

Cornell University University Assembly

Cornell University Assembly

Minutes of the December 1, 2020 Meeting

4:30 PM – 6:30 PM

Zoom

- I. Call to Order
 - a. L. Kenney called the meeting to order at 4:32 PM.
 - b. *Member's Present:* V. Aymer, U. Chukwukere, H. Depew, C. Duell, D. Dunham, J. Feit, B. Fortenberry, T. Fox, C. Huang, L. Kenney, C. Levine, J. Pea, B. Sherr, L. Smith, C. Van Loan, P. Thompson, J. Withers.
 - c. *Members Absent:* A. Hong, R. Howarth.
 - d. *Also Present:* B. Krause, M. O'Gara.
- II. Call for Late Additions to the Agenda
 - a. B. Sherr motioned to add Resolution 6: Maintaining the UA's Jurisdiction Over the Code of Conduct to the agenda
 - i. J. Pea seconded the motion.
 - ii. The motion **passed** with 14-0-1.
- III. Business of the Day
 - a. Approval of the Minutes (Nov. 11, 2020)
 - i. L. Kenney stated that the approval of the 24th minutes would be voted on next week. She also said that the Nov. 11th minutes were tabled the last meeting to fix issues regarding the duplication of a name on voting and specifying C. Van Loan's request for individuals within the UA to comment.
 - ii. K. Jordan affirmed and stated that there were also some grammatical issues that were fixed.
 - iii. B. Fortenberry motioned to approve the Nov. 11th minutes.
 1. P. Thompson seconded the motion.
 2. The motion **passed** with 17-0-0.
 - b. Resolution 3: Bylaw Changes to Require Roll Call Voting
 - i. Sponsored by Bennett Sherr.
 - ii. L. Kenney stated that she understands the importance of this resolution, however, she recommends they table this motion for next session. She also recommended that individuals may call for a roll call vote on a case-by-case basis until next semester.
 - iii. J. Feit agreed with L. Kenney and stated that connection and infrastructure may be an issue. He stated they need to find a way to cast votes in a system that takes those potential issues into account.
 - iv. L. Kenney reiterated that she agrees with holding persons accountable for their votes, however, she is not sure how they would go about that



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- considering the aforementioned concerns. She recommended that they could motion for individual roll call votes for proposed resolutions if desired.
- v. B. Sherr stated that they specified and added language to the resolution stating that they would decide on the method in which to record these votes in the first organizational meeting next session. He also stated they are considering a separate website or page to track the votes rather than recording them in the minutes.
 - vi. L. Kenney asked where the language on the website is on the resolution.
 - vii. B. Sherr said that is located on lines 37-39.
 - viii. L. Kenney clarified that this is a vote for the first organizational meeting to decide on roll call voting, and in the event now they would decide after as a group.
 - ix. L. Kenney retracted her statement that the resolution should be tabled.
 - x. D. Dunham moved to postpone the resolution until the next scheduled meeting next Tuesday.
 - 1. B. Fortenberry seconded the motion.
 - 2. The motion passed with 16-0-1.
- c. Resolution 4: Acknowledging the Passing of Transgender Day of Remembrance, Upholding the University Assembly's Commitment to Representing Trans and Genderqueer Members of the Campus Community, and Establishing the LGBTQIA+ Intermediary to the University Assembly
- i. Sponsored by Bennett Sherr.
 - ii. B. Sherr stated that he amended the line that stated the UA has never acknowledged the Transgender Day of Remembrance to the UA first formally recognized the Transgender Day of Remembrance on Nov. 24th. He also stated that he changed the phrase "LGBTQIA+ Intermediary" to exclude "intermediary" as it implied a conflict.
 - iii. L. Kenney proposed a friendly amendment that replaces the word "pledges" on line 82 with "is encouraged" to reflect that the UA is a changing body.
 - iv. B. Sherr said that he was willing to accept the amendment.
 - v. B. Fortenberry agreed and stated that the change in language is not an out, but rather just acknowledges that the assembly is a moment in time.
 - vi. L. Kenney asked G. Giambattista if this would need a formal motion.
 - vii. G. Giambattista affirmed.
 - viii. B. Fortenberry motioned for the words "pledges" on line 82 to be replaced with "encourages future assemblies."
 - 1. B. Sherr seconded the motion.
 - 2. The motion passed with 16-0-1.
 - ix. B. Sherr motioned to amend line 105 and replace "shall appoint" with "is



