

Cornell University
University Assembly

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Agenda

Codes and Judicial Committee
University Assembly
February 28th, 2018
4:30pm - 5:45pm
163 Day Hall

I. Call to Order (Chair)

- i. Call to Order (2 minutes)

II. Approval of Minutes (Chair)

- i. November 15, 2017 (1 minute)
- ii. February 21, 2018 (1 minute)

III. Business of the Day

- i. For Discussion: Working Group Update, Charge, and Name (15 minutes) ^[1]
- ii. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code (30 minutes) ^[2]
- iii. For Discussion: Current Status of the Greek Judicial System at Cornell (10 minutes)
- iv. Update Concerning: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee (5 minutes)
- v. For Discussion: University Hearing and Review Boards Staffing Update and Discussion (5 minutes)
- vi. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor (5 minutes)

IV. Adjournment (Chair)

- i. Adjournment (1 minute)

Attachments

1. CJC Hate Speech Working Group Charge Amendment
2. Language for Housekeeping Changes to the Campus Code of Conduct – President's Response Comparison with Possible Solutions

If you are in need of special accommodations, contact Office of the Assemblies at (607) 255-3715 or Student Disability Services at (607) 254-4545 prior to the meeting.



Minutes

Codes and Judicial Committee
University Assembly
November 15, 2017
4:30pm-5:45pm
305 Day Hall

I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:35pm.
- b. Roll Call:
 - i. *Present:* M. Battaglia, R. Bense, M. Horvath, K. Karr, G. Kaufman, J. Kruser, R. Lieberwitz, S. Park, V. Price, D. Putnam, N. Stetson, A. Waymack, K. Zoner
 - ii. *Absent:* C. Hodges, N. Jaisinghani
 - iii. *Others Present:* T. Malone, E. Winarto

II. Approval of Minutes (Chair)

- a. November 1, 2017
 - i. **Approved** by a vote of 6-0-1
- b. November 7, 2017
 - i. N. Stetson moved to amend the minutes to include that “the November 7, 2017 meeting was not scheduled on a regularly scheduled date.”
 1. By a vote of 6-0-1, the minutes were **amended**
 - ii. **Approved** by a vote of 6-0-2

III. Business of the Day

- a. Annual Report Presentation by Judicial Administrator (M. Horvath)
 - i. The Judicial Administrator, Michelle Horvath, presented to Codes and Judicial Committee, in which she gave an annual report. During her presentation, she noted the partnership between the Office of the Judicial Administrator and the Scheinman Institute, the implementation of a robust probation program, a new reporting process in partnership with the Cornell University Police Department (CUPD), and the amended process for late and incomplete sanctions. She also said that she and the Office of the Judicial Administrator are working to increase the readability and clarity of their documents.
 - ii. After the presentation, M. Horvath fielded questions on the presentation (which can be found at assembly.cornell.edu). She answered questions and provided clarification for the members of the Codes and Judicial Committee. The audio recording of the presentation (and the full meeting) can be found at assembly.cornell.edu.
 - iii.

- b. For Discussion: University Hearing and Review Boards Recruitment Questions and Process
 - i. M. Battaglia said that the Codes and Judicial Committee is moving ahead, and that, with the amended University Hearing and Review Board application questions amended, he hopes to start the recruitment process at the beginning of the semester.
 - ii. M. Battaglia discussed the changes made the University Hearing and Review Board application questions.
 - iii. N. Stetson asked
- c. For Discussion: Beginning the process for staffing the University Hearing and Review Boards and increasing contact with the Hearing and Review Board Chairs
 - i. M. Battaglia said that the Codes and Judicial Committee has lost contact with the University Hearing and Review Board, and that he intends for the last meeting to be dedicated to viewing a presentation from the University Hearing and Review Board on where they would like to go in the future.
 - ii. M. Horvath recommended that the applicant questions for the University Hearing and Review Board be standardized. She also recommended that there be recognition for students, faculty, and staff that serve on the University Hearing and Review Board.
 - iii. J. Kruser said that certificates of recognition should be sent to all Assemblies memberships.
 - iv. A. Waymack suggested that the University Assembly Executive Committee handle the matters regarding recognition of membership.
 - v. K. Karr recommended that the Codes and Judicial Committee have more contact with the University Hearing and Review Board. She said that having Codes and Judicial Committee and Judicial Codes Counselor members present would be beneficial to the process.
- d. For Discussion: Beginning the process of a holistic evaluation of the Campus Code of Conduct
 - i. Point of Information-M. Horvath-Are we [the Codes and Judicial Committee] doing a holistic evaluation of the Campus Code of Conduct, or a plain English revision?
 - 1. M. Battaglia said that the Codes and Judicial Committee is free to go where it wants.
 - 2. M. Horvath offered to provide a timeline and material from peer institutions.
 - ii. N. Stetson said that it might be helpful to look at whether people want the Codes and Judicial Committee to do a holistic evaluation of the

Campus Code of Conduct, or to simply just a plain English revision.

