asked for a Strategic Plan, affirming it made sense.

- iii. A. Martinez mentioned a time frame to begin this semester, described "Power Mapping" as a consulting option for Cornell, in light of all that has happened in the past month.
- iv. R. Bensel said that it is a good idea, but concern that faculty would be resources. What kind of University are we going to be? One of the purposes should be finding out the budget where the constraints have been. Consequences of fiscal blunders on substantive goals of the institution have been many. He said to add a "whereas" to cover the question of transparency –raises, uses, wastes money.
- v. L. Copman said that the timeframe for the last one was fairly quick. Call in the fall, passed/established in the spring. She has been talking with G. Kauffman about drafting a resolution calling for financial transparency.
- vi. G. Kaufman said that all can go see the budget of the university. He said that there is broad transparency, but more details would be helpful.
- vii. L. Copman said that the UA should have this go to each of the constituent assemblies to add in all the voices to the call for action.
- viii. G. Kaufman said that, before the UA signs off, they need to look at it, work on it, review it to make it solid and do due diligence.
- ix. J. Anderson said that if anyone has anything to add, please send it directly, before the next meeting. He said that having a steady strategic plan will be very helpful.
- x. L. Copman said that she favors the resolution, but will not be in attendance at the next meeting.
- xi. C. Van Loan said that the value of a strategic plan is in the writing of the document. He said not to compress the exercise of going through and creating a substantive document.
 - a. A. Martinez said, as AA&P representative on the Student Assembly, he agrees with the concept of the charrette, which includes community feedback. He said that, if there is a mechanism to do that, it should be deployed.
- xii. G. Kaufman called for motion to table.
 - a. J. Anderson motioned to table.
 - b. Question moved. Motion tabled by a vote of 10-0-1, resolution tabled to next meeting.
- f. Resolution 2: Condemning Hate Crimes (A. Waymack) (10 minutes)
 - i. A. Waymack said that this is a statement, not action. She asked to keep amendments to things stated, rather than calls to action.
 - ii. R. Bensel said that he doesn't want to put a "whereas" clause in about Psi Upsilon where there hasn't been conviction.
 - iii. J. Anderson said that "PsiU" may not ever be officially named in documents related to incident, since it was "underground" at the time. This was an "unofficial" affiliation. He said that he feels including the PsiU language is important.
 - iv. A. Martinez said that PsiU found a loophole.

- v. R. Bensel said that caveats described weaken the resolution, inviting the bait questioning the assertions of the resolution. He said that it is a political mistake to include that information.
- vi. A. Waymack said in the phrasing of the resolution, "allegedly" covers the concerns, and that it should not be contentious.
- vii. R. Bensel motioned to amend the amendment to resolution: Line 14, "... one or more students allegedly associated with the former Chi Chapter of..."
 - 1. Motion to amend amendment rejected by a vote of 2-5-6
- viii. Amendment to read, "... one or more students from the former Chi Chapter of..."
 - 1. A. Waymack motioned to amend adopted by a vote of 9-1-3
 - ix. E. Loew said that this should just condemn hate crimes at-large and not specific. He said that he is against hate crimes in the past and in the future. He said that the University Assembly should be against hate crimes. Period. He said that he supports a resolution condemning all hate crimes.
 - x. U. Smith said that he supports E. Loew's statement. He said that he does not support the resolution. He said that the resolution needs to be accompanied by actions. He said the only action is calling upon the community to do things. He also said that it is disrespectful to put forth a resolution without calling for committees or resources to be deployed towards this matter. He said that if the University Assembly wanted to issue a statement, it can be issued. He said that this is a resolution that calls for an action, but that no action is included. He said that out of courtesy, he will not call the question, but that he does not support this.
 - xi. A. Waymack said that this has gone through multiple drafts; that it seemed worth describing the details to answer the question of "why now". She said that, if the assembly wishes, she will be happy to retract this resolution, and submit a statement.
- xii. G. Kaufman explained difference between resolution and statement.
- xiii. U. Smith described the statement put forth by the EA, along with a resolution calling for specific action steps.
- xiv. A. Martinez said that he thinks it is worth noting that a student was hospitalized, and that its not trivial. He said that action items should be included. He commended A. Waymack for drafting the resolution. He said that the University Assembly can add action items to this.
- xv. R. Bensel thanked A. Waymack for the resolution. He said that he does not think this resolution ends the debate. He said that this is only one part of the debate and that it should not be done with emotion and anger. He said that there should be a debate that determines how much anger will

