

Cornell University
University Assembly

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Agenda

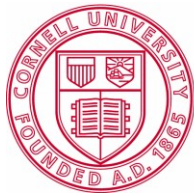
Codes and Judicial Committee
University Assembly
April 25th, 2018
4:30pm - 5:45pm
163 Day Hall

- I. Call to Order (Chair)**
 - i. Call to Order (2 minutes)
- II. Approval of Minutes (Chair)**
 - i. April 25, 2018 (2 minutes) ^[1]
- III. Business of the Day**
 - i. Working Group Update (R. Lieberwitz) (10 minutes)
 - ii. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process (30 minutes) ^[3] ^[4]
 - iii. For Discussion: University Hearing and Review Boards Staffing Update (5 minutes)
 - iv. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor (5 minutes) ^[5]
 - v. For Discussion: Codifying Prior Practices for UHRB Staffing (10 minutes) ^[6]
 - vi. For Discussion: The role of ADR in the Code, Reorganization of the Code Update, and UHRB Hearing/Sanctioning Guidelines (5 minutes)
 - vii. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code (5 minutes)
- IV. Adjournment (Chair)**
 - i. Adjournment (1 minute)

Attachments

- 1. CJC Meeting Minutes 4.25.2018
- 2. Draft Language for JA Reappointment Redline (Admin – Edited 5.1.2018)
- 3. Policy 6.4 Hearing Panel Application Draft (Edited 5.1.2018)
- 4. Draft UA Bylaws Appendix A - UHRB Staffing Procedure (Edited 5.1.2018)

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.



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Minutes

Codes and Judicial Committee

University Assembly

April 25th, 2018

4:30pm – 5:45pm

163 Day Hall

I. Call to Order (Chair)

a. Call to Order

- i. M. Battaglia called the meeting to order at 4:38pm, at which point there were not enough members to reach a quorum. The Committee moved into an informal discussion on the Working Group, Judicial Administrator re-appointment process, University Hearing and Review Boards staffing, housekeeping amendments to the Campus Code, and Policy 6.4.

b. Roll Call

- i. *Present:* K. Ashford, D. Barbaria, M. Battaglia, R. Bense, M. Horvath, K. Karr, R. Lieberwitz, V. Price, E. Winarto
- ii. *Absent:* G. Kaufman, J. Kruser, D. Putnam, C. Riley, K. Zoner
- iii. *Others Present:* M. Lee, C. Liang

II. Business of the Day

a. Working Group Update

- i. M. Battaglia said that the Working Group will be meeting on Thursday, April 26th at 231 Ives Hall to discuss internal suggestions and matters pertaining to the transparency of the Code. He added that forums will be held on Friday the 27th and Monday the 30th, and that the Group expects to have a concrete set of proposals ready for the Committee in the last meeting.

b. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process

- i. M. Battaglia said that G. Kaufman, J. Kruser and himself will be meeting with the administration on Friday the 27th to discuss the direction of the CJC.

c. For Discussion: University Hearing and Review Boards Staffing Update

- i. M. Battaglia thanked E. Winarto and V. Price for joining him in reviewing University Hearing and Review Boards (UHRB) applications. He noted that there was a lower number of applicants than usual most likely because the application had gone out late and

Codes and Judicial Committee

University Assembly

April 25, 2018 Meeting Minutes

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at the time of Student Assembly elections. He said that he is currently waiting on the Office of the Assemblies (OA) to provide a decoder key and the applicant resume's to schedule interviews. He said that it is crucial to have a fully staffed Board for the upcoming academic year.