- e. For Discussion: Discussing recent Department of Education policy shifts, our Quantum of Proof, and Policy 6.4
 - i. This topic was not discussed at the meeting.

IV. Adjournment

- a. M. Battaglia adjourned the meeting at 5:44pm

Respectfully submitted,

Terrill D. Malone
Codes and Judicial Committee Clerk



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Minutes

Codes and Judicial Committee

University Assembly

February 21, 2018

4:30pm - 5:45pm

163 Day Hall

I. Call to Order (Chair)

- i. Call to Order
 - a. M. Battaglia called the meeting to order at 4:33pm.
- ii. Roll Call
 - a. *Present:* D. Barbaria, M. Battaglia, R. Bense, G. Kaufman, R. Lieberwitz, V. Price, C. Riley
 - b. *Absent:* K. Ashford, J. Kruser, D. Putnam, E. Winarto, K. Zoner, M. Horvath, K. Karr, A. Waymack
 - c. *Others Present:* M. Lee
- iii. Business of the Day
 - a. New member C. Riley introduced himself and present members went around the room to introduce themselves.

II. Approval of Minutes (Chair)

- i. November 15, 2017
 - a. **Tabled** to the next meeting.
- ii. November 29, 2017
 - a. Modified version of minutes sent via email **approved** by a vote of 5-0-1.
- iii. January 31, 2018
 - a. **Approved** by a vote of 5-0-1.
- iv. February 7, 2018
 - a. **Amended** version of minutes **approved** by a vote of 5-0-1.

III. Business of the Day

- i. For Discussion: Working Group Update and Vacancies
 - a. Chair M. Battaglia said that the Hate Speech Working Group will be meeting on Friday, February 23 at 1pm, and that the meeting times to follow will be determined later. He noted that there are currently vacancies for undergraduate and graduate student positions as well as for the Chair. He said that R. Lieberwitz has offered to serve as Interim Chair.
 - 1. R. Lieberwitz was **approved** as Interim Chair by a vote of 5-0-1.
 - 2. C. Riley was **approved** for the undergraduate seat by a vote of 5-0-1.
 - 3. M. Battaglia said that 6 out of 8 positions have now been filled and that the Employee Assembly is looking for an employee to serve on the Working Group.
 - b. V. Price expressed interest in running for the graduate student position. M. Battaglia spoke on K.

Ashford's behalf that she was also interested in the position. V. Price presented a speech for her candidacy and M. Battaglia read the notes sent by K. Ashford for her speech.

1. D. Barbaria asked if the Committee would be interested in 'heads down, hands up'.
 - a) M. Battaglia said that the traditional method of voting would be through ballot.
2. R. Benseal asked if it would be possible to have both candidates on the Group.
 - a) M. Battaglia said that it would be possible to alter the charter to add additional seats, but this could potentially raise issues. He said that the voting could be postponed until K. Ashford is present.
3. R. Benseal made a motion to **amend** the Working Group Charter to add a ninth seat for an additional graduate member.
 - a) R. Lieberwitz seconded the motion.
 - b) V. Price asked whether there would be a potential for other Assemblies to also want to add more members.
 - 1) M. Battaglia said that issues may arise but he was unsure how people would react.
 - c) D. Barbaria said that he was against amending to increase the membership since regardless of membership, both candidates could still fully participate in the Working Group. He said that having nine members would increase the number of members needed for a quorum.
 - 1) M. Battaglia said that decisions made in the Working Group would eventually be discussed in the CJC meetings anyways.
 - 2) R. Benseal said that it would be good to have more energy with more members on the Group.
 - 3) M. Battaglia said that having more members would make it more difficult to find a meeting time that works for everyone.
 - d) R. Lieberwitz said that as Chair of the Working Group, she thought it would be best to use the process that had been agreed upon.
 - 1) R. Benseal **withdrew** his motion.
4. M. Battaglia said that the decision to elect a graduate representative for the Working Group could be postponed to next week or the Committee could resume with the ballot.
 - a) D. Barbaria reversed his previous statement and said that the number of members needed for quorum would remain the same whether there were 8 or 9 members in total.
 - 1) R. Benseal renewed his motion.
 - i. D. Barbaria seconded the motion.
 - 2) R. Lieberwitz said that the Committee should move forward with the process agreed upon and the voting should be done now.
 - 3) D. Barbaria said that he was in favor of making a decision today to either vote between the two candidates or put both on the Working Group.
 - i. D. Barbaria **withdrew** his motion.
5. The Committee moved back to voting procedures as there was no dissent to voting.
 - a) V. Price was **elected**.
6. M. Battaglia said that the Committee could continue to move forward with the motion to amend the Charter to increase the number of members on the Working Group.
 - a) D. Barbaria made a motion to **table** the discussion until K. Ashford is present at the meeting.