- dictate what kind of institution the University strives to be. He said the rights of individuals vs. anger of community should be taken up in debate.
- xvi. J. Anderson said that he agrees with U. Smith; that the resolution should call for action across the university. He said that the University Assembly needs an action or list of actions included. He recommended tabling, and to come back at next meeting with specific items the University Assembly can do, call on, or request.
- xvii. R. Bensel further described his dissent and concern about putting the onus on Cornell to do something.
- xviii. M. Battaglia said that he agrees with R. Bensel and that the University Assembly should have an informed debate on these issues.
- xix. E. Winarto said, perhaps recommit the resolution so it can be fully discussed.
- xx. A. Waymack suggested that freedom of expression has already been stifled. She motioned to recommit this back to the Campus Welfare Committee, and bring it back to the University Assembly in the future.
 - 1. There was unanimous consent. The motion was adopted.
- xxi. A. Waymack asked by a. straw poll, should the Executive Committee bring forth a statement to the next meeting (distinct from a resolution)? The response was: Yes informally, the Executive Committee will draft a statement for the next meeting.
- xxii. J. Anderson asked that comments, etc. be sent to him prior to the next Campus Welfare Committee meeting.
- xxiii. E. Michel said that it important to do something.
- g. Resolution 4: Addressing Housekeeping Changes and Laying the Groundwork for a Holistic Evaluation of the Campus Code of Conduct (M. Battaglia) (10 minutes)
 - i. M. Battaglia introduced resolution, and described the eight major changes.
 - ii. A. Waymack motioned to extend time by 5 minutes.
 - 1. By unanimous consent adopted.
 - iii. L. Copman said that she is most concerned with #5 "Confidentiality", and that it should be taken to the community. She suggested to separate it out.
 - iv. J. Anderson said that, for transparency, Confidentiality should be removed and talked about separately.
 - v. M. Battaglia said that the Codes and Judicial Committee is still looking at the resolution.
 - vi. R. Bensel said that he is sympathetic to arguments of pulling out the Confidentiality clause, but that he sees it as an expansion of Freedom of Speech. He said that he is a fan of Mitch McBride and that explicit written agreement protects the individual from the administration. He said that,

- essentially, we need to protect and provide space for whistleblowing and that it is complicated.
- vii. Motion to extend meeting by 5 minutes.
 - 1. Adopted by unanimous consent.
- viii. J. Anderson said that administrators can use the document to 'create' the composition of their committees and meetings, and that if one refuses to sign the document, they will not be included in the meeting/committee.
 - ix. M. Battaglia said that, on the contrary, the administration will simply not include students in the committee or meeting. He referenced the Confidentiality statements signed by Student Assembly members during a Byline funding year.
 - x. J. Anderson said that students don't want this, even if the administration does. He said that pulling this clause out will give the opportunity for a discussion, in which the University Assembly can invite community input.
- xi. R. Bensel said that he is sympathetic to freedom of speech argument. If everything is "open", things will be "closed".
- xii. Quorum not met. Meeting adjourned.
- xiii. G. Kaufman requested a Committee of the Whole, to allow M. Battaglia time to deliver the report requested at last meeting. M. Battaglia said:
 - 1. The Codes and Judicial Committee is creating a Working Group to work on the issue of including "hate speech" in the Campus Code of Conduct; and that
 - 2. There is work on a Community Forum after fall break; and then the Codes and Judicial Committee will have some idea of language by the middle of November.
- xiv. A. Martinez asked how members of Working Group are identified.
- xv. M. Battaglia said that self-identified law students and members of the UA are trying to find people who are experienced in statutory law, or the Campus Code of Conduct, specifically. He said that the Working Group will be open for community to attend.
- xvi. Committee of the Whole adjourned.

