

# Cornell University University Assembly

## **Cornell University Assembly** Agenda of the December 5, 2017 Meeting 4:30 PM – 6:00 PM Room TBD

- 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. November 28, 2017 (2 minutes)
- III. Assembly Reports
  - a. Student Assembly (J. Kim) (4 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) (4 minutes)
  - b. Codes and Judicial Committee (M. Battaglia) (3 minutes)
  - c. Campus Welfare Committee (J. Anderson) (3 minutes)
  - d. Campus Infrastructure Committee (N. Jaisinghani) (3 minutes)
- V. Liaison Reports
  - a. Policy Advisory Group (E. Winarto) (3 minutes)
  - b. Transportation Task Force (K. Fitch) (3 minutes)
  - c. Council on Sexual Violence Prevention (K. Quinn) (2 minutes)
  - d. Student Health Benefits Advisory Council (J. Anderson) (3 minutes)
  - e. Campus Planning Committee (M. Hatch) (2 minutes)
- VI. Business of the Day
  - a. Update regarding Ad Hoc Committee on Hate Speech (C. Hodges & M. Battaglia) (20 minutes)
  - b. Resolution 5: Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (M. Battaglia) (10 minutes)
  - c. Resolution 7: Charter Change Supporting the Office of the Complainant's Advisor (M. Battaglia) (10 minutes)
- VII. Late Additions to the Agenda (4 minutes)
- VIII. Adjournment (1 minute)

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Cornell University  
University Assembly

Minutes

University Assembly

November 28, 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. Roll Call:
    - i. *Present:* J. Anderson, M. Battaglia, R. Bense, L. Copman, M. de Roos, M. Hatch, R. Howarth, N. Jaisinghani, G. Kaufman, J. Kim, J. Kruser, E. Loew, A. Martinez, E. Michel, K. Quinn, U. Smith, C. Van Loan, A. Waymack, E. Winarto
    - ii. *Absent:* K. Fitch, U. Smith
  - c. Call for Late Additions to the Agenda (1 minute)
    - i. M. Battaglia's offered his resolution and motioned to amend the agenda. A. Waymack seconded.
      1. G. Kaufman called the question.
      2. 14-0-1, the agenda was amended.
- II. Approval of the Minutes (Chair)
  - a. October 17, 2017 (2 minutes)
    - i. A. Waymack motioned to table the minutes.
      1. There was no dissent. The minutes were tabled by unanimous consent.
- III. Assembly Reports
  - a. Student Assembly (J. Kim) (2 minutes)
    - i. J. Kim said that there was a presentation by VP Lombardi and last week the Student Assembly passed a Queer Housing resolution.
  - b. Graduate and Professional Student Assembly (E. Winarto) (2 minutes)
    - i. E. Winarto said that the GPSA viewed a couple of presentations at their meeting.
  - c. Employee Assembly (U. Smith) (2 minutes)
    - i. J. Kruser said that there were a few presentations and President Pollack and VP of Human Resources Opperman will be at the next meeting EA meeting.
  - d. Faculty Senate (C. Van Loan) (2 minutes)
    - i. No updates
- IV. G. Kaufman said that he was contacted by the President's office, and that he will be meeting with President Pollack concerning the Judicial Administrator's reappointment process.
- V. Office of the Complainant's Advisors (C. Kim) (20 minutes)
  - a. C. Kim discussed raising awareness of the Office of the Complainant's Advisors, Title 6.4, and the complainant process. She said that in their second year, they have handed about 20 different cases. She said that their office mirrors that of the Judicial

Codes Counselor to the Office of the Judicial Administrator. She said that many students with Title IX cases are often unaware of the availability of the Office of the Complainant's Advisors. She said that has been issues with visibility and getting a website up and running. She said that they are hoping to get guidance from the University Assembly. She also said that they are hoping to acquire more resources and support from and partnership with different offices at Cornell.

