

Cornell University University Assembly

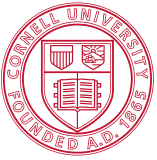
Cornell University Assembly

Agenda of the April 28, 2020 Meeting

4:30 PM – 6:00 PM

Zoom Meeting Only - Id 815958591

- I. Call to order - 4:30pm
- II. Call for Late Additions to the Agenda – 4:32pm to 4:35pm
- III. Business of the Day
 - a. Approval of the minutes – meeting 4/7/20
4:35pm to 4:40pm
 - b. Jeff Pea – 4:40pm to 4:50pm
 - i. Resolution 6 – JCC Approval
 - ii. Resolution 7 - Postponement of Elections
 - c. Revision of Campus Cod – 4:50pm to 5:55pm
 - i. Summary update on edits to the Code – Joe Anderson. Public forum on the Code
 - iii. Discussion by UA members on the Code
- IV. Adjournment at 6pm



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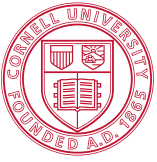
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Minutes of the April 7, 2020 Meeting

4:30 PM – 6:00 PM

Zoom Meeting

- I. Call to Order
 - a. Call to Order
 - i. R. Howarth called the meeting to order at 4:30pm
 - b. Roll Call
 - i. *Present:* J. Anderson, A. Barrientos-Gomez, K. Barth, R. Bense, C. Duell, A. Hong, R. Howarth, L. Kenney, G. Martin, R. Mensah, J. Pea, P. Thompson, C. Van Loan
 - ii. *Members Joined after Roll Call:* U. Chukwukere, D. Hiner
 - iii. *Members not Present:* K. Barth, A. Howell, C. Levine, Y. Li,
- II. Call for Late Additions to the Agenda
 - a. There were no late additions to the agenda
- III. Business of the Day
 - a. Approval of the 3/17/20 meeting minutes
 - i. J. Anderson moved to approve the minutes. The motion was seconded by L. Kenney and approved.
 - b. Covid-19 Preparations and Protocols – R. Howarth
 - i. Zoom Meeting Questions
 1. R. Howarth stated that the UA would be holding two more zoom meetings for the semester. There was a special meeting scheduled for April 28th, 2020 and a final meeting scheduled for May 5th, 2020. R. Howarth conveyed that he was not certain that all business would be completed by the last meeting but with the extension of the semester, the UA could add on an extra meeting.
 - ii. Code push & online communications/discussions
 1. R. Howarth stated that the major priority for the assembly would be to aim for completion of the Campus Code revisions. The UA would need to act on the Code revisions and have a feedback communication with the community.
 - iii. 2020-2021 Officer Elections
 1. R. Howarth also noted that under the UA Bylaws, officers for the following year would be elected at the conclusion of the last meeting but under the present circumstances, that course of action would not make sense to do given the difficulty of holding Zoom elections and



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without the discussion. Additionally, both the Student Assembly and Employee Assembly had postponed the elections of their officers to the Fall semester so the UA representatives from the respective assemblies would not be known until then. R. Howarth suggested that the UA should pass a resolution to allow current officers to remain in their positions until the UA would be able to meet in-person for elections in the Fall.

- a. J. Anderson and P. Thompson stated that it would be best to bring a formal resolution on the topic to the next UA meeting for discussion.
- b. R. Howarth stated that the resolution would be drafted and presented for a discussion and a vote at the next UA meeting.
- c. S. Swanson – JCC Appointment
 - i. R. Howarth stated that S. Swanson had been nominated by President Pollack to serve as the next JCC. The term would begin in the Fall of 2021, but she would begin to serve in the office in Fall of 2020 under the current JCC. S. Swanson had been selected by a search committee in which the UA had representation. R. Howarth conveyed that J. Pea was a member of the search committee and although President Pollack had approved S. Swanson's appointment, it would require the approval of the UA.
 - ii. S. Swanson stated that she completed her undergraduate experience at the University of Alabama at Birmingham. While in undergrad, she worked with the Southern Law Center, particularly with the Summer Film Fellowship and as an administrative assistant during the school year. After finishing college, she served in the Peace Corps for two years teaching 1st and 2nd grade. S. Swanson said that her most significant project was writing and implementing a \$5,000 grant project to renovate the classroom libraries at the school she taught at as well as teaching teachers and students on using the libraries. She chose Cornell Law School because of the sense of community and the hands-on studying experience with unparalleled clinical studies. S. Swanson noted that these reasons were also the reasons why she was looking to serve as the JCC. Serving in the position would give her excellent experience in honing her written and oral advocacy skills, invaluable skills for becoming a Litigator. Additionally, being a JCC would grant her the opportunity to serve the tight-knit Cornell community and provide guidance to individuals navigating the code. Additionally, she was excited about the head JCC position in particular because she valued her leadership skills and stated that



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in her leadership positions in the past, she ensured that she listened to those she was working with when distributing responsibility so the team would be able to move forward in a manner that was meeting everyone's needs on the team. S. Swanson stated that she was organized and had good time-management skills, skills that are vital to the position. Additionally, S. Swanson said that she was excited to be a JCC and helping to move the goals of the office forward.