- ii. M. Horvath asked what M. Battaglia meant by a “decoder key”.
 - 1. M. Battaglia said that the Committee used to have a formal subcommittee that reviews applications as they came in, but the OA decided to anonymize them two years ago. He said that it has been difficult to obtain applicants’ random number (i.e. decoder key) and contact them regarding interviews and further steps in the application process.
- iii. C. Liang asked whether selection determinations were made when subcommittees reach out to applicants.
 - 1. M. Battaglia said that applicants have been ranked and the Committee is following up to receive clarification on responses.
- iv. C. Liang asked if anyone has ever seen the rankings.
 - 1. M. Battaglia said that rankings are known internally within the committee.
- v. M. Horvath asked whether current UHRB members reapplied to serve on the Board.
 - 1. M. Battaglia said that the Code does not prohibit renewing current members, but that the University Assembly (UA) must confirm.
 - 2. M. Horvath expressed concerns on not having existing members go through the current application process, but stated her trust in the Committee’s judgment.
 - 3. D. Barbaria said that he doesn’t see following prior precedent to be problematic, but does see possible concerns and noted that is why the Committee is codifying the process.
 - 4. M. Battaglia said that there needs to be clarification in the Code as it affects the integrity of the process.
 - 5. M. Horvath said that “apply” could refer to continuing application, and expressed concerns that someone could challenge the Committee’s decision.
- d. Update Concerning the Previously Passed Housekeeping Amendments to the Campus Code
 - i. M. Battaglia said that the UA passed Resolution #4 in the Fall, which included Code amendments. He said that the administration was primarily concerned about lack of community engagement and notice, which was why public office hours were held last week. He noted that a public comment box has been circulated, and that the Committee is searching for ways to increase outreach to gather input from the community. He added that it is not a problem if members from the community are not interested in commenting, so long as they have been given the opportunity to do so.
 - ii. M. Horvath asked if the Committee would be interested in placing an advertisement in the Cornell Daily Sun as this would be another way to demonstrate good faith effort in soliciting public comment about the Code.
 - 1. M. Battaglia said that he will make use of this after checking on the Committee’s budget.
 - iii. C. Liang asked what happens to the public comments received.

1. M. Battaglia said that comments received through the online anonymous system will be publicly provided.
- iv. M. Horvath asked whether this anonymous site is affiliated with the UA.
 1. M. Battaglia said that it is a third-party service because the OA website is not set up to collect comments anonymously.
 2. M. Horvath asked who has administrative access to this site.
 - a. M. Battaglia said that he is the owner, and would be happy to share access to Committee members.
 - b. M. Horvath said that it would be beneficial for more people to have access to ensure transparency.
- e. For Discussion: Discussing recent Department of Education Policy Shifts, our Quantum of Proof, Policy 6.4, Selection Questions, and the Complainants Advisor
 - i. M. Battaglia said that the revised Policy 6.4 hearing panel questionnaire was based on comments from two meetings ago. He noted major changes included changing “accused” to respondent”, framing questions as less anti-administrative, and combining two of the questions together.
 - ii. M. Battaglia said that a new Title IX Coordinator has been hired and she will be receiving a copy of the document once she is more settled in.
 - iii. V. Price proposed to have a suggested or minimum word count added to each question.
 - iv. E. Winarto asked what was difference between Question 4 and 13.
 1. M. Battaglia noted that they were rather similar.
 - v. R. Lieberwitz entered the meeting.
 - vi. M. Battaglia responded to K. Karr’s question from last week about how Policy 6.4 members are removed. He said that the Title IX Office is currently researching because they did not have an answer to the question readily available.
 - vii. R. Bensel entered the meeting.
 1. M. Battaglia noted that the Committee has now reached a quorum.
 - viii. K. Karr noted a typographical error in Question 3, where “and” was placed before the word “individual” instead of “an”.
 - ix. K. Karr noted another typographical error in Question 5, where “effect” should be changed to “affect”.
 - x. V. Price said that it could be beneficial to have a hypothetical question like Question 4 just as there is one in the UHRB application questions.
 1. K. Karr noted that the hypothetical situation in Question 4 does not accurately depict how Policy 6.4 actually works.
 2. V. Price suggested rewriting Question 13 in the form of a hypothetical. She said that doing so could provide further clarification on procedures.
 - xi. D. Barbaria said that Question 6a should be broken up into different categories.
 1. M. Battaglia said that he could simplify the language of the question.
 2. R. Bensel proposed altering the question to a more direct format such as “Could

you be impartial and dispassionate in cases involving [categories]”.

3. M. Battaglia said that he will simplify and flip the language of Question 6a.
- xii. M. Battaglia said that the Committee could send the revised Policy 6.4 selection questions as an internal document, or bring it in as a formal resolution to the UA.
 1. K. Karr suggested to send as an informal document.

III. Approval of Minutes (Chair)

- a. April 11, 2018
- b. April 18, 2018
 - i. R. Bensel motioned to approve both minutes.
 1. Minutes **approved** by unanimous consent.