- i. M. Battaglia said that there is current work being done to provide the Office of the Complainant's Advisors with credibility and visibility, as far as being recognized by the University Assembly. He asked if there was anything else that the University Assembly could do to help?
  1. C. Kim said that they have asked that when a complaint is filed with the Title IX Office, the complainant is offered the information for the Office of the Complainant's Advisors, but, on the website, it is difficult to find information regarding the Office of the Complainant's Advisors. She also said that, if they can't get the Title IX Office to explain what a complainant advisor and procedure advocate does, they would look to producing a website, and potentially utilize a campus-wide listserv. She also said that the Office of the Complainant's Advisors will also be working with Residential Advisors.
- ii. G. Kaufman asked if the Office of the Complainant's Advisors has been in contact with the Orientation Steering Committee?
  1. C. Kim said no.
- iii. J. Anderson asked a procedural question about letter notification?
  1. C. Kim said that that would be a resource to consider, but that she is not sure if the Office of the Complainant's Advisors is on that list.
- iv. A. Waymack asked if there were any foreseeable issues that might arise by raising the visibility and use of the Office of the Complainant's Advisors?
  1. Julia said no, and that the only goal is to achieve an equivalence with the Office of the Judicial Codes Counselor.
  2. C. Kim said that there is a disparity at the student level, so the Office of the Complainant's Advisors would like to be on par with the Office of the Judicial Codes Counselor.
- v. A. Waymack asked about foreseeing avoiding Title IX cases with the Department of Education?
  1. C. Kim said that they want to position themselves in a way where they can support students that need it.
  2. Julia said that the process is very steered by the Title IX Office, but that they are hopeful.
- vi. R. Bensek asked why it is so easy for the defendant to find access to resources?

1. C. Kim said that, at request, the Title IX Office said that they would mention the Office of the Complainant's Advisor, however, they were told that any further promotion of the Office of the Complainant's Advisor would potentially deter students.
- vii. J. Kruser asked, at what point would the Office of the Complainant's Advisor like to be involved in the process?
  1. C. Kim said that, ideally, contact with a student would be before he or she enters the Title IX Office, to further support the student in their decision to file a report, or not.
  2. J. Kruser said that there would need to be some sort of oversight and official operating processes.
- viii. A. Martinez asked about why there may be opposition?
  1. C. Kim said that, from the Title IX Office's perspective, it might be a deterrent to a student to tell him or her that he or she could wait to file a report, and first speak to the Office of the Complainant's Advisor.
- ix. C. Van Loan asked if other universities with offices like the Office of the Complainant's Advisors encounter the same issues?
  1. C. Kim said that it is difficult to tell because the Office of the Complainant's Advisors is new at Cornell.
- x. J. Anderson said that he is concerned that if the Office of the Complainant's Advisors is in all the cases at once, then the Office of the Complainant's Advisors will need to be expanded because it will reach capacity. He asked if there were plans to expand the Office of the Complainant's Advisors?
  1. C. Kim said that their office has expanded to include another person. She said that, in the case that the Office of the Complainant's Advisors is overwhelmed, they can reach out to the Law School and the University for help, but capacity is not a concern of theirs.
- xi. J. Kruser said that he encourages the Office of the Complainant's Advisors to reach out to the Codes and Judicial Committee and the Campus Welfare Committee. He said that there could potentially be a resolution drafted to help the Office of the Complainant's Advisors.
- xii. N. Jaisinghani mentioned the use of social media as a means of expanding visibility.
- xiii. L. Copman mentioned that there should be increased collaboration between the Office of the Complainant's Advisors and Kara Miller.

## VI. Committee Reports

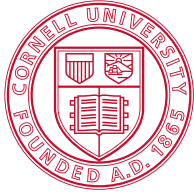
- a. Executive Committee (A. Waymack) (2 minutes)
  - i. A. Waymack said that everything is good.
- b. Codes and Judicial Committee (M. Battaglia) (2 minutes)

