



Minutes

University Assembly

February 28, 2017

4:30pm – 6:00pm

401 Physical Science Building

I. Call to Order

- a. G. Kaufman called the meeting to order at 4:30PM.
- b. *Present:* E. Baptist, J. Berger, L. Copman, M. de Roos, K. Fitch, M. Hatch, R. Herz, G. Kaufman, J. Kruser, E. Loew, A. Loiben, M. McBride, M. Munasinghe, S. Park, N. Rogers (video call), U. Smith, A. Waymack, E. Winarto
- c. *Absent:* R. Howarth, C. Van Loan
- d. *Others present:* J. Sullivan Baker, M. Battaglia, V. Bhaya, X. Eddy, G. Giambattista, P. Hampton, M. Indimine, A. Lapehn, A. Mallenbaum, A. McLaughlin, J. Montejo
- e. Call for Late Additions to the Agenda
 - i. No late items were requested.

II. Approval of Minutes

- a. **Tabled** to next meeting.

III. Position Updates

- a. There were no updates.

IV. Business of the Day

- a. Investigating Mr. McBride's Alleged Conduct on 2.14.2017

- G. Kaufman said that this discussion would be about M. McBride's alleged conduct from the events two weeks ago at a Cornell Political Union (CPU) event, where community members have alleged that M. McBride stated he was chair of the Codes and Judicial Committee (CJC) while filming a potential Campus Code violation.
- G. Kaufman said that Executive Vice President E. Baptist would be presiding over the meeting since G. Kaufman was a witness to the event.
- M. Hatch asked why this matter was being discussed in front of the entire University Assembly rather than the Executive Committee.
- N. Rogers motioned to recommend the Executive Committee to remove M. McBride as the CJC chair and member.
 - G. Kaufman said that the Exec Committee may remove a member with a majority vote, while the UA can make recommendations.
 - M. Hatch said there was nothing substantive to make this motion.
- There was a motion to hear the words of the constituencies and then discuss the outcome of that discussion in Executive Session. The motion was seconded and **passed**.

i. Community Members Present on 2.14.2017

1. A. Lapehn and X. Eddy, who helped organize the protest on February 14 against Michael Johns, were to present first.
2. A. Lapehn said that a group of about 20 protesters came to peacefully protest the policies of Michael Johns. They were wondering if they could participate in the Q/A or participate in discussion, and began a series of chants after being told they could not participate at all.
3. She said that the chants drew some members out from Michael Johns' lecture. She said that one of M. McBride's friends began to aggressively film the protesters. She said that M. McBride joined in and began filming, and then introduced himself to the police officer on site and asked why no judicial action was taken.
4. She said that all people of color left the protest and that at this point, M.B. Grant stated that she did not believe any judicial action was necessary and that the protesters did comply with police requests so they were not violating the actions during the protest.
5. A. Lapehn said that M. McBride jumped in and mentioned that his University Assembly position and power could ensure a JA (judicial action), and that he said he could talk to M.B. Grant soon. A. Lapehn said that M. McBride said the Codes were always being written and that they could "always be changed."
6. A. Lapehn said that M. McBride held out his phone and asked for her and X. Eddy's names. She said that she gave her name and X. Eddy did not give his name.
7. She said that they received notices later that charges had been filed against them from the Judicial Administrator. She said that when she followed up with this, she found out that M. McBride had filed these reports even though M.B. Grant said that no judicial action was necessary.
8. A. Lapehn said that many protests are inevitably against campus rules but that it is not a process that has caused problems as long as no one gets hurt. She said they are here to discuss the blatant harassment and power of M. McBride. She said that many of her friends feel that they can no longer participate in protests.
9. R. Herz asked if X. Eddy and A. Lapehn got a JA.
 - a. They said they did not, but that they had a hearing scheduled. They said that M.B. Grant said there was no issue for them to be JA'd since they complied with the police.
10. M. Munasinghe asked when M. McBride started referencing his position.