IV. Business of the Day (cont.)

- a. For Discussion: Proposed Changes to the Judicial Administrator Re-Appointment Process
 - i. M. Battaglia said that there are two separate versions to the proposed changes because he is working with the administration on modifications. He noted a concern from last week's UA meeting in which an individual would make an irrelevant motion in every meeting. He said that according to a provision in Robert's Rules of Order, chairs have discretion to decline motions that disrupt after they are defeated once, and the Assembly can discipline or expel individuals if such practice is continued.
 - ii. M. Battaglia said that the administration's language makes several changes to the regular Judicial Administrator (JA) search process. He said that the biggest one changes the composition of the JA search committee to 7 members (4 UA and 3 administration members) instead of 6 members.
 - iii. M. Battaglia said that the goal is to have this process completed by the end of the semester. He noted that he may need to call an emergency meeting if not done so.
 - iv. D. Barbaria asked how the UA would pass a resolution that is passed in an emergency meeting.
 1. M. Battaglia said that the UA has been briefed on the issue and that the hope is to have a rough integration of both versions.
 - v. D. Barbaria asked what would happen if the document doesn't get passed by the last UA meeting.
 1. M. Battaglia said that if not passed by the last meeting in May, the UA can also hold an emergency meeting. He said that it is already on the UA agenda and if not passed by next Wednesday, it is likely that an emergency meeting will be held.
 - vi. M. Horvath suggested seeking feedback from other constituents such as the Hearing Board chairs.
 - vii. R. Lieberwitz asked whether Section 5b from the administration's version of the draft language for JA reappointment is already included in the Committee's version.
 1. M. Battaglia said that the administration's version of the draft language is an expansion of the President's authority.

2. R. Lieberwitz expressed her concern over whether it would be problematic to give more authority to the President.
- viii. M. Horvath expressed her approval of the provision from 5b of the administration's version of the draft language. She said that the new document is a nice compromise in allowing the President to recommend removal of the JA.
 1. R. Bensel agreed with M. Horvath.
- ix. R. Bensel asked M. Horvath's opinion on the administration's draft version of JA reappointment procedures.
 1. M. Horvath said that the administration's version settles some of the concerns raised by the Committee. She noted that this new proposed draft allows for more privacy for a JA that has no advocate for him or herself.
 - a. M. Battaglia noted that his intent on drafting the Committee's proposed language for JA reappointment was not meant to make the JA's feedback completely public and that the Committee is free to amend the entire document.
- x. R. Bensel suggested sending the administration's draft version straight to the UA without further amendments if the Committee does not have any further issues.
- xi. D. Barbaria noted that the Committee agreed at last week's meeting to have a two-thirds vote rather than a majority vote, in reference to Section 5a of the administration's draft version.
 1. M. Battaglia said that the administration has asked to meet again to talk about their rationale.
- xii. R. Lieberwitz expressed concerns about the administration's proposed change of increasing the number of JA search committee members to include 3 instead of 2 members from the administration.
- xiii. M. Horvath made a motion to extend the meeting for 30 minutes.
 1. Motion **passed** by unanimous consent.
- xiv. R. Bensel echoed R. Lieberwitz's concerns on the administration's proposal to increase the number of members from administration on the JA search committee.
- xv. M. Battaglia said that historically the 4-2 committee composition worked fine, in which 2 members from administration (1 from HR, 1 from the President's office) were placed on the JA search committee. He noted that the provisions should not be too onerous, but should also set a high enough bar in ensuring that the JA fulfills their position.
- xvi. M. Horvath asked if there was anything that M. Battaglia would mention in his meeting with the administration on Friday, April 27th that he has not discussed in the meeting yet.
 1. M. Battaglia noted that there was nothing exceptional he has not gone over in this meeting. He said that he will go through the provisions line by line to ensure nothing is missing.
- xvii. R. Bensel asked if the Committee would be able to get the draft language to the UA within the next meeting.