- i. M. Battaglia said that the last CJC meeting of the semester is Wednesday.
  - c. Campus Welfare Committee (J. Anderson) (2 minutes)
    - i. J. Anderson said that the CWC had a meeting today to discuss goals for next semester, as well as a few other things.
  - d. Campus Infrastructure Committee (N. Jaisinghani) (2 minutes)
    - i. N. Jaisinghani said that the CIC has one more resolution, and they meet Wednesday.
- VII. Liaison Reports
  - i. Since the time was exhausted, there were no Liaison Reports.
- VIII. Business of the Day
  - a. Resolution 6: Integrating Sustainable Investments into Endowment Reports (N. Jaisinghani) (20 minutes)
    - i. N. Jaisinghani briefly presented the resolution.
    - ii. J. Goldberg said that there are two main pieces of the resolution, with one regarding investments and investment disclosures.
    - iii. R. Howarth said that he likes the intent of the resolution, but he said that on lines 23 and 24, there is an issue because of the greenhouse gas accounting, which has actually gone up.
    - iv. R. Howarth motioned to strike lines 23 through 27. The motion was seconded.
      - 1. A. Waymack called the question. There was no dissent.
      - 2. The resolution was amended to strike lines 23 through 27 from the resolution.
    - v. M. Battaglia motioned to amend line 19 to replace the word “divulged” with the word “informed.” R. Bensele seconded the motion. There was no dissent to voting.
      - 1. There was no dissent. The resolution was amended by unanimous consent.
    - vi. M. Battaglia motioned to strike lines 29 through 31. J. Anderson seconded. There was no dissent.
      - 1. R. Howarth said that he is opposed to striking the language.
      - 2. J. Goldberg said that she agrees with R. Howarth.
      - 3. A. Waymack said that this issue deserves confrontation, so she agrees with R. Howarth.
      - 4. M. Battaglia withdrew the motion.
        - a. There was no dissent
    - vii. M. Battaglia motioned to amend line 41 to strike “a paltry” and replace it with the word “only.” R. Howarth seconded the motion. There was no dissent.
      - 1. G. Kaufman moved to replace “a paltry” on line 41 with “only.”

- a. There was no dissent. The resolution was amended by unanimous consent.
- viii. N. Jaisinghani motioned to amend line 44 to replace “remedy this inadequacy” with “improve this score.” The motion was seconded.
  - 1. There was no dissent. The resolution was amended by unanimous consent.
- ix. M. Battaglia motioned to add “Be it therefore resolved, that the University Assembly requires the following:”. R. Bensel seconded the motion.
  - a. M. Battaglia withdrew the motion.
- x. A. Waymack motioned to strike lines 70 through 111 and replace it with a standard signature block. M. Battaglia seconded the motion.
  - a. E. Loew asked about crediting the sponsors and people that worked on the resolution.
  - b. J. Goldberg said that people that worked on the resolution can be given credit elsewhere.
  - c. M. Battaglia called the question. There was no dissent.
    - i. By a vote of 16-0-1, the resolution was amended to strike the signatures on lines 70 through 111.
- xi. A. Waymack moved the question. There was no dissent.
  - 1. By a vote of 16-0-1, the resolution was adopted.
- xii. R. Howarth moved to have the University Assembly thank the people whose names were stricken. There was no dissent. The University Assembly applauded the creators of the resolution.
- xiii. A. Waymack motioned to do the committee reports quickly. M. Battaglia seconded. There was no dissent.
- b. Resolution 5: Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (M. Battaglia) (10 minutes)
  - i. Since the time was exhausted, this was not discussed at the meeting.
- c. Update regarding Ad Hoc Committee on Hate Speech (C. Hodges & M. Battaglia) (10 minutes)
  - i. Since the time was exhausted, this was not discussed at the meeting.
- IX. Late Additions to the Agenda (1 minute)
- X. Adjournment (1 minute)
  - a. The time was exhausted and the meeting ended at 6:05pm

Respectfully submitted,

Terrill Malone  
Clerk of the University Assembly



## U.A. Resolution # 5

### Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

October 17, 2017

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

**Whereas**, the object of the University Assembly (the Assembly), "...is to improve and sustain the involvement of the campus community in the governance of campus affairs affecting the broad campus community by establishing open, effective, and efficient channels of communication between and amongst the community and university administration" [Charter, Article Two]; and

**Whereas**, pursuant to Article Three, § 3.3 of its Charter "The Assembly has authority in matters concerning its internal operation and maintenance, including provisions for the creation of bylaws and procedures"; and

**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

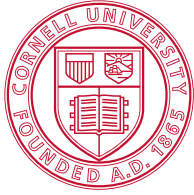
**Whereas**, in the Committee's work it has examined areas that are adjacent to and similar in scope and application to the Code both of its own volition and upon request of the Assembly; and

**Whereas**, in the past some areas of responsibility of the Assembly and the Committee have been examined sparingly as they have not been formally documented in the standing charge to the Committee; and

**Whereas**, the Committee in its discussion of the role of non-matriculated minors in the Code 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

**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 Displays<sup>1</sup>; and

<sup>1</sup> Attached as Appendix A to this resolution.