- 1) V. Price seconded the motion. The motion was **approved** as there was no dissent.
- c. R. Lieberwitz raised a question on the number of employee members on the Group.
 1. M. Battaglia said that the Working Group is comprised of four members from the CJC and four from each Assembly. He said that there are currently seven of eight members seated, while the Employee Assembly is soliciting the last member to serve on the Group.
- ii. For Vote: UA Resolution #5 Bylaws Change Clarifying the Charge of the Codes & Judicial Committee
 - a. M. Battaglia summarized the main points from the Resolution.
 - b. R. BenseL raised a question on what Policy 4.1 is.
 1. M. Battaglia said Policy 4.1 describes what a stakeholder is. He said the University Assembly has received formal stakeholder status regarding Policy 6.4 when they sectioned off the enforcement of sexual assault in Policy 6.4.
 2. R. BenseL raised a question on what Policy 6.4 is.
 - a) M. Battaglia said Policy 6.4 concerns protected status, harassment and sexual misconduct.
 - c. The Resolution was **approved** by a vote of 5-0-1.
- iii. For Discussion: UA Resolution #11 Accepting President's Proposal of a One- Year Term Extension for the Judicial Administrator
 - a. M. Battaglia provided an overview of the Resolution. He said that the Resolution relates to the discussion on the reappointment of the Judicial Administrator. He said that President Pollack has returned this Resolution to the Committee. Current JA, M. Hovarth's term expires in June and the question remains on what action to take. He said that the University Assembly's Executive Committee has met with the President to discuss this matter and in response, has sponsored Resolution #11. The Resolution has been brought forth to this Committee as it concerns the Code and the Bylaws would require the Committee to decide whether to approve the Resolution. He said that this is the amended version and the University Assembly concurs to extend M. Horvath's term by an additional year until June 2019.
 - b. G. Kaufman said that the UA didn't specifically refer the Resolution to the CJC, but as it pertains to the Committee, the CJC should make recommendations on it.
 - c. R. BenseL motioned to recommend the UA to **amend** line 21 from "the University Assembly concurs with the President's Proposal" to "the University Assembly proposes to extend".
 1. M. Battaglia said that since the Resolution was not referred to the CJC, the Committee would not formally amend it, but he will bring concerns to the University Assembly.
 2. R. BenseL said that he was concerned that the University Assembly's prerogatives should be recognized by the administration. He said that he would like for the Assembly to exercise power rather than recognize.
 3. D. Barbaria seconded the motion. The motion was **approved** by a vote of 5-0-1.
 4. M. Battaglia said that he will convey the recommendation to the UA at their upcoming meeting.
 - d. D. Barbaria asked about the process of the procedure.
 1. M. Battaglia said that the Judicial Administrator's term expires in June and that the President is in favor of a one-year extension over a two-year reappointment. He said that the President has also expressed concerns about how the Committee reappoints University Hearing and Review Board members in a manner that could be a violation of the Code. He said that the matter will eventually come through this Committee for approval.
 2. D. Barbaria asked about how likely it would be for the Resolution to pass.

- a) M. Battaglia said that it could procedurally pass up until the eleventh hour, but practically sooner would be better. He said that the goal is to have something devised by the end of this year.
- e. V. Price asked that assuming a new process is put in place, whether the current JA be eligible to be reappointed through that process.
 - 1. G. Kaufman said that his understanding is that he would be.
- f. R. BenseI asked whether the Resolution itself was approved by this Committee.
 - 1. M. Battaglia said that the Resolution was not approved. He said that since the Resolution is not formally a matter of the Committee, it would not necessarily be approved by the Committee.

IV. Executive Session

- i. Executive Session (13 minutes)
 - a. M. Battaglia said that the Committee is within its procedures to move into Executive Session.
 - b. G. Kaufman said that the Charter requires a purpose to move into Executive Session. He made a motion to **amend** the purpose of the Session to include “to discuss matters important to the committee”.
 - 1. V. Price seconded the motion. The motion was **approved** as there was no dissent.

