

Cornell University University Assembly

Cornell University Assembly

Minutes of the November 10, 2020 Meeting

4:30 PM –6:00 PM

Zoom Meeting

- I. Call to Order
 - a. L. Kenney called the meeting to order at 4:31pm.
 - b. *Members Present:* V. Aymer, U. Chukwukere, H. Depew, C. Duell, D. Dunham, B. Fortenberry, T. Fox, J. Froehlich, A. Hong, R. Howarth, C. Huang, L. Kenney, C. Levine, J. Pea, B. Sherr, L. Smith, C. Van Loan, P. Thompson, J. Withers
 - c. *Late Addition:* J. Feit
 - d. *Also Present:* C. Benedict, M. O’Gara, B. Krause
- II. Call for Late Additions to the Agenda – 4:32pm to 4:35pm
 - a. U. Chukwukere motioned to add a presentation by C. Benedict on the demands of Native American and Indigenous Students at Cornell (NAISC) to the agenda after the approval of the meeting minutes.
 - i. C. Huang seconded the motion.
 - ii. L. Kenney asked if a resolution would accompany this presentation.
 - iii. U. Chukwukere affirmed and stated he would send the resolution to the assembly members.
 - iv. The motion **passed** with 18-0-1.
 1. Approved: V. Aymer, U. Chukwukere, H. Depew, C. Duell, D. Dunham, B. Fortenberry, T. Fox, J. Froehlich, A. Hong, R. Howarth, C. Huang, C. Levine, J. Pea, B. Sherr, L. Smith, C. Van Loan, P. Thompson, J. Withers
 2. Abstained: L. Kenney
- III. Business of the Day
 - a. L. Kenney acknowledged that it was the 245th anniversary of the Marine Corps and that tomorrow would be Veteran’s day. She thanked those who have served our country.
 - b. Approval of Meeting Minutes (Aug. 21, 2020, Oct. 20th, 2020, Oct. 27th, 2020)
 - i. C. Duell motioned to approve all of the minutes.
 1. P. Thompson seconded the motion.
 2. The motion **passed** with 18-0-2.
 - a. Approved: V. Aymer, U. Chukwukere, H. Depew, C. Duell, D. Dunham, J. Feit, B. Fortenberry, T. Fox, J. Froehlich, A. Hong, C. Huang, C. Levine, J. Pea, B. Sherr, L. Smith, C. Van Loan, P. Thompson, J. Withers



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- b. Abstained: L. Kenney, R. Howarth
- IV. Presentation by Colin Benedict on the Resolution proposed by NAISC.
- a. C. Benedict presented the history of indigenous peoples who have historically occupied New York state and the demands of NAISC.
 - b. U. Chukwukere offered to share the resolution.
 - c. L. Kenney reminded the assembly that they will be debating whether or not to consider this resolution in the next meeting.
 - d. C. Benedict continued to present the NAISAC Resolution.
 - e. L. Kenney wanted to clarify that the resolution is coming from U. Chukwukere as a co-sponsor.
 - f. L. Kenney opened to floor to any questions.
 - g. V. Aymer asked if any faculty have signed onto this resolution. She also asked if the resolution also refers to South American indigenous people.
 - h. C. Benedict stated 34 faculty members have signed onto the petition. He said many of the demands were focused on acts of reparations on the basis of Cornell's status as a land-grant institution. He also said expanding indigenous student recruitment is part of a larger project in NAISAC.
 - i. C. Van Loan asked if the required courses from the American Indian and Indigenous Studies Program (AISSP) are being added to the anti-racism initiative.
 - j. C. Benedict thanked C. Van Loan for the question and affirmed that have the AISSP courses in mind along with, in the event of an expansion of this department, a course also exploring ethically conducted research.
 - k. J. Pea acknowledged the importance of C. Benedict's presentation and asks for more information on an aforementioned event on Facebook.
 - i. C. Benedict affirmed and offered to share the resource links.
 - l. U. Chukwukere motioned to table the resolution for a vote during the next meeting.
 - i. B. Sherr seconded this motion.
 - ii. J. Feit acknowledged a question in the chat by R. Platt regarding the definition of "educational purpose" and whether that encompasses housing and dining facilities.
 - iii. C. Benedict said that "educational purpose" defines any land on campus that the University actively invites individuals to hunt white tailed deer or is used for hunting purposes.
 - iv. The resolution was **tabled** for next meeting unanimously.
 1. Approved: V. Aymer, U. Chukwukere, H. Depew, C. Duell, D. Dunham, B. Fortenberry, J. Feit, T. Fox, J. Froehlich, A. Hong, R. Howarth, C. Huang, L. Kenney, C. Levine, J. Pea, B. Sherr, L. Smith, C. Van Loan, P. Thompson, J. Withers