VII. Late Additions to the Agenda

a. There were no late additions to the agenda.

VIII. Adjournment

- a. The meeting was adjourned at 6:00pm.
- b. The Assembly moved into an Executive Session to hear a report from the Chair.

Respectfully submitted,

Terrill D. Malone *University Assembly Clerk*



U.A. Statement Condemning Hate Crimes

October 17, 2017

1	Sponsored by: Anna Waymack, Executive Vice Chair of the University Assembly
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3	On Behalf Of: UA Executive Committee (G. Kaufman, J. Kruser, R. Howarth)
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5	We recognize that this current moment is placing particular stress upon the Cornell community
6	although the topics now coming forward reflect longstanding biases. We acknowledge and
7	applaud the statements of the constituent assemblies. We are appalled by the recent violent and
8	racist actions and we unequivocally condemn hate crimes. By their very nature bias,
9	discrimination, and hate crimes harm the fabric of the Cornell community. They are deeply
10	antithetical to Cornell's motto: "I would found an institution where any person can find
11	instruction in any study."
12	
13	The difficult balance between academic freedom and inclusivity, as each pertains to speech, ha
14	yet to be perfected. In response to the current conversations, we charged our Codes and Judicia
15	Committee with this timely issue. We welcome input from all constituents going forward,
16	pledging our own sincere efforts to listen and to heal these harms.



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 3	Copman, Employee; University Assembly
3	
4	On Behalf Of: University Assembly Campus Welfare Committee
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6	Whereas, senior leadership recognizes the critical need to address issues of injustice, racism and
7 8	bigotry, in the wake of separate incidents on or near campus this semester, and to develop and/or enhance programs and services that support diversity and inclusion on our campuses;
9	and
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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
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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
18 19	When the service of the test conserved New Year City weeks the head of a conserve of
20	Whereas, the opening of the tech campus in New York City marks the beginning of a new era of 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	more compenses among the distance parts, and
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
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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
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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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38	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
40	completed by spring of 2018; and
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42	Be it Further Resolved, that the university administration should partner with all assemblies
43	and ensure that faculty, students, and staff share in the strategic planning process and have a
14	meaningful role in shaping the final strategic plan; and
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46	Be it Further Resolved, that all assemblies will have the ability to appoint members to the strategic
1 7	planning advisory council in the process of crafting the new strategic plan; and
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19	Be it Finally Resolved, that the university administration should formally present a status update on
50	the strategic plan to the University Assembly by October 2018.
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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	Williams and the Anti-1- Three 6.2.1 of the Chandra and Tidle One Anti-1- Williams	
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	
0	Whereas, the object of the University Assembly, "is to improve and sustain the involvement	
1 2	of the campus community in the governance of campus affairs affecting the broad campus	
3	community by establishing open, effective, and efficient channels of communication between	
4	and amongst the community and university administration" [Charter, Article Two]; and	
5	and amongst the community and university administration [Charter, Article I wo], and	
6	Whereas, the Assembly views its custodianship of the Code as crucial to facilitating dialogue	
7	between the University Administration and wider Campus Community; and	
8	occurrent the emittered reministration and wider eampas community, and	
9	Whereas, the Assembly strives to execute its responsibility to the Campus Code of Conduct and	
20	Community with the utmost professionalism and care; and	
	,	
21 22 23 24 25 26	Whereas, the Assembly strives to be responsive to the needs and requests of the Campus	
23	Community and the needs and requests University Administration; and	
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25	Whereas, the Assembly believes that over the preceding decades it has been and continues to be	
	responsive to both the needs and requests of the Campus Community and the needs and requests	
27	of the University Administration; and	
28		
29	Whereas, the Assembly's Codes & Judicial Committee (the Committee) is undertaking the	
30	process of conducting a holistic evaluation of the Code to ensure it reflects our practices and is in	

a form that is clear for the Campus Community to understand; and



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

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

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

Whereas, the Committee believes handling these pending, "housekeeping" changes prior to undertaking an evaluation of the Code enables the Committee to handle long-standing requests and requests for improvement; and

Whereas, these University President has requested the Committee examine the Code to improve its readability; and