V. Adjournment

Respectfully submitted,

Dongyeon (Margaret) Lee
Codes and Judicial Committee Clerk



Formal Charge

- **The Hate Speech Working Group of the Codes & Judicial Committee is charged with engaging the Campus Community to draft specific language proposals for the Codes & Judicial Committee's consideration in regards to Hate Speech and its relationship to the Campus Code of Conduct. Such proposals may include new draft language for the Committee's consideration, draft language for the modification of an existing Code provision (such as harassment or similar), a proposal of no action, or other proposals that the Working Group reasonably believes will advance the discussion of this topic including analysis of the benefits and drawbacks of proposed language, how they have defined the scope of Hate Speech, etc.**
- **The Working Group's meetings shall be open to the public and the Working Group shall report their progress to the Committee regularly and upon request. The Committee retains overall control and responsibility for the Working Group's actions and may alter this charge by majority vote.**
- **The Chair of the Codes & Judicial Committee and the Executive Committee of the University Assembly shall have full administrative access on all platforms (including but not limited to listservs and websites) to support the Working Group's operations broadly construed.**



Language Comparison from Returned Changes to the Campus Code of Conduct

Proposed language to address to the suspension length, definition, and reporting date for organizations

President's Language/Concern.	Passed Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017).
None noted.	4. Limitations Period Any charge of a violation of this Code must be initiated by the filing of charges by the Judicial Administrator within one calendar year of the date of the alleged violation. Exceptions to this policy that extend the period beyond one year are: a. In cases where the charge involves fraud, the period shall be one calendar year from the alleged fraud or 60 calendar days from the filing of a complaint alleging fraud, whichever is longer, but in any event no more than three calendar years from the alleged fraud. b. In cases where the individual to be charged is absent from the University because of either (1) a leave of absence, (2) a termination of employment, or (3) a withdrawal as a student, a charge may be brought within one calendar year of the alleged violation or within 60 calendar days of his or her return to the jurisdiction of the University judicial system, whichever is later. c. In cases where the individual to be charged is facing public prosecution involving the same matters, a charge may be brought within 60 calendar days of the final disposition of such prosecution. Should it appear that the individual will leave the University before such time, the President

	or his or her designee may cause the individual's degree to be withheld for the period in which the Judicial Administrator may file charges. d. In cases where the Respondent is a University-Registered Organization the period shall be no more than three calendar years from the alleged violation. e.-d. The Judicial Administrator may request a Hearing Board Chair to extend any limitations period by up to an additional six calendar months, without required notice to any other person but upon a showing of special circumstances justifying such an extension, provided that the Judicial Administrator delivers such written request to a Hearing Board Chair prior to the expiration of that period.
None noted.	(Title Three, Art. IV, Sec. A.1.c.6 (pg. 25, 2017). (6) Suspension of all privileges for a stated period not to exceed one year five years.

Proposed language to address to immediate suspension for non-compliance of sanctions

President's Language/Concern.	Passed Language (Title Three, Art. III, Sec. D.4 (pg. 24, 2017)).	Possible Compromise Language/Solution
2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator may suspend the offender or issue a lesser penalty. In the event the JA elects to suspend, the JA shall notify the University Registrar, Office of the Dean of Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.	2. If an offender has not complied with the prescribed penalty or remedy within the specified time, the Judicial Administrator shall may¹ notify the University Registrar, Office of the Dean of Students, and other offices on a need-to-know basis that the individual or organization is suspended, and the suspension shall have immediate effect and continue until the offender has complied. For any violation of the terms of probation committed during the probationary period, the Judicial Administrator may impose on the offender additional penalties, including suspension or dismissal. The offender may request an appearance before the Judicial Administrator in order to show the fact of compliance, to contest the violation of probation, or to argue for a lesser penalty. The offender may petition the University Hearing Board in writing for a review of the penalty imposed by the Judicial Administrator for noncompliance or for violating probation.	Accept President's proposed language.
None noted.	(Title Three, Art. II, Sec. A.3 (pg. 18, 2017)).	

¹ The term "may" will preserve the rare instances of addressing, for example, serious violations of NCDs.

	(m) To refuse to comply with any valid penalty or remedy dispensed by the Office of the Judicial Administrator and/or University Hearing or Review Board lawful order of a clearly identifiable University official acting in the performance of his or her duties, or with a policy that has been duly promulgated by the University or any college, department, or unit thereof, whether or not the policy has been issued in the standardized University format. ²	
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Proposed language to role of non-matriculated minors

President's Language/Concern.	Proposed Language (Title Two, Art. I, Sec. B.2 (pg. 10, 2017).	Possible Compromise Language/Solution
1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as: a. a degree candidate in any of Cornell's undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. 2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:	1. The term student shall be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as: a. a degree candidate in any of Cornell's undergraduate or graduate divisions; b. a special student in the undergraduate divisions; or c. a non-degree-candidate in the graduate school. 2. The term student shall be interpreted to mean also persons not officially registered, and not faculty members or other University employees, if they are:	Accept the proposed additional exclusionary note under subpoint b. Retain the "saving statue" to avoid having individuals in "limbo" should no other policy exist and provide additional explanation to President's Office.