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V. Committee Updates

a. Executive Committee

- i. U. Chukwukere said that they discussed issues with emergency appointments and conflicts of interest in positions within the University Hearing and Review Board.
- ii. U. Chukwukere reported that the committee also discussed a communications campaign utilizing different platforms such as Instagram and Facebook. He said they also discussed forming an ad hoc committee that might support this campaign.
- iii. U. Chukwukere stated the Executive Committee discussed how to best support the committee chairs in their regular operations
- iv. U. Chukwukere said they discussed making by-law and charter changes to ensure gender neutral pronouns.
 1. L. Kenney said that considering the tight deadlines with the Code, they have decided to work on changes to both the charter and by-laws next semester.

b. Campus Infrastructure Committee

- i. J. Feit said that he has been ensuring that positions in the committee are filled. He also stated they are scheduling their first organizational meeting on the week of Nov. 23rd.

c. Campus Welfare Committee

- i. B. Sherr stated that due to health concerns there has been a bit of a delay, however they are organizing their first meeting.
- ii. B. Sherr reported they are missing 5 seats and will be reaching out to these various assemblies to fill vacancies.
- iii. B. Sherr said that he has also contacted individuals working on the Nicotine Ban in the last University Assembly (UA) cycle.

d. Codes and Judicial Committee

- i. B. Fortenberry said that a public forum will be held on Thursday, allowing groups such as the University Counsel's Office (UCO), the Judicial Code Counselor (JCC), the Office of the Judicial Administrator (OJA), the student and campus perspective, and the University Assembly (UA) to present from what is important for them in terms of comments and feedback. He stated the Counsel's Office will ask the UA on the CJC and UA's response to the discussion of the "standard of evidence."
- ii. B. Fortenberry asked that the UA provides any questions they intend to ask in advance so other groups can prepare to answer them with information.



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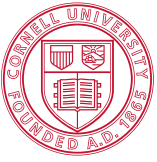
- iii. L. Kenney stated that as a panelist she aims to express the deadlines that have been outlined and the want for a transparent process with other groups. She asked what the members of the UA would like for her to address or ask for comment on. L. Kenney said waiting for community responses before voting on the evidentiary standard would be more in line with democratic values and ensuring that constituents' voices are heard.
- iv. C. Van Loan asked if B. Fortenberry could reiterate the panelists again.
- v. B. Fortenberry outlined the panelists as: Madelyn Wessel (UCO), Barbara Krause (OJA), Marisa O'Gara (JCC), Logan Kenney (UA), Ryan Lombardi (Vice President on Student and Campus Life), and has reached out to the Complainant Advisors (CA) group but has heard no response.
- vi. C. Van Loan asked if the biggest divergence is the evidentiary standard.
- vii. B Fortenberry said that the standard is a very clear split decision while others are more discussion based.
- viii. L. Kenney asked if the body is more comfortable with her speaking to the evidentiary standard or to speak more procedurally.
- ix. C. Van Loan said he would like individuals within the current meeting to speak to the evidentiary standard. He asked L. Kenney to state her opinion on the different evidentiary standards.
- x. L. Kenney said that she believes that in the criminal justice system when you lower the evidentiary standard you don't need as much proof to convict someone as someone guilty or responsible. She believed that this may augment unconscious or implicit bias towards students who come from a minority background or lack confidence. She supported "clear and convincing" evidence to ensure that people are not wrongly held responsible. L. Kenney also stated that the majority of the public votes in May were heavily leaning towards the "clear and convincing" standard. She understood the other avenues to keep "clear and convincing" and maintain a restorative justice but asserted those paths need to be investigated further.
- xi. M. O'Gara said that there was a fear that if they kept "clear and convincing" in the code then it would be made uniform across all of institutions under Title IX. She states that "clear and convincing" ensures that one must be more than 70% sure that a student is responsible. She also affirms what L. Kenney spoke to the lowering of the evidentiary standard and lowering of proof.
- xii. B. Krause stated that this issue is not a criminal process, but rather aims to sustain an educational environment. B. Krause said that it is important to address not only individuals but also the campus as a whole. She states that



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in this “clear in convincing” standard it creates an unequal field in the favor of individuals.