Whereas, it is the Committee's understanding that the University Administration has requested any changes be done together prior to an evaluation of the Code; and

Whereas, the University Administration has directly and indirectly requested some of the included Code changes; and

Whereas, for many of these changes the Committee has worked "hand in glove" with the relevant stakeholders and members of the Administration to craft these changes; and

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

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

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

Whereas, a holistic Code evaluation is a long-term undertaking which will take considerable time, resources, and community input; and

Whereas, delaying implementing these changes potentially years until the completion of a Code evaluation and allowing known flaws, omissions, and similar issues to persist when fixes have



73 been identified and extensively discussed, debated, and vetted, would not be consistent with 74 standards of good stewardship and custodianship; and 75 76 Whereas, it would be wasteful and less than prudent to discard and discount the considerable 77 time and effort expended over the preceding years by the Assembly, the Committee, various members of the Administration, and the Campus Community to identify and correct these issues 78 79 within the Code when solutions have already been crafted and presented; and 80 81 Whereas, the Committee appreciates the input and assistance of various offices on campus 82 including the Offices of the Judicial Administrator, Risk Management, Judicial Codes Councilor, 83 Assemblies, and many others in handling these "housekeeping" changes; therefore 84 85 Be it Resolved, the appended changes be incorporated to the Campus Code of Conduct and are 86 approved in a non-severable manner: 87 88 I: MODIFYING SUSPENSION LENGTH AND LIMITATIONS PERIOD FOR UNIVERSITY REGISTERED 89 **ORGANIZATIONS** 90 91 Whereas, the Judicial Administrator requested the Committee consider increasing the maximum 92 suspension length for University Registered Organizations from one year to five years; and 93 94 Whereas, the Judicial Administrator also requested the Committee consider increasing the 95 limitations period for University Registered Organizations from one year to three years; and 96 97 Whereas, the neither of these changes modify the policies or procedures for individuals; and 98 99 Whereas, the Judicial Administrator believes that a five-year maximum suspension length 100 provides the Hearing and Review Boards (the Boards) additional discretion to handle cases; and 101 102 Whereas, this lengthened suspension timeline allows the Boards to apply more granularity to a 103 sanction as a middle ground to dismissal; and 104 105 Whereas, the Judicial Administrator believes that a three-year limitations period enables the 106 better handling of long-term violations such as hazing; and 107 108 Whereas, this additional time will be viewed in-context by the Boards when deciding cases; and 109 110 Whereas, the Committee reviewed this request, gathered feedback from stakeholders, and held it 111 on its agenda for multiple meetings; and 112 113 Whereas, the Committee agrees with this request and received positive feedback from

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stakeholders; and



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116	Whereas, the Committee approved this request verbatim without changes; therefore
117 118 119	Be it Resolved, that Title Three, Article III, Section D.4 (Code pg. 24) be amended to add:
120 121 122	d. In cases where the Respondent is a University-Registered Organization the period shall be no more than three calendar years from the alleged violation.
123 124	[Current subsection d advanced to subsection e]
125 126	Resolved, that Title Three, Article IV, Section A.1.c.6 (Code pg. 35) be amended to read:
127 128	(6) Suspension of all privileges for a stated period not to exceed one year five years.
129 130	II: Adding discretion to instances of non-compliance with sanctions and remedies
131 132 133 134	Whereas , the Judicial Administrator requested the Committee consider modifying the Code to allow the Judicial Administrator discretion in cases of offenders not complying with prescribed sanctions, remedies, or penalties; and
135 136 137	Whereas , the Code currently mandates that non-compliance result in automatic suspension until compliance is achieved; and
138 139 140	Whereas , the Judicial Administrator requested the Committee consider modifying the Code to add a violation for refusal to comply with a penalty or remedy; and
141 142 143	Whereas, the Code does not currently have a violation for such an action, instead relying upon automatic suspension; and
144 145 146	Whereas , the Judicial Administrator believes that being able to use discretion best serves the educational nature of a University and the interests of justice; and
147 148 149	Whereas , the Committee reviewed this request, gathered feedback from stakeholders, and held it on its agenda for multiple meetings; and
150 151 152	Whereas , the Committee agrees with this request and received positive feedback from stakeholders; therefore
153 154	Be it Resolved, that Title Three, Article III, Section C.2 (Code pg. 36) be amended to read:
155 156	2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator shall may notify the University Registrar, Office of the Dean of



Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.