1. M. Battaglia said that the Committee should be able to get it done as it is nearing completion.
- xviii. M. Battaglia said that the Committee could borrow language from the administration if needed, and noted the Committee's intent to bring full disclosure to the matter.
- xix. R. Lieberwitz asked who the chair of the JA search committee would be.
 1. M. Battaglia said that there is no language in the provision about whether there will be a chair or not, but his understanding is that the administration intends to have some form of a check.
 2. R. Lieberwitz expressed her belief that it is in the best interest of the JA search committee to keep its composition to 6 members as is.
- b. For Discussion: Codifying Prior Practices for UHRB Staffing
 - i. M. Battaglia noted that the language written in red from Appendix A has not been discussed in prior meetings. He said that he has attempted to clarify issues that have arisen from previous discussions.
 - ii. R. Bensei asked what the current pool size is for the applicants, referring to lines 131-134 that indicate applications could be opened up in the fall semester should there be enough vacancies.
 1. M. Battaglia said that the UHRB had 27 applicants, but hopes to have 20 more serve on the Board. He added that the Code currently has no guidance on when the Committee solicits applications, and that he aims for both flexibility and codification.
 - iii. R. Lieberwitz noted that there was a typographical error in line 121, in which "prove" should be changed to "provide". She expressed her approval of the document.
 - iv. V. Price asked why the Committee needs to undergo this procedure every year. She expressed concerns about how the Code could be interpreted differently depending on who becomes the Committee Chair.
 1. M. Battaglia said that he fully agrees with her, and that discussions are currently ongoing.
 - v. D. Barbaria asked what the UA's procedure was for amending bylaws.
 1. M. Battaglia said that the amendments need to first be introduced in a meeting before adoption. He added that Appendix A has already been introduced in the UA meeting.
- c. For Discussion: Reorganization of the Code Update and UHRB Hearing/Sanctioning Guidelines
 - i. M. Horvath provided context on the 2012 suggested sanction guidelines document and the hearing board sanctioning guide. She said that the 2012 document outlines the sanction philosophy while the second document retains the actual language of sanctions, which has a list of all the sanctions in the order of the Code.
 - ii. K. Karr expressed her approval for the latter document as it is providing options rather than mandating actions. She expressed concerns about the 2012 version.
 - iii. R. Bensei asked for further clarification and background on these two documents.
 1. M. Battaglia said that concerns have been raised regarding the current UHRB procedures and about providing more guidance to the Hearing Boards. He added

that the documents allow for procedural processes to be improved.

- iv. R. Benseal asked if there were ways in which the Committee could help the Hearing Board Chairs.
 - 1. M. Battaglia said that the amendments passed through the Committee give it the authority to propose changes.
- v. M. Horvath said that the UHRB Administrative Chair Joel Cisne will craft an email to all Hearing Board members with the intention to come and ask the Committee for help.
- vi. R. Lieberwitz asked if the Code of Conduct sanctioning guide is a publicly available document.
 - 1. M. Horvath said that it would now be publicly available as it is in the minutes.
- vii. R. Lieberwitz said that this document could be useful for the public to understand how the sanctioning process works.

V. Adjournment (Chair)

- a. The meeting was adjourned at 6:32pm.

Respectfully submitted,

Dongyeon (Margaret) Lee
Codes and Judicial Committee Clerk

Current Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017).	Proposed Language: (Title Two, Art. II, Sec. A.3 (pg. 12 2017).
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 preceding the expiration of the term of the Judicial Administrator, or 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 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. 4. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation of the University Assembly.	3. The Judicial Administrator shall be appointed by the President with the concurrence of the University Assembly. for a two-year term. A Judicial Administrator can be reappointed for additional terms. In October of the year preceding the expiration of the term of the Judicial Administrator, or. Upon the University Assembly Chair's receipt of notice of the Judicial Administrator's resignation or removal, the Cchair shall convene a six member search committee, <u>composed of no more than including two members appointed by the President and four members appointed by the University Assembly and no more than threetwo members appointed by the President,</u> to propose two or more nominees to the President. <u>A chair for the committee shall be jointly selected by the President and University Assembly from one of the appointed members.</u> The President shall appoint a candidate with the concurrence of the University Assembly. <u>The President may ask the search committee to present additional candidates if s/he does not feel that any of the nominees presented merit hire.</u> In the event of an unexpected vacancy, the Associate Judicial Administrator shall be appointed by the President may, with the concurrence of the University Assembly, <u>appoint the Associate Judicial Administrator or other qualified person to serve in an interim capacity</u> until a permanent Judicial Administrator is appointed.:- 4. The Judicial Administrator shall undergo an annual performance <u>review, overseen by the Chair of the University Assembly (or designee) and a designee of the President with full participation by the following representatives of the University Assembly and the administration</u> evaluation.:- <u>This evaluation shall be conducted by an evaluation committee that reports to</u>