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- encouraged to appoint.”
1. B. Sherr rescinds his motion.
 - x. B. Sherr motioned to amend lines 105-106 and replace “Chair shall appoint someone from the general membership of the Assembly” with “the Vice Chair of Operations is encouraged to appoint someone from the general membership of the Assembly with the consultation of the Executive Board.”
 1. P. Thompson seconded the motion.
 2. The motion **passed** with 16-0-1.
 - xi. B. Sherr motioned to vote on Resolution 4
 1. P. Thompson seconded the motion.
 2. The motion **passed** with 16-0-1.
 - d. Resolution 5: In Recognition and Appreciation of Cornell University Students
 - i. Sponsored by Hei Hei Depew and the Executive Board
 - ii. H. Depew stated that this resolution is to show gratitude to the student body for their efforts in keeping the Cornell community safe by adhering to the health and safety guidelines.
 - iii. J. Withers moved to vote on Resolution 5
 1. H. Depew seconded the motion.
 2. The motion **passed** with 15-0-1.
 - iv. L. Kenney thanked H. Depew to allow the UA to work with the EA to also pass this resolution.
 - e. Resolution 6: Maintaining the UA’s Jurisdiction Over the Code of Conduct
 - i. Sponsored by L. Kenney.
 - ii. L. Kenney presented Resolution 6. She stated that the resolution is to keep the jurisdiction of the Student Code with the UA as an independent body with the addition of consultations with the SA and GPSA considering it is a Student Code. She asked M. Wessel for her rationale and she stated that it was due to the time taken to build a student code.
 - iii. C. Huang said that during the CJC, where it was proposed the Code remain under the jurisdiction of the UA, she motioned to add the SA and the GPSA, and the CJC decided that because there is SA and GPSA representation in the UA it should just be under their jurisdiction. She asks what their current stance is on her amendment.
 - iv. L. Kenney stated that asking for consultation encourages more debate and ideas. She believed they should ask the SA and the GPSA to weigh in on the matter.
 - v. D. Dunham stated that he supports the resolution. He said that a compromise can be found in regard to the delays which caused this discussion of jurisdiction. He also stated that the Code does not enumerate whose jurisdiction it can be amended under. D. Dunham recommended that the Code should have procedural clauses for amendments in the future



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written in to take precedence and expediency for future changes.

- vi. L. Kenney stated that the main change is Ryan Lombardi would be the main decision-maker and it is not outlined how he would consult other bodies. She stated that consultation can be vague, which is why she is open to amendments on Resolution 6 regarding consulting, that it needs to be defined. L. Kenney is open to asking M. Wessel for clarity. She stated her rationale stems from the belief that the University Assembly is an unbiased stage for discussing the Code.
- vii. C. Van Loan stated that he would prefer if the resolution would be structured differently.
- viii. L. Kenney agreed and stated that she will work on those structural changes.
- ix. P. Thompson agrees with the spirit of this resolution. She stated that there was an email on November 30th from M. Wessel that discussed how the UA did not make certain deadlines and accomplishments in the last three years. P. Thompson recommended sharing this communication with the larger UA body.
- x. L. Kenney affirmed and stated that she would appreciate any help with Resolution 6.
- xi. R. Platt stated that it was understandable that the UA would take time to consider the proposal in 2018. He stated that the current language proposed by the Counsel is problematic and concentrates power with Ryan Lombardi. He stated that once one separates the code from the community's voice, it delegitimizes the legislation in the view of the community.
- xii. L. Kenney agreed and stated that the current language under work.
- xiii. B. Fortenberry stated that currently, his statements are his opinion and not reflective of the CJC. He stated that the Code is not trying to create an autocracy, but rather puts the Code with those whose concentration revolves around Student Life. B. Fortenberry stated they should provide clarification on the roles of the GPSA and the SA. He also said that now that it is a Student Code of Conduct, the student campus life role is important and how that role interacts with the Code should be defined.
- xiv. B. Sherr supported the resolution. He stated that he wants to build back the trust and legitimacy of the UA. B. Sherr said that providing Ryan Lombardi with unilateral control delegitimizes and undermines the public trust as there is no guarantee that their voices will be heard.
- xv. B. Sherr motioned to table Resolution 6 to next week's meeting.
 1. P. Thompson seconded the motion.
 2. The motion passed and the resolution is **tabled** with 16-0-1.
- xvi. L. Kenney said that she would be more than open to help sponsor or help with any effort to bring this resolution to other constituent groups.