² Same language as Title IV; some language from peer-institutions will be shared.

a. currently enrolled in or taking classes at the University, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent; b. currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent; or c. currently on leave of absence or under suspension from being a student of the University.	a. currently enrolled in or taking classes at the University, with the exclusion of any individual enrolled in or taking classes at the University while still an elementary, middle, high school student, or foreign equivalent, so long as such individuals are subject to written behavioral expectations, policies or procedures; b. currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or c. currently on leave of absence or under suspension from being a student of the University.	
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Proposed language regarding removal of indefinite suspension

President's Language/Concern.	Proposed Language (Title Three, Art. II, Sec. E.1.c (pg. 24, 2017).
None noted.	Circumstances Requiring Hearing c. The offender may petition in writing for readmission from indefinite suspension.
None noted.	(Title Three, Art. IV, Sec. A.1.a.8 (pg. 34, 2017).

	(8) Suspension from the University for a stated period not to exceed five years. or indefinitely with the right to petition the University Hearing Board in writing at any time for readmission after the academic term following the academic term in which the suspension occurred. Such petition shall be submitted no later than April 1 if the petition is for readmission for the fall semester and by November 1 if the petition is for readmission for the spring semester. If the Judicial Administrator agrees with the petition of the accused, he or she may permit the readmission without the petition being considered by the University Hearing Board, after consulting with appropriate professional colleagues and receiving approval of a Hearing Board Chair. If the University Hearing Board denies the petition, the accused may not petition again until the next semester and, in any event, may not petition for readmission for the same semester denied by the University Hearing Board. While on such suspension, the student may not obtain academic credit at Cornell or elsewhere toward the completion of a Cornell degree.
None noted.	(Title Three, Art. IV, Sec. A.2.b (pg. 34, 2017). b. Ordinarily, the penalty for a third violation by a student within a twelve-month period should be probation or suspension from the University for a stated or indefinite period and denial of academic credit for the term in which the suspension occurs. The penalty may be reduced if a lesser penalty would more appropriately serve the interests of justice and if, in addition, the offender expressly agrees not to engage in misconduct of specified kinds in the next twelve months. In such a case of indefinite suspension, the offender may petition the University Hearing Board in writing for readmission, but no application for readmission for the academic term following the academic term in which the suspension occurred will be permitted

Proposed language clarifying UHRB appointment procedures

President's Language/Concern.	Proposed Language (Title Two, Art. IV, Sec. C.3 (pg. 14-15 2017)).	Possible Compromise Language/Solution
I generally support the proposed change, but request that the UA make clear the process by which a currently serving member may request reappointment. Under the current process, which does not expressly allow for reappointing existing Hearing and Review Board (HB) members, a reappointment to the HB would follow the same process as any initial appointment: for faculty members, nomination by the Dean of the Faculty, and for all other appointments, nomination by the CJC following written solicitation for applicants by the Office of the Assemblies. The proposed reappointment process removes the Dean of the Faculty and the Office of the Assemblies from exercising any oversight over HB members after their initial appointment to the HB. In order to ensure the appropriate levels of transparency and independence for reappointment of HB member, I recommend this provision be further amended to require input from the Dean of the Faculty.	3. Members of the University Hearing Board and University Review Board pool shall serve terms of office as follows: a. All members shall be appointed for two-year staggered terms, except for students entering their final year of study, who shall be appointed for one-year terms. b. Terms of office shall begin June 1 of the year appointed. Any appointment to fill a vacancy or to address an emergency shall become effective immediately. c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee. d. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.	Noting that the Office of the Assemblies has no oversight role over this process (per the Code, they solicit written applications) provide clarification to the Office of the President. To address the concern for the Dean of the Faculty we could utilize the following: c. Currently serving members may be appointed for additional terms if reconfirmed by the University Assembly after review by the Codes and Judicial Committee. Faculty members seeking renewal will be reviewed by the Codes and Judicial Committee who shall receive input from the Dean of the University Faculty prior to reconfirmation by the University Assembly. Goal is to ameliorate concern and allow for DoF input however as vetting generally does not take place on the UA floor, still enabling the CJC to be involved in the process.