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the University Assembly who shall coordinate with University administration.

a) The evaluation committee shall include the Judicial Codes Councilor or their designee, the Chair of the University Assembly's Codes and Judicial Committee or their designee, two additional members of the University Assembly, and one appointee from the Division of Human Resources, a representative of the Division of Human Resources, and a representative of the University President. The evaluation committee may consult additional individuals or groups as needed.

b) The evaluation review shall include both public and private components.

a. The public component shall afford a general, at minimum, include general guidance for the Office of the Judicial Administrator. The public component shall also afford opportunity for the University Community to provide feedback on the performance of the Judicial Administrator. This feedback shall be conveyed privately to the Chair of the University Assembly (or designee) and the President's designee.

a. The evaluation process shall also include outreachan opportunity tofor a reasonable number of complainants and respondents who have participated in the judicial process, -with opportunity for them to privately discussshare their experience

b. The private component shall, at minimum, address specific areas, if any, needing improvement, specific concerns, or instances of dissatisfaction.

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c. Performance feedback shall be given to the Judicial Administrator by the Chair of the University Assembly and the President's designee, consistent with the University's regular system of annual evaluation.

b.

e) In consultation with the evaluation committee, the University Assembly shall produce an annual evaluation document. This may note specific areas of concern and areas for improvement and may, if deemed necessary by the University Assembly, include a performance improvement plan to address concerns or deficiencies. The University Assembly shall approve the performance evaluation document by a majority vote of its seated membership.

5. The Judicial Administrator shall be solely responsible for the Office of the Judicial Administrator. The Judicial Administrator shall be independent, although an administrative relationship should exist with the University administration that will support that office. He or she shall be subject to removal during the term of office only by action of the Board of Trustees upon recommendation or of the University Assembly or the President, with the concurrence of the other.

The University Assembly may take steps to remove the Judicial Administrator by either:
a. A majority vote of its seated membership taken at a regularly scheduled meeting.
Should the president agree with the action of the University Assembly, the termination of the Judicial Administrator will be implemented. Should the President not agree,

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and no mutually agreeable resolution is found, the University Assembly may recommend the removal of the Judicial Administrator to the Board of Trustees. ~~As the ultimate authority of the University, the~~ Board of Trustee decisions and actions in response to the University Assembly's recommendation is final.

b. The President may take steps to remove the Judicial Administrator by notifying the Chair of the University Assembly. Should the University Assembly agree with the action of the President, via a majority vote of its seated membership taken at a regularly scheduled meeting, the termination of the Judicial Administrator will be implemented. Should the University Assembly not agree, and no mutually agreeable resolution is found, the President may recommend the removal of the Judicial Administrator to the Board of Trustees. ~~As the ultimate authority of the University, the~~ Board of Trustee decisions and actions in response to the President's recommendation is final.

a) Removal through this provision may be halted if the Board of Trustees affirmatively votes to retain the Judicial Administrator at the next meeting of the full Board of Trustees.

b) A majority vote of its seated membership taken at a regularly scheduled meeting after the Judicial Administrator has been found by the University Assembly to have not

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	remedied issues/improved in areas previously noted in a prior performance evaluation and performance improvement plan.
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Policy 6.4 - Resolution of Reports Against Students: Hearing Panel - Questionnaire for Pool Applicants

Name of Individual Completing Form:

Date Submitted:

*The Policy 6.4 procedures for student respondents, which became effective August 1, 2016, include a hearing with a three-member hearing panel of faculty and staff members as well as a non-voting hearing chair. Individuals who are willing to serve on hearing panels are asked to complete a brief application, which is set forth below. We appreciate your candor and time in completing the application, and your willingness to consider this appointment. If you have any questions or need additional information about either the application process or hearing panel responsibilities, please contact Sarah Affel, Cornell University Title IX Coordinator, at sba49@cornell.edu or 607-255-2242. **Please return your completed questionnaire to the Office of the Title IX Coordinator at titleix@cornell.edu.***

With respect to the nature of the commitment, panel members are asked to serve two-year terms, with a possibility of renewal; there is no term limit. Typically, panel members are asked to serve on two or three cases a year, and will not be asked to serve on more than four cases. However, we understand that hearings involve a substantial commitment of time and often involve difficult content and, thus, panel members may limit their involvement to just one case per year. Panel members may also decline panel requests on a case-by-case basis based upon their schedule or the facts of a given case, with the expectation that panel members will seek to accept panel assignments where feasible and within the number of assignments to which they have committed.