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**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

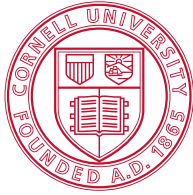
**Be it Resolved**, that Article Four, § 4.1 of the University Assembly Bylaws be amended to add:

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

- 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.

**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.**





## U.A. Resolution # 7

### Charter Change Supporting the Office of the Complainant's Advisor

November 14, 2017

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

**On behalf of: The Office of the Complainant's Advisor: C. Kim, G. Chaudhuri, J. Bensur, H. C. Wouters, H. Martin**

**Whereas,** the University Assembly (the "Assembly") has the authority to examine matters which concern the welfare of a substantial segment of the campus community and may make recommendations thereon to the President or other appropriate officers of the university; and

**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 University Policy 4.1 for University Policy 6.4 ("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

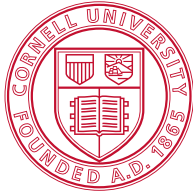
**Whereas,** during the recent revision of Policy 6.4 the Office of the Complainant's Advisor ("CA") was formally created and began service during the 2016 – 2017 Academic Year; and

**Whereas,** the CA provides free assistance and representation within the campus judicial system to individuals considering filing complaints under the scope of Policy 6.4 and those who have already begun the formal complaint process; and

**Whereas,** in the time following their creation, the CAs have represented numerous members of the Cornell Community in Policy 6.4 proceedings in addition to advising community members of the options they have under the University's policies; and

**Whereas,** during the revision process for Policy 6.4 the Assembly engaged in discussions with the Administration concerning the proposed changes as well as commenting upon the draft document; and

**Whereas,** in this process it was informally suggested that the CA's appointment process follow



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the same procedure as the Judicial Codes Councilors (“JCC”) to offer increased legitimacy from using an established process, transparency, and community involvement; and

**Whereas**, the suggestion was well received but at the time not followed up upon; and

**Whereas**, the JCC and CA’s offices are both comprised of law students who serve as procedural advisors in the campus judicial system; and

**Whereas**, the CA has requested closer contact and a tighter working relationship with the Assembly akin to that held by the JCC to inform the Assembly of their operations and to enable the Assembly to advocate on their behalf; and

**Whereas**, the CA has also requested that their appointments moving forward be formally confirmed by the Assembly in the same manner as the JCC; and

**Whereas**, having the CA confirmed by the Assembly aligns the confirmation processes for the procedural advocates, increases transparency and community involvement in their selection process, increases their visibility on campus, and ensures strong lines of communication between the CA’s office and the Assembly; and

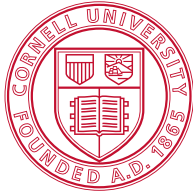
**Whereas**, the CA already follows a selection process similar to the one utilized by the JCC and including the Assembly within that process would require minimal modification; and

**Whereas**, the Assembly greatly appreciates the work the CAs have done so far and looks forward to continuing to work with them; therefore

**Be it Resolved**, that Article Three, § 3.2, §§ 3.2.1 of the University Assembly Charter be amended to read:

The Assembly must approve each appointment or reappointment by the President of the University to the following offices: the Judicial Administrator, the University Ombudsman, and the Judicial Codes Counselor, and the Complainant’s Advisor. In the event of a vacancy in the offices of the University Ombudsman, or Judicial Codes Counselor, or the Complaint’s Advisor, the President or a designee will appoint a search committee to which the Assembly may appoint a representative. In the event of a vacancy in the Judicial Administrator’s office, the procedure laid out in Article II, Section A, Subsection 3 of Campus Code of Conduct for constituting a search will be followed. Incumbent occupants of each office may serve any number of consecutive terms; however, no single term may exceed two years in duration.

**Resolved**, that the CA’s office will report annually at a meeting of the Assembly in a manner similar to the JCC about their office, activities over the prior year, and other matters of the Assembly’s interest.



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