1. J. Anderson stated that the code was narrowing its scope to be a student code of conduct primarily and pertaining to that, what currently did S. Swanson know about what the undergraduate student experience looks like in terms of conduct and how major campus units under Campus Life feed into the conduct system. Secondly, with the greater focus on educational conferences and alternative dispute resolutions, J. Anderson asked S. Swanson about how she would look to alternative dispute resolutions instead of the formal use of hearings as the primary mode of student conduct under her leadership as the JCC.
 - a. S. Swanson stated that under the revisions, the largest topic was that of bringing organizations under the jurisdiction of the code of conduct and J. Anderson if she was correct by her understanding.
 - b. J. Anderson stated that it would not be all organizations, it would be social Greek life.
 - c. S. Swanson stated that given the happenings and events of the school, the move was a good change. The additional oversight of the social organizations was better. In terms of the alternative dispute resolutions, S. Swanson said that going through the process of a hearing could certainly be a daunting situation for an undergraduate student and having a method to resolve that before going to the formal hearing would be a positive change for all involved parties. Additionally, making alternative dispute resolutions more available and robust was also a positive change.
2. L. Kenney stated that G. Kanter, the current JCC, did a fantastic job of ensuring the JCC was well represented to the CJC. This allowed the JCC opinion to be well heard by the UA and ensure discussion from all sides was heard. On that note, L. Kenney asked S. Swanson if that relationship is something she would continue under



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leadership. L. Kenney conveyed that she viewed the relationship between JCC and CJC as a vital one for the JCC's office.

- a. S. Swanson stated that she thought the relationship was vital given that the JCC's office works closely with the code. Since the CJC is responsible for revising and overseeing the code implementations, she would seek to maintain the positive relationship between the JCC's office and the CJC under her leadership
 - b. L. Kenney stated that the topic of maintaining the relationship changes from JCC to JCC and she was excited to hear that S. Swanson was planning on continuing the relationship between the JCC's office and the CJC.
3. G. Kanter conveyed to the assembly that the JCC's office asked applicants to review the current code and during the interview process, the code was discussed. However, because the revisions were still underway, applicants were not asked to read the revisions especially considering that the revisions had just been presented for public comment.
4. R. Bensel stated that one of the most contentious issues has been the specification of burden of proof in JA proceedings and asked S. Swanson what her position was on the issues and preponderance of the evidence.
- a. S. Swanson stated that from her understanding, the topic of burden proof was in reference to the potential changes in Title IX administration and moving both the Title IX code and the Code of Conduct under preponderance or clear and convincing standards. S. Swanson stated that she thought it was important to have a preponderance standard in Title IX hearings given the intimacy of Title IX interactions and the difficulty that can come from trying to gather evidence. Maintaining the preponderance standard for Title IX would be important. If the code was to move to a standard burden of proof for the Code of Conduct and Title IX, S. Swanson would maintain the preponderance standards but would ask the codes office to think about the sanctions being given to students. In lowering to a preponderance standard, the codes office would need to think about giving less harsh sanctions



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or moving to more alternative dispute resolutions if the burden was lowered.

5. U. Chukwukere asked S. Swanson if social Greek life was brought under the jurisdiction of the Code of Conduct, how she would work with the Office of Sorority & Fraternity Life (OSFL) especially since the movement of social Greek life under the code means the OSFL will be acting in an advisory capacity with social Greek organizations. In working as the JCC, if a student were to commit a violation without being understanding of the code, U. Chukwukere asked S. Swanson, how she would work with OSFL to ensure a strong connection is being built between the two parties and in understanding the way Greek life works on campus.
 - a. S. Swanson stated that she was in Greek life during undergrad and would be coming in with knowledge of how Greek life works on campuses. As far as working with Greek life and the OSFL under the Code of Conduct, she would treat Greek organizations the same way she would treat any client she was representing as the JCC and would represent them to the best of her ability.
6. J. Anderson stated that another major issue that has been discussed pertaining to the Code of Academic Integrity and presented yearly in the JCC annual report are the flaws that are presented in the system. J. Anderson asked S. Swanson what her on-campus advocacy outside the conduct process would look like as the JCC.
 - a. S. Swanson stated that she was excited about learning how interactions worked in the Cornell community and from there she would get a better sense of what her advocacy style would look like. S. Swanson conveyed that she did not believe that she could fully answer the question because she had not had the chance to interact with those systems yet. She would look forward to seeing how the office interacts and from there, would get a better idea of what her advocacy style would look like.
 - b. R. Howarth stated that the UA could vote on S. Swanson's appointment at the current meeting, but the best plan would be to have a discussion and vote at the next UA meeting.

