

## U.A. Resolution # 6

### Maintaining the University Assembly's Jurisdiction Over the Code of Conduct

*[December 1, 2020]*

**Sponsored by: Logan Kenney, GPSA**

**Whereas**, prior to 1970, regulation of student conduct was vested in the Faculty through its Faculty Committee on Student Affairs, a committee that included two undergraduate students as voting members, and

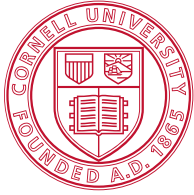
**Whereas**, the Faculty has retained jurisdiction over Academic Integrity standards and adjudication, and

**Whereas**, since 1970, the Henderson Law (NY Education Law Section 6430) requires the Board of Trustees of each college in New York State to adopt Regulations for the Maintenance of Public Order "and provide a program for the enforcement thereof." "Such rules shall govern the conduct of students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such rules shall be clearly set forth therein." Ever since this law was enacted, the Cornell Board of Trustees has delegated this duty to the University Senate and later the University Assembly (UA) subject only to the Board performing the final enactment (as required by the statute,) and

**Whereas**, in 1970, the Board of Trustees acted with strong community support to delegate to the University Senate (and later the UA, its successor) jurisdiction over a Campus Code of Conduct and the campus judicial system. Most recently, the UA charter specifies this as, (1) "The Assembly may examine, on its own initiative, ... common standards of conduct," and (2) "the Assembly shall be allowed a period of at least one calendar month to review and respond to proposed changes of the following policies: ... the Campus Code of Conduct," and

**Whereas**, the UA Bylaws established a Codes and Judicial Committee to consider changes to the Code and the process for selection of the University Hearing Board and University Review Board. The UA also participates in the selection of the Judicial Administrator to assure that office's independence from the central administration, and

**Whereas**, the current draft of the Code removes jurisdiction from the UA and provides Code jurisdiction will be handled by the Vice President of Student & Campus Life (VP SCL) or their designee with consultation from other assemblies, and



## Cornell University University Assembly

**Whereas,** the current draft of the Code proposes that the Office of Student Conduct and Community Standards (OSCCS) reports to the VP SCL directly, and

**Whereas,** in the spirit of shared governance, the Code and Procedures should be reviewed and amended by an independent body that represents the diverse and valuable perspectives of all members of the University community to prevent bias and to ensure the Code has the full buy-in of all University stakeholders.

**Be it therefore resolved,** the Administration, also providing Resolution 6 to the Board of Trustees, re-affirms the UA's jurisdiction over the Codes and Procedures. The language in the proposed Code of Conduct changes should shift jurisdiction from the VP SCL to the UA, with consultation with the Student Assembly (SA) and Graduate & Professional Student Assembly (GPSA),

**Be it further resolved,** the VP SCL or its designee may still propose amendments to either the Codes or Procedures that shall be reviewed by the University Assembly,

**Be it further resolved,** any changes or amendments to the Code or Procedures will still be subject to approval by the President of Cornell University and the Board of Trustees,

**Be it finally resolved,** the Code and Procedures remain independent documents reviewed by an independent body, the UA, that does not oversee any office that makes decisions on student responsibility.