Proposed language clarifying JA appointment procedures

President's Language/Concern.	Proposed Language (Title Two, Art. II, Sec. A.3 (pg. 12 2017).	Possible Compromise Language/Solution
I cannot accept this proposed change. As you note in the resolution, the practice used in the JA reappointment process over many years has not aligned with what is in the Code, and what is in the Code lacks clarity. The resolution's language, however, not only fails to address the clarity issues, but it also creates new, substantive problems, including a fairness issue of changing the reappointment process at the very moment at which reappointment is due. Given the urgent need for (re)appointment of the JA and the outstanding, substantive issues with the UA's proposed changes to the reappointment process, I suggest that we reappoint the JA for a period of one year (i.e., through June 2019), to give us time to work together to develop mutually acceptable changes to the JA appointment process that can be fairly applied to the current JA.	3. The Judicial Administrator shall be appointed for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year a. Six months preceding the expiration of the term of the Judicial Administrator, the chair of the University Assembly shall convene a six-member committee, including two members appointed by the President, two members appointed by the University Assembly, the chair of the Codes and Judicial Committee, and the Judicial Codes Counselor to provide feedback to the Judicial Administrator and evaluate their term. The committee will internally elect a chair and shall make a recommendation to the President either in favor or against the Judicial Administrator being nominated for an additional term. Such recommendation must be made at least four months prior to the expiration of the current term. or	Discussion ongoing – See U.A. Resolution #11

	b. Upon the University Assembly chair's receipt of notice of the Judicial Administrator's resignation or removal, the chair shall convene a six-member search committee, including two members appointed by the President and four members appointed by the University Assembly, to propose two or more nominees to the President. The President shall appoint or reappoint a candidate with the concurrence of the University Assembly. In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President, with the concurrence of the University Assembly, to serve until a permanent Judicial Administrator is appointed.	
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Proposed language adding discretion to No Contact Directive procedures

President's Language/Concern.	Proposed Language (Title Three, Art. III, Sec. B.2 (pg. 19, 2017).	Possible Compromise Language/Solution
I support the UA's proposed change, in part. In addition to the JA and JCC, victim advocates should have the opportunity to comment on a change making all no-contact orders mutually binding. Also, I question the wisdom of creating a new right of appeal to a process that is, by its nature, intended to be interim and would suggest that lines 479 - 489 be eliminated.	a. In cases involving allegations of harassment, abuse, assault, rape, or other menacing activity, the Judicial Administrator, after making a reasonable effort to meet with the accused if appropriate to do so, may issue a No-Contact Directive, binding upon all involved parties. b. The Judicial Administrator shall make available to the accused the exact terms of the No-Contact Directive, as soon as it is issued. c. In the event the Judicial Administrator is notified of a violation of the terms of the No-	Provide additional time for comment and clarity as to how the Code applies in varying cases and the interaction with Policy 6.4 Provide context as to past issues with interim directives being utilized in long-term manners.

	Contact Directive, the accused shall be provided with an opportunity to review the matter with the Judicial Administrator within two business days. If the Judicial Administrator determines, based upon the information available, that the No-Contact Directive has been violated, he or she may impose additional interim measures or suspend the accused temporarily, pending resolution of the underlying case.	
	c. In the case of such directive, the accused may petition the University Hearing Board in writing for a review of the decision. That board shall meet to consider the petition as soon as possible, but no later than seven business days after it receives the petition. However, that board may grant a postponement upon the request of the accused, to a date not later than 21 calendar days after the petition is received. If that board determines that the No-Contact Directive was improper or is no longer necessary, it shall lift the directive immediately. The board's decision may not supersede an active court order.	

New Proposed Language Clarifying Hearing Board Removal Process

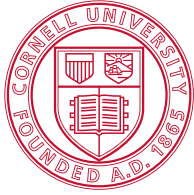
Current Language (Title Two, Art. IV, Sec. C.3.c (pg. 15 2017).	Proposed Language
c. The Chair of the Hearing Board or Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process.	c. The Chairs of the Hearing Board or and Review Board shall have the authority to remove a member of the pool if the member is not honoring his/her commitment to the university to communicate promptly with the Chair or the Judicial Administrator's office, to participate in hearings, to arrive punctually, and otherwise to participate responsibly in this process. Removal requires a two-thirds vote of sitting Hearing

	and Review Board Chairs and at least fourteen-day prior notification of the intent to remove, a rationale for removal, and ameliorate steps previously taken to the Codes & Judicial Committee of the University Assembly. The Codes & Judicial Committee may prevent a removal by a two-thirds vote of its seated membership.
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New Proposed Language Concerning Hearing Board Oversight

Current Language (Title Two, Art. IV, Sec. C.5 (pg. 15 2017)).	Proposed Language
5. Although the judicial boards decide cases and appeals when sitting in panels, the pool as a group, convened by the Administrative Chair, shall perform the following functions: a. The judicial boards shall be responsible for establishing their own internal rules and procedures not specified elsewhere, and making them available through the Offices of the Judicial Administrator and the Judicial Codes Counselor. (1) Such rules and procedures must be published in the Cornell Chronicle before going into effect. (2) Any changes in rules and procedures must be published in the Cornell Chronicle at least 30 calendar days before taking effect. b. Upon request, the judicial boards shall report on their operations to the Codes and Judicial Committee of the University Assembly.	5. Although the judicial boards decide cases and appeals when sitting in panels, the pool as a group, convened by the Administrative Chair, shall perform the following functions: a. The judicial boards in consultation with the Codes & Judicial Committee of the University Assembly shall be responsible for establishing their own internal rules and procedures not specified elsewhere, and making them available through the Offices of the Judicial Administrator and the Judicial Codes Counselor. (1) Such rules and procedures must not conflict or contradict provisions in this Code. (2) Such rules and procedures must be published in the Cornell Chronicle before going into effect. (3) Any changes in rules and procedures must be published in the Cornell Chronicle at least 30 calendar days before taking effect. (4) Any changes in rules and procedures initiated by the boards must be provided to the Codes & Judicial Committee of the University