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

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

III: CLARIFYING THE ROLE OF NON-MATRICULATED MINORS

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

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

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

Whereas, the Office of Risk Management worked with the Committee to examine sample behavioral policies from various programs; and

Whereas, the Committee expresses its gratitude to the Office of Risk Management for their assistance and willingness to explain the rationale behind the proposed change; and

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

Whereas, the Committee agreed that the Code is not the proper place to address non-matriculated minors; and

Whereas, the Committee was concerned about non-matriculated minors, particularly high school students being removed from the scope of the free expression protections contained within the Code; and

Whereas, the Committee approved this request verbatim without changes; and



199 Whereas, the Committee discussed either including a provision in the Assembly's Charter or 200 Bylaws reaffirming the Committee's ability to examine these behavioral policies or adding 201 language directly into the code to that effect; and 202 203 Whereas, U.A. Resolution #5 incorporates such a provision; and 204 205 Whereas, such language is meant to ensure that concerns about specific policies may be brought 206 to and examined by the Committee; and 207 208 Whereas, any authority over other policies would be pursuant to the Assembly's role in general 209 policy development and advisory powers; therefore 210 211 **Be it Resolved,** that Title Two, Article I, Section B.2 (Code pg. 18) be amended to add: 212 213 3. Individuals enrolled in or taking classes at the University while still an elementary, middle, 214 high school student, or foreign equivalent, so long as such individuals are subject to written 215 behavioral expectations, policies, or procedures are not students under the definition of this 216 Code. 217 218 IV: DISCONTINUING THE USAGE OF INDEFINITE SUSPENSION 219 220 Whereas, the Office of the Judicial Codes Counselor requested the Committee consider 221 removing indefinite suspensions from the Code in the 2014 – 2015 academic year; and 222 223 Whereas, the Office of the Judicial Codes Counselor argued that such suspensions create 224 uncertainty for suspended students; and 225 226 Whereas, the Office of the Judicial Codes Counselor argued that the University's educational 227 mission and the interests of justice are better served through the usage of suspension with a 228 definite term or in extreme cases dismissal; and 229 230 Whereas, the Committee has discussed these changes multiple times in interceding years; and 231 232 Whereas, the prior usage of indefinite suspensions was to demonstrate growth in an individual 233 before being permitted to return; and 234 235 Whereas, the Boards have a variety of other tools that are now able to fill this goal; and 236 237 Whereas, the Judicial Administrator has stated her agreement with the rationale for not using 238 indefinite suspension; and



Whereas, the Judicial Administrator has stated it is her practice not to seek indefinite suspension; and

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Whereas, the Judicial Administrator informed the Committee that there are students who remain indefinitely suspended and requested it be made clear that for those students the appeals procedures currently in place remain in effect; and

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

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Whereas, those students who are currently indefinitely suspended will continue to remain suspended use the existing appeals procedures; therefore

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Be it Resolved, that Title Three, Article II, Section E.1c (Code pg. 24) be amended to strike:

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c. The offender may petition in writing for readmission from indefinite suspension.

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[Subsequent subsections d and e relabeled appropriately]

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Resolved, that Title Three, Article IV, Section A.1.a.8 (Code pg. 34) be amended to read:

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(8) Suspension from the University for a stated period not to exceed five years, or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred. Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board. While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree. [Add footnote reading "The Code previously allowed for indefinite suspension. While indefinite suspensions are no longer given, any student indefinitely suspended at the time of indefinite suspensions being removed shall continue to be indefinitely suspended and subject to the appeals provision in-place at the time of removal.