IV. Campus Code of Conduct Discussion



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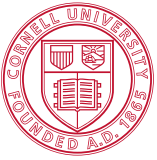
- a. B. Fortenberry said that some key topics to discuss are the jurisdictional changes and the standard of evidence. He also notes the standard of evidence as it regards student organizations, especially with Fraternity and Sororities. He stated that there was a change that the “preponderance standard” would be used for student organizations.
- b. R. Platt said that an interim document was created on “clear and convincing.” He stated that it would be awkward to have two parties hold the same individual to a different standard. R. Platt stated that many people support “clear and convincing” whether or not it is used in the Student Code of Conduct.
- c. L. Kenney asked if the alumnae on “clear and convincing” are in the comments of the Code.
- d. R. Platt stated that it is the Alumni Interfraternity Council (IFC) and signatories in the groups seen last May and November 17th.
- e. B. Krause stated that there is a very prominent voice supporting the “clear and convicting” evidence. She did not agree that the argument surrounding irrevocable repercussions can apply to organizations as it is currently used with individuals. B. Krause stated that they support the “preponderance standard” or a common standard across all student organizations.
- f. R. Platt stated that students and organizations under the Campus Code are subject to “clear and convincing.” He said when a student organization is suspended or disbanded then millions of dollars, facilities, and the living arrangement of students are at issue.
- g. J. Feit said that he agreed with restoration under the judicial process. He said they should not focus on the repercussions, but rather focus on finding the truth of the situation. He stated that they should strive to have correct convictions for code violations. J. Feit stated that they must ensure every student has a fair opportunity to defend themselves no matter their socio-economic status and their identity and are not subject to these standards that have a higher possibility of convicting students.
- h. B. Sherr stated that the “clear and convincing” standard should be used for the individual level and that the “preponderance” standard should be used to the Greek system. He said there is a clear imbalance of power.
- i. U. Chukwukere said that he wants to push back against the narrative that the entire Greek community is against the “preponderance” standard. He also stated that the Greek system is impacted by the IFC when the organizations have violations against them. U. Chukwukere agreed that there must be more oversight with Greek communities. He agreed that the “preponderance standard” should be used especially in light of Antonio Tsialas, there doesn’t seem like there was enough accountability. He stated that Greek organizations getting away with gross violations and reiterates that he wants to push back against the idea that everyone in the Greek community is against this.
- j. J. Feit stated that the “preponderance” standard should apply to all student organizations because it would be wrong to assume that this behavior is solely



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within the Greek organization community. He restated that they should hold a higher level of evidentiary standard, “clear and convincing,” for individuals.

- k. R. Platt supported the “clear and convincing” standard for individuals. He stated that this standard should also be applied to these student organizations equally as it also has an impact on the reputation and life of those people who are involved with said organization.
- l. B. Fortenberry stated that the addition of the “good Samaritan” piece in the code is a good addition. He believed that there are a few other items that are good. He said that he would like to get insight on perspectives to share later.
- m. L. Kenney thanked B. Fortenberry and stated that she pushed for “good Samaritan” last year. She also recommended that they try to speak to Greek students in regard to this issue. L. Kenney stated that one cannot tell if someone is from the Greek system via comments.
- n. B. Sherr said that one cannot compare the suspension of an organization to the suspension of a student. He said that this is unfair to students due to the monetary and social backing that Greek institutions have. B. Sherr stated that the “preponderance” standard is needed to combat this inequality.
- o. B. Krause said that both students and organizations can be suspended. She said for individuals a suspension cannot exceed three to four years, and in organizations hazing issues the minimum is three years as it is recognized as a public health issue.
- p. B. Fortenberry said that he would like some discussion on the ability to discuss a case unless stated otherwise and public hearings. He was wondering if the changes accurately addressed the comments. He asks them to move to that next topic of discussion.
- q. L. Kenney asked if it was alright to ask M. O’Gara to speak to cross-examination and witnesses.
- r. M. O’Gara asked if B. Fortenberry had a specific question.
- s. B. Fortenberry stated that he was wondering if the changes accurately addressed the comments.
- t. M. O’Gara stated that the current language outlines current practices. She said on cross-examination the default is a written submission, with space for the chair to make digressional permissions which would include verbal speaking and cross-examination. She believes that it is better than the previous draft, but she would rather have speaking rights be codified in a more explicit manner. M. O’Gara stated that they also discussed language that stated if there was an individual student complainant then it would be written submission only.
- u. B. Fortenberry thanked M. O’Gara. He said the statement on the impact on non-cooperation and non-participation codified that it does not make one guilty. He asked if there were any other languages the UA wanted to review.
- v. L. Kenney said that one should look at the cross-examination language and compare it to the comments received.
- w. R. Platt said that the CJC should consider what happens to the regulations and



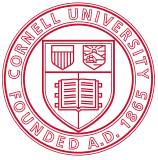
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maintenance of public order once the Code passes. He stated that all of this old language is disappearing or not addressed with regards to a Campus Code with faculty, staff, and students.