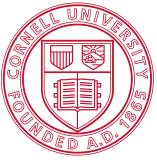
d. Committees Report

- i. Codes Judicial Committee – J. Anderson



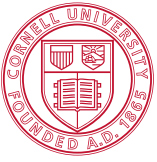
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1. J. Anderson conveyed to the UA that public comment was currently open on the substantive parts of the code on the Office of Assemblies website. The CJC and the OA was currently working on allowing individuals to make their comments anonymously which would be consistent with previous public comment conducted in the past. The anonymity would provide the opportunity to get more honest comments on the code. In addition, the CJC was currently working on completing the procedural section of the code and it was slated to be done by April 17. After the procedural section was complete, the plan would be to send it to the UA that weekend and placed on the OA website for public comment as well. The substantive and procedural parts of the code would remain available for public comment until May 1 and the CJC would spend the following days to review the comments to find points of agreement to take into consideration. J. Anderson stated that if the UA did not have intensive business for the April 28 meeting, he would offer the concept of cancelling that meeting and replace it with a meeting May 12 (the last day of instruction) or May 19 (the middle of the final exams period). J. Anderson noted that he would prefer cancelling the April 28 meeting because it would grant the CJC time to review the comments from the public, revise the aspects that need changing, and to send it back to the UA for full consideration. J. Anderson stated that having the UA vote on May 12 would be preferred because that would be the closest date to the Board of Trustees meeting. The code would ultimately need to be complete before the Board of Trustees meets because the board would need to ratify it. Ideally, the regular May 5th meeting would be needed to have the introduction and the vote would take place on the May 12th meeting.
2. R. Howarth suggested that the UA could hold meetings on April 28th, May 5th, and May 12th.
3. J. Anderson stated that holding more meetings would provide an opportunity to educate UA members about the code members and would be in favor of holding 3 more meetings if other UA members were in favor of doing so.
4. C. Van Loan asked about the length of the code revisions that was available for public comment.



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5. J. Anderson responded by saying that the current document was reduced to 15 pages in an HTML format, but the procedures section of the code would be longer and more complex.
6. C. Van Loan stated that everyone was inundated with emails and asked if it would be possible to have a 1 page document with the five largest changes of the code.
7. J. Anderson stated that the CJC could try to get a one-page summary in the case of the violations. The procedures would be harder to summarize because the details were important, but he understood C. Van Loan's concerns in regard to the length of the document available for public comment. However, J. Anderson noted that he would also like to respect the work put in by the CJC.
8. C. Van Loan stated that there would be individuals interested in the details and people should have the opportunity to get down to that level but for those without the time to read the full document, they could read the abstract and make a few comments. In order to get the average person to comment on the code revisions, the main changes would need to be outlined in a simple, short format.
9. J. Anderson conveyed that he was in agreement with C. Van Loan and would work on a simplified form of the major changes for the full UA to have to be more digestible.
10. R. Howarth conveyed his support of the proposal and stated that it would be important to have the full document for people, but it would also be important to have a shorter document for people to start with.
11. C. Van Loan stated that he suspected the Board of Trustees would also want a simplified summary of the major changes because the agenda for their May meeting would also be hectic.
12. R. Howarth noted that on the timing, May 12th would be the latest the UA could vote on the code and give it to the trustees with the trustees meeting on May 21st. R. Howarth suggested that the UA could meet on April 28th, May 5th, and May 12th with the focus being on the code but the UA would also need to vote on S. Swanson's JCC appointment.
13. J. Anderson stated that he would have the summarized version of the large code changes ready for the April 28th meeting.
14. R. Howarth communicated that the last three meetings of the UA would be April 28th, May 5th, and May 12th. Additionally, the UA

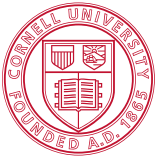


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would ne to have as much opportunity as possible to increase input from the entire Cornell community and asked what steps UA members would like the UA to take with the May 12th final vote in mind.