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

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b. Ordinarily, the penalty for a third violation by a student within a twelve-month period should be probation or suspension from the University for a stated or indefinite period and denial of



academic credit for the term in which the suspension occurs. The penalty may be reduced if a lesser penalty would more appropriately serve the interests of justice and if, in addition, the offender expressly agrees not to engage in misconduct of specified kinds in the next twelve months. In such a case of indefinite suspension, the offender may petition the University Hearing Board in writing for readmission, but no application for readmission for the academic term following the academic term in which the suspension occurred will be permitted.

V: CLARIFYING UNIVERSITY HEARING AND REVIEW BOARD APPOINTMENT PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

d.-e. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to



324 325	participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.
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327 328	VI: CLARIFYING JUDICIAL ADMINISTRATOR REAPPOINTMENT PROCEDURES
329 330	Whereas , the Committee was made aware of an incongruity between the Code and historical practice for reappointment of a sitting Judicial Administrator; and
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332 333	Whereas , the Code as currently written requires that the Chair of the Assembly convene a search committee for a new Judicial Administrator in the October preceding the Judicial
334 335	Administrator's term expiring; and
336 337 338	Whereas , conducting a full search when the sitting Judicial Administrator would like to continue serving is not a prudent use of limited resources; and
339 340 341	Whereas , the Committee agrees with concerns raised by the University Administration that the Code should reflect current practices; and
342	Whereas, the Committee believes this provision was originally put in place to provide feedback
343 344	to the Judicial Administrator prior to reappointment; and
345 346 347	Whereas , prior Judicial Administrator's in their reports to the Assembly, informal conversation, and formal written reports have identified a request for a more formal feedback structure; and
348 349 350 351	Whereas , the in the 2014 Judicial Administrator's report the previous Judicial Administrator, Mary Beth Grant, requested a more formal structure so that office "has more opportunities for more accountability, mentorship and professional development, better efficiency and a better design philosophically."; and
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353 354	Whereas, Mary Beth Grant served as Judicial Administrator for sixteen years and the Assembly and Committee greatly appreciate her recommendations and prior service; and
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356 357	Whereas , the Committee believes this area is one that is important to the long-term health of the Office of the Judicial Administrator and their role in application of the Code; and
358 359	Whereas, the Committee believes there is value in having a formalized feedback process and
360	dialogue for the Judicial Administrator prior to reappointment; and
361 362 363 364	Whereas , the Committee believes adding a feedback provision to the reappointment process is beneficial to both the Community and Judicial Administrator; and



Whereas, the Committee believes by providing advance feedback and making a recommendation far ahead of a formal confirmation vote this procedure lessens the risk of unexpected confirmation decisions by the Assembly and enables the Judicial Administrator to better arrange their affairs; and

Whereas, the Committee and Assembly do not intend or wish to interfere with the President's sole prerogative to nominate or decline to nominate the Judicial Administrator for an additional term; and

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

Whereas, the Committee is aware of the time-sensitive nature of this request; therefore

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

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

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

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

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

VII: ALIGNING PRACTICES WITH PROCEDURES REGARDING NO-CONTACT DIRECTIVES

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



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

Whereas, the Office of the Judicial Codes Counselor argued that the current language only allowed the Judicial Administrator to suspend an individual who was found to violate a nocontact directive as an additional interim remedy; and

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

Whereas, the Office of the Judicial Codes Counselor stated that interim no-contact directives are designed to be used as a short-term stopgap prior to a hearing on the merits but in the past, had been used for an extended period; and

Whereas, because of their interim nature the Code currently does not contain provisions by which an interim no-contact order may be appealed; and

Whereas, the Office of the Judicial Codes Counselor argued that adding a durational limit to an interim directive is less than ideal as it may prevent flexibility and adaptability where such a directive is necessary; and

Whereas, the Office of the Judicial Codes Counselor argued an appeals provision modelled off existing language enables oversight should interim no-contact directives be utilized for an extended period; and

Whereas, the Committee has discussed these changes multiple times in interceding years; and

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

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

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

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



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

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

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

Whereas, the Committee believes allowing for appeals of an interim no-contact directive balances the need for interim measures with the fact that interim measures by their nature are utilized prior to any determination of responsibility and best serves the interest of justice; and

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

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

a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive, binding upon all involved parties.
b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued.

c. In the event the Judicial Administrator is notified of a violation of the terms of the No-Contact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may impose additional interim measures or suspend the accused temporarily, pending resolution of the underlying case.