- x. C. Van Loan suggested that they vote on these topics individually.
- y. L. Kenney agreed, however, she stated that she can't divide all of these topics and would require help.
- z. C. Van Loan stated that the GPSA identified 6-7 topics. He stated that in the end they could also have a vote on the entire resolution.
- aa. L. Kenney stated that having two divisions would be manageable with one focused on the jurisdiction, the other on everything else in the code, and the last vote on the resolution as a whole.
- bb. B. Fortenberry said that they have a meeting on Thursday and agreed that there need to be individuals who are willing and able to aid in writing and dividing up these resolutions. B. Fortenberry stated that removing the employee section of the code is necessary and that employees answer to Human Resources.
- cc. L. Kenney stated that they should look towards the comments and reflect that within the Code. She said that in the comments the majority stated "clear and convincing" as the standard. She stated that they need to discuss with persons in Greek life to get information on their stance with regard to the Code.
- dd. J. Feit said as a member of a Greek organization, there is a lot of confusion with the rules. He said there needed to be concrete rules for all members of organizations to follow and keep these houses responsible.
- ee. D. Dunham asked what they are doing with Resolution 6.
- ff. L. Kenney apologized for not adhering to Roberts Rules when presenting. She stated that next week they will have a new resolution, and if the drafters would like to use the language in Resolution 6 she would be happy to table Resolution 6 indefinitely. L. Kenney stated if that isn't the case then Resolution 6 would be a separate resolution and they would have another resolution with the changes discussed today and one more with the Code as-is.
- gg. D. Dunham stated that they don't need to reconsider their position
- hh. L. Kenney affirmed and stated that they can table the resolution indefinitely if needed.

The meeting was adjourned at 6:00pm.

Respectfully Submitted,
Kassandra Jordan
Clerk of the Assembly



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APPENDIX A Chat Transcription

00:14:26 Robert Platt: Uche is here

00:14:35 Jacob Feit: Jacob Feit is prresent

00:14:42 Jacob Feit: As of now

00:14:53 Catherine Huang: me too :) sorry i think i joined a second after my name was called!

00:15:00 Jacob Feit: ^^^

00:15:01 Office of the Assemblies: All good!

00:15:05 Office of the Assemblies: Got yall

00:34:10 Catherine Huang: Well done Bennett! Thank you :)

00:34:24 Jacob Feit: ^

00:34:36 UA - Bennett Sherr: Glad we got that to pass, thank you everyone for your support!

00:37:02 UA - Catherine Huang: Thank you Hei Hei!!

00:37:14 UA - Bennett Sherr: ^^^

00:37:31 UA - Lucas Smith: ^

00:38:00 UA - Hei Hei Depew: Thank you for the support.

00:44:41 UA - Catherine Huang: Yes thanks Logan! No worries

01:10:26 UA - Pilar Villablanca Thompson: I have to head out early today. See you all next week.

01:11:37 UA - Jacob Feit: I agree with Bennett on that point

01:11:49 UA - Jacob Feit: Greek Orgs must be held to a higher standard than individuals

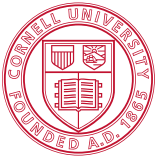
01:13:07 UA - Jacob Feit: *to clarify, I am in favor of “preponderance” for greek orgs, and “clear and convincing” for individuals

01:13:41 UA - Bennett Sherr: Echoing what Jacob just wrote; Preponderance for greek and student orgs, clear and convincing for individual students

01:20:03 UA - Jacob Feit: Yes!

01:23:40 UA - Bennett Sherr: To clarify, to say that an organization being suspended is the same as students being suspended is an unfair argument. A suspension on an individual could ruin a persons life. I’m sorry, but not being able to drink with your friends on a Tuesday night is NOT the same. To even imply that they’re of the same caliber is misguided at best, malicious at worst.

01:25:49 Robert Platt: Bennett: If you are an organization officer, and the organization is suspended on your watch, how do you answer a question during a security clearance about whether you were ever involved in a college disciplinary case?



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01:29:36 UA - Bennett Sherr: Their is the ability for blame to be disseminated across an organization in a way that is not possible with individuals. When an organization fails, it is the fault of organizational culture and is more often then not permissible. When an individual is found responsible for hazing, that is a reflection of their morality and theirs alone.

01:38:32 UA - Bennett Sherr: I think an important point is that faculty and staff are able to unionize and many are represented by unions. Graduate, Professional, and Undergraduate students cannot do that. Because of this, faculty and staff have a lot more grievance protection than students. This is in part why students MUST have a clear and convincing evidentiary standard as individuals, to make it as equitable as possible across students, faculty, and staff

01:39:02 UA - Brandon Fortenberry (He/Him):Interesting perspective Bennet, I appreciate that

01:39:44 Robert Platt: Thank you everyone for a thoughtful discussion.

01:40:52 UA - Brandon Fortenberry (He/Him):Thank you all for the insight