- a. A. Lapehn said that M. McBride went to the police after filming and mentioned he was with the Assembly and asked why no action was taken.
- 11. A. Waymack asked how much M. McBride was physically imposing himself.
 - a. A. Lapehn said that he was not physically harassing them but that there was verbal abuse and name dropping.
- 12. A. Waymack asked when he mentioned he was on the CJC.
 - a. Allison said it was after she corrected M. McBride saying that she cannot be JA'd.
- 13. E. Loew asked what part of the Campus Code of Conduct they violated.
 - a. A. Lapehn said she did not know.
- 14. M. Hatch asked if the police gave them a warning.
 - a. A. Lapehn said there were no warnings given by the police in the action and consequence style.
- 15. M. Hatch asked about their interactions with police in other situations.
 - a. A. Lapehn said they were having dialogue about why they were protesting and why they did not want to leave the building and chant. She said when the police officer asked them to move away from the door, they did, and also complied in the hallways.
- 16. M. Munasinghe asked if when M. McBride said he could talk to the Judicial Administrator, did he do so as a private student or because of his position.
 - a. A. Lapehn said it was because of his position because he name dropped M. Horvath, the current Judicial Administrator.
 - b. X. Eddy said it was heavily implied.
- 17. K. Fitch asked what time the protest was.
 - a. A. Lapehn said they were outside at 6:50PM, the talk was at 7PM, and they were there until 9PM.
- 18. K. Fitch asked if they were being disruptive to the lecture.
 - a. A. Lapehn said they are aware they violated the Campus Code but that all protests at Cornell violate the Code.
 - b. G. Giambattista said there is specific language in the Outdoor Space Working Group that discusses protests.
- 19. J. Berger asked if they had access to the videos and if they could share them with the University Assembly.
 - a. A. Lapehn said they have them in a drive that she does not have and that M. McBride has a recording of the whole incident.
- 20. J. Kruser asked if M. McBride said the Code was being rewritten.
 - a. A. Lapehn said he clearly said that.

21. E. Loew said that whether or not the protesters broke Campus Code is irrelevant. He said the question is only whether M. McBride was acting as a private individual, or acting as a member of the UA or a chair of the CJC.
22. M. Hatch said that he only thinks the Assembly should watch the video if what M. McBride says contradicts what the community members have said.
23. L. Copman asked what action the protesters would like to see.
 - a. A. Lapehn said she would like to see M. McBride removed from all positions because she would not like to see members of the Assemblies become too emotional and suppress dissent.

ii. Cornell Political Union

1. J. Sullivan Baker, an Executive Board member of the CPU, said that the CPU's mission is to foster dissent and make students share their opinions. He said that he knows not many people share the views of Michael Johns and that his talk would benefit the Cornell community.
2. He said he believes M. McBride acted justifiably because the protesters tried disrupting the event and distracting the audience.
3. He said the protesters chanted as loud as possible in the hallways to distract the audience and disrupt Michael Johns. He said he believes that M. McBride was defending free speech and fostering dissent on campus.
4. J. Kruser asked if the disruption was throughout the event.
 - a. J. Sullivan Baker said it was on and off, and the chants were not consistently throughout the event.
 - b. He said that they were loud enough to hear throughout the event.
5. J. Kruser asked if it was appropriate to threaten the protesters.
 - a. J. Sullivan Baker said the CPU would like to see the rules enforced.
6. M. Munasinghe said she was confused about why this testimony was relevant because the conversation is about McBride's behavior outside the event.
7. S. Park asked J. Sullivan Baker why M. McBride was invited to the event.
 - a. He said each member of the CPU was allowed to bring one guest.
8. There was a motion to move onto M. McBride's testimony. The motion **passed**.

iii. Mr. McBride

1. M. McBride said that he would not counter the claims in public session, but would do so in Executive Session, due to ongoing judicial action. He said that it troubles him that the Assembly

motioned to remove him before even hearing his side of the story. M. McBride said that it is disheartening that what the Cornell Daily Sun says becomes the conversation of the Assembly.