Resolved, that Title Three, Article III, Section B.2 (Code pg. 19) be amended to add:

c. In the case of such directive, the accused may petition the University Heard Board in writing for a review of the decision. That board shall meet to consider the petition as soon as possible, but no later than seven business days after it receives the petition. However, that board may grant a postponement upon the request of the accused, to a date not later than 21 calendar days after the petition is received. If that board determines that the No-Contact Directive was improper or is no longer necessary, it shall lift the directive immediately. The board's decision may not supersede an active court order.

[Subsequent subsections d and e relabeled appropriately]



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 # 5

Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial

October 17, 2017

2 3	Committee
<i>3</i>	Whereas, the object of the University Assembly (the Assembly), "is to improve and sustain
5	the involvement of the campus community in the governance of campus affairs affecting the
6	broad campus community by establishing open, effective, and efficient channels of
7	communication between and amongst the community and university administration" [Charter,
8	Article Two]; and
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10	Whereas, pursuant to Article Three, § 3.3 of its Charter "The Assembly has authority in matters
11	concerning its internal operation and maintenance, including provisions for the creation of
12	bylaws and procedures"; and
13	
14 15	Whereas, the Codes and Judicial Committee (the Committee) over time has been charged with and has reviewed all resolutions concerning the Campus Codes of Conduct (the Code); and
16	and has reviewed an resolutions concerning the Campus Codes of Conduct (the Code), and
17	Whereas, in the Committee's work it has examined areas that are adjacent to and similar in
18	scope and application to the Code both of its own volition and upon request of the Assembly;
19	and
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21	Whereas, in the past some areas of responsibility of the Assembly and the Committee have been
22	examined sparingly as they have not been formally documented in the standing charge to the
23	Committee; and
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25	Whereas, the Committee in its discussion of the role of non-matriculated minors in the Code
26 27	expressed a concern that by removing these individuals from the Code the Committee would lose touch with these groups and the policies governing them; and
28	touch with these groups and the poncies governing them, and
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Whereas, the Assembly traditionally has worked with the Committee and Cornell

Environmental Health and Safety to approve Guidelines for Display of Religious Symbols in the

Fire Safety Guidelines for Holiday Displays¹; and

¹ Attached as Appendix A to this resolution.



Whereas, in his letter of April 22, 2012 then-President David Skorton accepted the University Assembly's request to be a stakeholder under the definition of Policy 4.1 for Policy 6.4 stating "I very much appreciate and welcome the participation of the University Assembly as a stakeholder in the process of amending Policy 6.4 and know that the community will benefit from the "robust participation" of the University Assembly"; and

Whereas, by adding these responsibilities and areas of examination to the Committee's standing charge it records them in our permanent governing documents, minimizing the risk that responsibilities are inadvertently neglected; and

Whereas, these changes are not modifying the existing authority of the Assembly or Committee but rather documenting and aligning the Committee's charge with its current and historical areas of examination and responsibility; and

Whereas, the Committee in its examination of the Code and other documents has emphasized taking steps to align practice and written procedure; and

Whereas, the Assembly strives to be a partner with the Administration; and

Whereas, effective partnership requires that the Assembly maintain and exercise its responsibilities judiciously; and

Whereas, these changes assist the Assembly and the Committee in keeping track of and carrying out their respective responsibilities; therefore

Be it Resolved, that Article Four, § 4.1 of the University Assembly Bylaws be amended to add:

By delegation from the Assembly, the Committee will review any proposed motion related to:

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- Campus Code of Conduct;
 recruitment and appointment of members to the University Hearing and Review Boards;
- the Assembly's role as a Policy 4.1 stakeholder in Policy 6.4 (or its successor);
- the Assembly's approval of the Guidelines for the Display of Religious Symbols contained within the University's Fire Safety Guidelines for Holiday Displays; and
- written behavioral policies regarding non-matriculated minors who are outside the full Campus Code of Conduct.

67 Campus Code

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.