- a. J. Anderson stated that he had asked every constituent representative to send the link to the leadership of their respective assemblies. Additionally, J. Anderson noted that he was working with the OA to send an email to the Cornell community.
 - b. R. Howarth asked if the emails would be to the undergraduates.
 - c. J. Anderson stated that the SA emails would be to the undergraduates and the OA emails would be university-wide. Additionally, the CJC was working on a public forum date for the week of April 20th in coordination with the OA.
- ii. Campus Welfare Committee – D. Hiner
1. P. Thompson stated that D. Hiner had previously mentioned that the CWC did not have any updates..
 2. R. Howarth stated that the tobacco resolution would be pushed to the Fall and it would not make sense to push it now.
- iii. Campus Infrastructure Committee – K. Barth
1. P. Thompson stated that K. Barth would send an update later to the UA members and was not able to complete it in time for the meeting.
- iv. Budget Planning Committee – C. Van Loan
1. C. Van Loan stated that the Financial Policy Committee asked the provost if the upcoming meeting should be cancelled to which the answer was no. Particularly, the actions of the Financial Policy Committee would be important for the future of the university given the upcoming difficult financial years for the university. There would be dramatic changes for the international student population and the Engineering majors. The current pandemic means everything would need to be revisited with the pandemic in mind. The university would need to plan for a variety of scenarios and have as many viewpoints looking at the problem..

The meeting was adjourned at 5:13pm.

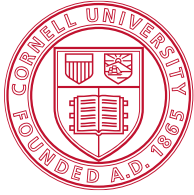


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Respectfully Submitted,

Auriole C. R. Fassinou
Clerk of the Assembly

DRAFT



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U.A. Resolution # 6

Appointment of Judicial Codes Counselor

April 13th 2020

1 **Sponsored by: Jeff Pea, Graduate; Vice Chair of Internal Operations, University Assembly**

2

3 **On Behalf of: Martha Pollack, President of Cornell University; The Judicial Codes**
4 **Counselor Search Committee: Gabrielle Kanter, Jeff Pea, Kevin Clermont, Laura Rugless,**
5 **Marisa O’Gara, Markeisha Miner, Michelle Horvath, Tad Brennan, and Uttiyo**
6 **Raychaudhuri**

7

8 **Whereas,** The Office of the Judicial Codes Counselor (JCC) provides free assistance and
9 representation to any member of the Cornell community charged with violations within
10 the Campus Code of Conduct, the Code of Academic Integrity, or Cornell University Policy 6.4,

11

12 **Whereas,** the 2019-2020 JCC Search Committee received and reviewed applications for the next
13 Judicial Codes Counselor from potential candidates and made the recommendation of Susan
14 Swanson for the appointment, and

15

16 **Whereas,** the President of the University accepted the recommendation of the JCC Search
17 Committee, and

18

19 **Whereas,** Sub-Section 3.2.1 of the Charter for the Cornell University Assembly states that the
20 Assembly must approve each appointment by the President of the University,

21

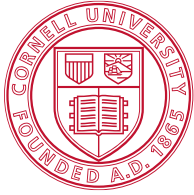
22

23 **Be it therefore resolved,** Suzanna Swanson be appointed to be the next Judicial Codes
24 Counselor for a two-year term.

25

Respectfully Submitted,

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 #7

**Postponement of Election of the University Assembly
Officers for Academic Year 2020-2021**

April 13th 2020

1 **Sponsored by: Jeff Pea, GPSA; Vice Chair of Internal Operations. University Assembly.**

2
3 **On Behalf Of: University Assembly Executive Board: Jeff Pea, Pilar Thompson and**
4 **Robert Howarth.**

5
6 **Whereas,** the ongoing COVID-19 pandemic has greatly limited campus-wide operations and
7 modified the timeline of priorities for the University Assembly and other assemblies for the
8 remaining 2019-2020 academic calendar, and

9
10 **Whereas,** Section 5.2 of the Charter of the Cornell University Assembly states that the term of
11 each Officer is concurrent with a session of the Assembly, and

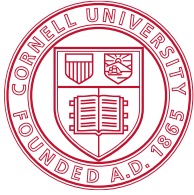
12
13 **Whereas,** the inability of in-person voting for the remainder of the 2019-2020 academic calendar
14 prevents a secret ballot in closed session from being held in the current session of the Assembly
15 as required by Section 5.3 of the Charter of the Cornell University Assembly, and

16
17 **Whereas,** the current status of the COVID-19 pandemic remains unclear in regards to the
18 possibility of in-person voting of a secret ballot beyond the 2019-2020 academic calendar into
19 the Summer session, and

20
21 **Whereas,** other Assemblies of the University have already postponed their election process until
22 the Fall 2020 semester,

23
24 **Be it therefore resolved,** the election of the University Assembly Officers be conducted in the
25 first regularly scheduled meeting in the next session of the Assembly for the 2020-2021
26 Academic Calendar, and

27
28 **Be it further resolved,** the current term of the 2019-2020 University Assembly Officers be
29 extended until the first regularly scheduled meeting in the next session of the Assembly for the
30 2020-2021 Academic Calendar.



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