	Assembly at least 14 calendar days prior to approval by the judicial boards. By a majority vote of its seated membership, the Committee may prevent a proposed change from moving forward. (5) The Codes & Judicial Committee of the University Assembly may modify such rules and procedures by a majority vote of its seated membership subject to the notice requirements of subpoints (2) and (3). b. Upon request, the judicial boards shall report on their operations to the Codes and Judicial Committee of the University Assembly. When a report is requested, the boards shall provide it in the manner requested within thirty days of receipt.
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U.A. Resolution # 5

Bylaws Change Clarifying the Charge of the Codes & Judicial Committee

October 17, 2017

Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial Committee

Whereas, the object of the University Assembly (the Assembly), "...is to improve and sustain the involvement of the campus community in the governance of campus affairs affecting the broad campus community by establishing open, effective, and efficient channels of communication between and amongst the community and university administration" [Charter, Article Two]; and

Whereas, pursuant to Article Three, § 3.3 of its Charter "The Assembly has authority in matters concerning its internal operation and maintenance, including provisions for the creation of bylaws and procedures"; and

Whereas, the Codes and Judicial Committee (the Committee) over time has been charged with and has reviewed all resolutions concerning the Campus Codes of Conduct (the Code); and

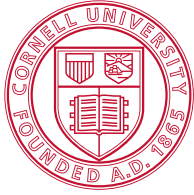
Whereas, in the Committee's work it has examined areas that are adjacent to and similar in scope and application to the Code both of its own volition and upon request of the Assembly; and

Whereas, in the past some areas of responsibility of the Assembly and the Committee have been examined sparingly as they have not been formally documented in the standing charge to the Committee; and

Whereas, the Committee in its discussion of the role of non-matriculated minors in the Code expressed a concern that by removing these individuals from the Code the Committee would lose touch with these groups and the policies governing them; and

Whereas, the Assembly traditionally has worked with the Committee and Cornell Environmental Health and Safety to approve Guidelines for Display of Religious Symbols in the Fire Safety Guidelines for Holiday Displays¹; and

¹ Attached as Appendix A to this resolution.



Cornell University University Assembly

Whereas, in his letter of April 22, 2012 then-President David Skorton accepted the University Assembly's request to be a stakeholder under the definition of Policy 4.1 for Policy 6.4 stating "I very much appreciate and welcome the participation of the University Assembly as a stakeholder in the process of amending Policy 6.4 and know that the community will benefit from the "robust participation" of the University Assembly"; and

Whereas, by adding these responsibilities and areas of examination to the Committee's standing charge it records them in our permanent governing documents, minimizing the risk that responsibilities are inadvertently neglected; and

Whereas, these changes are not modifying the existing authority of the Assembly or Committee but rather documenting and aligning the Committee's charge with its current and historical areas of examination and responsibility; and

Whereas, the Committee in its examination of the Code and other documents has emphasized taking steps to align practice and written procedure; and

Whereas, the Assembly strives to be a partner with the Administration; and

Whereas, effective partnership requires that the Assembly maintain and exercise its responsibilities judiciously; and

Whereas, these changes assist the Assembly and the Committee in keeping track of and carrying out their respective responsibilities; therefore

Be it Resolved, that Article Four, § 4.1 of the University Assembly Bylaws be amended to add:

By delegation from the Assembly, the Committee will review any proposed motion related to:

- Campus Code of Conduct;
- recruitment and appointment of members to the University Hearing and Review Boards;
- the Assembly's role as a Policy 4.1 stakeholder in Policy 6.4 (or its successor);
- the Assembly's approval of the Guidelines for the Display of Religious Symbols contained within the University's Fire Safety Guidelines for Holiday Displays; and
- written behavioral policies regarding non-matriculated minors who are outside the full Campus Code of Conduct.

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.