- xiii. R. Platt said that Cornell faculty and students should be free of fear of being wrongly accused and there should be a clear case for those held responsible. R. Platt stated the process itself is traumatic so if there is no “clear and convincing” evidence then the campus shouldn’t pursue it. R. Platt also disproved of the intent by the Board of Trustees to shift the responsibility of codes away from the UA and shared governance into the Vice President and the University Counsel. He said that they need to have community-based codes and procedures for all people to ensure the same fundamental rights.
- xiv. L. Kenney wanted to clarify that the Campus Code of Conduct is not a criminal justice system as they do not have a “beyond a reasonable doubt” standard. She said that the “clear and convincing standard” can award student’s trust in the system.
- xv. M. O’Gara said in regard to the “preponderance of evidence” standard’s aforementioned unequal field one needs to keep in mind that the complainant is often the University. She said there can be harm to the individual and University if the respondent has done something wrong, however a punitive approach is not the correct approach. She believed in accountability and a restorative model. M. O’Gara agreed that hearing panels can refuse impose a disciplinary record, however that isn’t a commonplace in practice.
- xvi. B. Krause said she hopes individuals do not perceive this as a debate between offices. She would like to note that the majority of cases have university individuals bringing the case forward on behalf of an entire community such as residence halls. B. Krause notes that the code aims to be less legalistic and less adversarial. She notes that the current proposed revision attempts to create avenues to informal and alternative dispute resolutions.
- xvii. D. Dunham moved to extend the meeting until 6:15pm.
 - 1. B. Sherr seconded the motion.
 - 2. The motion **passed** with no opposition.
- xviii. B. Fortenberry said the forum is a 6:30pm the tomorrow. He said that they have the responsibility to take the public comments and provide it to the Counsel’s Office and individuals have until the 17th to provide these comments.
- xix. L. Kenney said that is anyone has any further questions they are welcome to email herself or B. Fortenberry.



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- xx. B. Fortenberry asked what is the turn-around from collecting comments to report them.
 - xxi. G. Giambattistia said she would ask.
- VI. Constituent Group Updates
- a. Student Assembly
 - i. C. Huang reported that last week they passed a resolution where they unanimously supported NAISAC's demands.
 - ii. She said they also passed a resolution for the University to rethink their relationship with the Ithaca Police department in response to protests downtown.
 - iii. C. Huang reported that this week they will be reviewing procedures and sending out a student's activity free.
 - iv. She said that they had and will continue to have a discussion about the Cornell Police department.
 - v. C. Huang stated that the Student Assembly have also been working with the Financial Aid Office to develop a pilot program to waive the Student Contribution fee.
 - vi. L. Kenney asked when students were pepper sprayed.
 - 1. C. Huang said that it happened 2-3 weeks ago.
 - 2. L. Kenney expressed thanks for bringing that to their attention and report.
 - 3. T. Fox said that the Cornell Police chief used to participate in these meeting and suggests that if they are going to be discussing current relations within law enforcement that they may want to invite the chief of police chief.
 - 4. C. Huang recognized that it is good to keep everyone involved.
 - 5. T. Fox asserted that they will not get rid of law enforcement and that they should have a voice on behalf of said law enforcement.
 - 6. L. Kenney asked P. Thompson to reach out to David Honen if he is interested as an ex-officio member since he has a seat on the CJC.
 - b. Graduate & Professional Student Assembly
 - i. D. Dunham said yesterday Pres. Pollock came the speak with the GPSA.
 - 1. He said they discussed a greater need of structural support with wi-fi and other technological issues.
 - 2. D. Dunham reported that there was a discussion of vaccines under the Biden administration.
 - ii. He reported that the resolution on the Campus Code of Conduct, cohering with the JCC's perspective failed on voting.



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- iii. D. Dunham also said that the GPSA approved a resolution in finance commissioning.
- c. Employee Assembly
 - i. H. Depew said that they are still going to work on their priorities poll.
 - 1. She also said that they will work through these issues as a unit using a retreat.
 - ii. They have voted on a resolution which thanked students for their commitment on social distancing measures. They aim to send said thanks to the community before the Thanksgiving break.
 - iii. H. Depew also said they were discussing with the faculty senate about endorsing the naming of an upcoming building.
- d. Faculty Senate
 - i. C. Van Loan said that the Office of the Provost is giving a financial update tomorrow.
 - ii. C. Van Loan reported that they are discussing the use of standardized test in freshman admissions.
 - iii. He said that the vote on a number of academic integrity modifications to the Academic Integrity Code was delayed as a handful of professors disagreed on whether the independent witness could be a staff member.
 - iv. C. Van Loan said that they are setting up a discussion on hate-based communication that targets faculty as that has escalated.

VII. Open Floor Discussion

- a. L. Kenney opened the floor for discussion.
- b. B. Sherr motioned for attaching names to the votes taken today: approval of the minutes, approval of the late addition to the agenda, and the tabling of the resolution to next week.
 - i. U. Chukwukere seconded the motion.
 - ii. L. Kenney asked if this would also extend to further meetings.
 - iii. B. Sherr said that it was just for this meeting.
 - iv. The motion **passed** with 17-0-0.

The meeting was adjourned at 6:16pm.

Respectfully Submitted,
Kassandra Jordan
Clerk of the Assembly