2. A. Waymack asked if the Assembly puts the privilege of their members over the testimony of community members.
3. M. McBride said he would speak to the event if it does not interfere with the judicial process.
4. G. Kaufman said they cannot assure him that there will not be any judicial action because the University Assembly cannot halt or stop judicial action. G. Kaufman said he thinks it is fair if the UA hears from people who support M. McBride's point of view, since up to this point, most of the evidence has been against him.
5. There was a motion to listen to additional witnesses who were with M. McBride.
 - a. A. Mallenbaum said he attended the event as a guest of CPU and that he sat next to M. McBride.
 - b. Once the protest began, he said he and M. McBride knew there was a violation of the Campus Code of Conduct and that they could not hear the speaker well.
 - c. He said that M. McBride said that if there was a violation, then the both of them could refer the protesters to the JA. He said that it was his understanding from talking to Chief Zoner that it is helpful to have videos of protesters, so he and M. McBride began to record videos. He said he used M. McBride's phone to record the first video and then went inside the building. He said that M. McBride realized the video was blurry.
 - d. A. McLaughlin said Mitch was filming an event where protesters were violating the Campus Code. He said that only after being asked if he was affiliated with the University did M. McBride say he was a member of the UA/CJC. He said that M. McBride was acting as a private individual and only after being asked did he refer to his position.
 - e. J. Kruser asked A. McLaughlin how that conversation came about.
 - i. A. McLaughlin said somebody asked M. McBride why he was filming them and after someone asked him how he was affiliated with the University, M. McBride said that.
 - f. A. McLaughlin said A. Mallenbaum was there for the first incident and he was there for the second.
 - g. There was a motion to move onto M. McBride's testimony. The motion **passed**.

6. M. McBride said that a friend invited him to the event. He said he noticed Campus Code violations. He said that previously, he has had conversations with the JA and she said that it is not the role of the Campus Police to enforce the Campus Code, and that she said the best way to collect the evidence is to videotape.
7. M. McBride said he believed it was a violation of protesting indoors without a permit, and potentially disturbance to a degree that violated the Code.
8. M. McBride said that A. Mallenbaum went outside first, that his video was not sufficient, and so M. McBride went out and videotaped people's faces because that information is needed file a JA report. He said that when protesters asked him what he was doing, he said it was a potential Code violation, not that he would JA them.
9. He said that the lead protester told him that the Student Assembly only wants conservatives to speak. He said A. Lapehn asked him what he was elected to and then he said he was chair of the CJC. He said he clarified that he does not represent the CJC or the UA. He said he only said M. Horvath would JA them. He said the interaction was not that long and not very substantive, and that he believes he did not do anything unethical or inappropriate. He said he was only answering a question. He said many members told him that he should apologize, but he does not believe he did anything wrong. He said he was acting as a student when he filmed the protesters because the Campus Code was potentially violated. He said he does not believe he abused his role or position.
10. R. Herz said that the Daily Sun quoted M. McBride said that he thinks it is his job as CJC chair to ensure that all members of the community should properly adhere to the Campus Code. She asked him why he said he acted as a student during the protest, but as CJC chair outside of it.
 - a. He said he was not there as the chair of the CJC and that he was not speaking about that certain role. He said he has spoken to many administrators who have not been enforcing the Campus Code and he said that administrators are worried that they will face backlash from protesters.
11. M. Hatch said that the problem for him is how forceful and enforcing M. McBride's behavior was. M. Hatch asked him if he thought it was his role of a CJC member to do that.
 - a. M. McBride said he made it clear that he was not acting in that capacity. He said he would videotape protesters again if they were violating the Code and that he only mentioned he was part of a body when he was asked.
12. J. Berger said that a constituent asked M. McBride what the charge of the CJC.

- a. He said that it is the role to make sure the Code is enforced generally.
 - b. M. Munasinghe said the UA Bylaws does not say that the CJC chair can enforce the code, just that they can amend it.
 - iv. There was a vote to move into Executive Session to discuss M. McBride's conduct. The motion was seconded and carried.
- V. Late Additions to the Agenda
 - a. No late items were requested.
- VI. Executive Session
 - a. An Executive Session to discuss M. McBride's conduct was called after the meeting.
- VII. Adjournment
 - a. The meeting was adjourned at 6:00PM.

Respectfully submitted,

Vishal Bhaya
Assemblies Clerk