Fire Safety Guidelines For Holiday Displays

Guidance Document

Fire Code Compliance

FIRE SAFETY GUIDELINES FOR HOLIDAY DISPLAYS		
PERMITTED NOT PERMITTED		
Potted plants and leaf-bearing trees Underwriter's Laboratory (UL) approved artificial, slow-burning/non-combustible trees made of plastics All-natural cut trees and other plant material that have been treated with fire retardant material. Documentation of treatment is required Flame-resistant paper or cloth decorations covering 10% or less of the wall & ceiling space	All-natural cut trees or other plan material that have NOT been treated with a fire retardant material Metallic trees Combustible decorations	
UL Approved & UL tag must be on light cord(s) Miniature electric lights, up to 3 strings of light maximum	 Lighting Non-UL approved light strands Light strands that do not have the UL approved tag More than 3 strings of lights plugged in together 	
Battery operated LED candles "preferred" Live Candles with approval from the University Fire Marshal and Risk Management during religious observances only. Must be attended and enclosed in glass at all times while lit	Live open burning candles, except with an approved use of candle permit for religious observances	

REMEMBER TO:

- Keep all exit routes hallways corridors and stairways free of obstructions
- Contact the University Fire Marshal at 607-255-8200 if you have any fire or life safety concerns
- Have a current and approved fire emergency plan
- Always know two ways out of every room and building. Practice alternate escape routes on a regular basis
- If fire strikes, on your way out of the building activate the fire alarm system to begin the total evacuation of building and then call Cornell Police at 607-255-1111 from a safe location

For additional fire safety information and other fire safety links visit us on the web at http://www.ehs.cornell.edu.

Cornell is fortunate to have members from diverse religions on campus. According to the Cornell United Religious Works, there are more than 25 religious organizations represented at Cornell. While there are many religions that have no religious holiday between November and January, and while many members of Cornell's community do not practice a religion, the university encourages its members to respect differences in religious

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practices during this holiday season, and always. In an effort to create an inclusive environment, the University Assembly approved the following *Guidelines for the Display of Religious Symbols* below

GUIDELINES FOR DISPLAY OF RELIGIOUS SYMBOLS

- Individuals may privately display symbols in their work areas or living quarters.
- Areas that would give the impression that the symbol is associated with the university, particularly the
 external surfaces of buildings may not be used for displays of religious symbols.
- The university administration shall not sponsor nor provide direct financial support for the display of religious symbols.
- Campus groups desiring to sponsor celebrative and/or educational displays utilizing religious symbols shall have full access to appropriate campus display areas, subject to regular administrative procedures governing the use of these areas.
- Any display areas that normally are available to all campus groups shall also be available for the display of religious symbols, subject to regular administrative procedures.
- The policy prohibits special or temporary display areas for religious symbols.

University members are reminded to be respectful of the religious diversity of our students and colleagues and are encouraged to use an *inclusive* approach in celebrating the holiday season. Individuals and units demonstrate this inclusive approach by:

- Focusing on the winter season rather than a particular holiday
- Displaying symbols that visually represent holidays of several religions in combination with secular decorations of the season.

GUIDELINES FOR INCLUSIVE SEASONAL DISPLAYS

Winter Holiday Displays/Decorations that are Consistent with Cornell's Commitment to Diversity and the University Assembly Guidelines:

- Snowflakes
- Trees (in accordance with Fire Safety Guidelines) decorated with snowflakes and other non-religious symbols

Winter Holiday Displays/Decorations that are Consistent with University Assembly Guidelines But Should be Basis of Dialogue Within Unit or Living Area

- Trees decorated with bows, garland and lights (in accordance with Fire Safety Guidelines)
- Wreaths with bows (in accordance with Fire Safety Guidelines)
- Combination of snowflakes, (in accordance with Fire Safety Guidelines), Santa Claus figure, and dreidel
- Holly

Winter Holiday Displays/Decorations that are NOT Consistent with Either University Assembly Guidelines or the University's Commitment to Diversity and Inclusiveness

- Nativity scene
- Menorah
- Angels
- Mistletoe
- Stars at the top of trees
- Crosses
- Star of David

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