Fire Safety Guidelines For Holiday Displays

Fire Code Compliance

FIRE SAFETY GUIDELINES FOR HOLIDAY DISPLAYS	
PERMITTED	NOT PERMITTED
Decorations - Potted plants and leaf-bearing trees - Underwriter's Laboratory (UL) approved artificial, slow-burning/non-combustible trees made of plastics - All-natural cut trees and other plant material that have been treated with fire retardant material. Documentation of treatment is required - Flame-resistant paper or cloth decorations covering 10% or less of the wall & ceiling space	Decorations - All-natural cut trees or other plant material that have NOT been treated with a fire retardant material - Metallic trees - Combustible decorations
Lighting - UL Approved & UL tag must be on light cord(s) - Miniature electric lights, up to 3 strings of light maximum	Lighting - Non-UL approved light strands - Light strands that do not have the UL approved tag - More than 3 strings of lights plugged in together
Candles - Battery operated LED candles "preferred" - Live Candles with approval from the University Fire Marshal and Risk Management during religious observances only. Must be attended and enclosed in glass at all times while lit	Candles Live open burning candles, except with an approved use of candle permit for religious observances
REMEMBER TO: - Keep all exit routes hallways corridors and stairways free of obstructions - Contact the University Fire Marshal at 607-255-8200 if you have any fire or life safety concerns - Have a current and approved fire emergency plan - Always know two ways out of every room and building. Practice alternate escape routes on a regular basis - If fire strikes, on your way out of the building activate the fire alarm system to begin the total evacuation of building and then call Cornell Police at 607-255-1111 from a safe location	
For additional fire safety information and other fire safety links visit us on the web at http://www.ehs.cornell.edu .	

Cornell is fortunate to have members from diverse religions on campus. According to the Cornell United Religious Works, there are more than 25 religious organizations represented at Cornell. While there are many religions that have no religious holiday between November and January, and while many members of Cornell's community do not practice a religion, the university encourages its members to respect differences in religious

Approved by: Ron Flynn
Last revised by: Ron Flynn
Revision date: 10/21/14

FCC_Fire_Safety_Guidelines_for_Holidays_Decorations

Page 1 of 2

The most recent version of this document is available electronically at EH&S Website:

http://sp.ehs.cornell.edu/fps/fire-code-compliance/Documents/FCC_Fire_Safety_Guidelines_for_Holidays_Decorations.pdf

Fire Safety Guidelines for Holidays Decorations

practices during this holiday season, and always. In an effort to create an inclusive environment, the University Assembly approved the following *Guidelines for the Display of Religious Symbols* below

GUIDELINES FOR DISPLAY OF RELIGIOUS SYMBOLS
• Individuals may <i>privately</i> display symbols in their work areas or living quarters. • Areas that would give the impression that the symbol is associated with the university, particularly the external surfaces of buildings may not be used for displays of religious symbols. • The university administration shall not sponsor nor provide direct financial support for the display of religious symbols. • Campus groups desiring to sponsor celebrative and/or educational displays utilizing religious symbols shall have full access to appropriate campus display areas, subject to regular administrative procedures governing the use of these areas. • Any display areas that normally are available to all campus groups shall also be available for the display of religious symbols, subject to regular administrative procedures. • The policy prohibits special or temporary display areas for religious symbols.

University members are reminded to be respectful of the religious diversity of our students and colleagues and are encouraged to use an *inclusive* approach in celebrating the holiday season.

Individuals and units demonstrate this inclusive approach by:

- Focusing on the winter season rather than a particular holiday
- Displaying symbols that visually represent holidays of several religions in combination with secular decorations of the season.

GUIDELINES FOR INCLUSIVE SEASONAL DISPLAYS
Winter Holiday Displays/Decorations that are Consistent with Cornell's Commitment to Diversity and the University Assembly Guidelines: • Snowflakes • Trees (in accordance with Fire Safety Guidelines) decorated with snowflakes and other non-religious symbols
Winter Holiday Displays/Decorations that are Consistent with University Assembly Guidelines But Should be Basis of Dialogue Within Unit or Living Area • Trees decorated with bows, garland and lights (in accordance with Fire Safety Guidelines) • Wreaths with bows (in accordance with Fire Safety Guidelines) • Combination of snowflakes, (in accordance with Fire Safety Guidelines), Santa Claus figure, and dreidel • Holly
Winter Holiday Displays/Decorations that are NOT Consistent with Either University Assembly Guidelines or the University's Commitment to Diversity and Inclusiveness • Nativity scene • Menorah • Angels • Mistletoe • Stars at the top of trees • Crosses • Star of David

Approved by: Ron Flynn Last revised by: Ron Flynn Revision date: 10/21/14	FCC_Fire_Safety_Guidelines_for_Holidays_Decorations Page 2 of 2
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The most recent version of this document is available electronically at EH&S Website:

http://sp.ehs.cornell.edu/fps/fire-code-compliance/Documents/FCC_Fire_Safety_Guidelines_for_Holidays_Decorations.pdf