For any given case, panel members may be required to spend ten to fifteen hours preparing for the hearing by reading written materials, such as investigative interview statements, and meeting with the other hearing panel members and the hearing chair to determine witnesses for the hearing and draft examination questions for those witnesses and the parties. Hearing panel members needn't have any expertise; the chair provides guidance. The hearings themselves might take four to six hours, and the deliberations might take several hours. Some hearings will be conducted during business hours and some in early evening hours.

Under the new procedures, there is a three-member appeal panel that includes two ex officio members and a hearing panel member. Thus, hearing panel members will also be asked to sit on appeal panels, excluding cases for which they sat on the hearing panel. Appeal panel assignments are counted in the maximum of four panel assignments per year.

Hearing Panel - Questionnaire for Pool Applicants

Last Updated: **04/18/2018**



With respect to the educational expectations, panel members are required to attend approximately six hours of introductory educational sessions before serving on a panel. Ongoing education will be offered throughout the year.

Before answering the below questions, please take time to review:

- "Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4," available at <http://titleix.cornell.edu/procedure/>.
- Cornell University Policy 6.4, "Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct," available at https://www.dfa.cornell.edu/sites/default/files/vol6_4.pdf.

1. What is your job title and departmental affiliation?

[Insert Text]

2. Why are you interested in serving (in at least 100 words)?

[Insert Text]

3. Do you have any reservations about your ability to follow the policy and procedures? How would you respond if you personally disagree with a part of the policy or procedures? especially if you do not agree with them? Would you recuse yourself from the panel, potentially penalize an individual through a process with which you disagree, or take a different course of action? Please explain your reasoning.

[Insert Text]

4. ~~For this question, assume the Policy requires that a respondent be notified at least one week before a hearing. Further assume, that both parties are required to be allowed at least five business days to submit questions and topics for witnesses prior to a hearing.~~

~~Suppose you are on a panel hearing a case in which you believe the~~

Commented [MB1]: There was discussion about modifying the questions generally to revolve around a specific situation "what if" or "how do you feel about X"

Commented [MB2]: Hypo based upon actual procedures in 6.4



~~respondent violated the Policy. However, the accused was provided notice five days prior to the hearing, and only allocated one business day to submit questions and topics. The advisor representing the accused individual has not raised these procedural flaws as problematic. What would you do?~~

[Insert Text]

Commented [MB3]: See integration with Q13

-
5. Do you have any reservations about your ability to remain impartial and make decisions in any given case based solely upon the evidence presented in the case, rather than upon preconceived notions, prior experience, or any other factors external to the record of the case? ~~How, if at all, do you believe bias, your own bias and the biases of others, affect this process? If seated how would you work to counteract those biases? Please explain why or why not.~~

Commented [MB4]: Combined from subsequent question

[Insert Text]

-
6. Cases may involve students using drugs and alcohol, having multiple sexual partners, and engaging in a range of sexual activities.

- a. Are you able to make decisions based solely upon the evidence presented in a case? Do you have personal opinions about student use of drugs and alcohol, gender roles, gender identity, sexual orientation, or sexual mores that you believe could interfere with your ability to be impartial or dispassionate? ~~Please explain why or why not.~~
- b. ~~What, if any, portions of Do you think that~~ explicit testimony about sex acts or use of drugs or alcohol ~~do you anticipate might~~ bothering you to the point where you are unable to serve as an effective panel member?

Commented [MB5]: Combined from subsequent question

[Insert Text]

-
7. How much weight in a case, if any, do you place upon initial charges being filed against an individual? How does this relate to your understanding of the presumption of innocence and what does being presumed innocent mean to you?

[Insert Text]



8. Which factors, in your estimation, would warrant suspension or expulsion of an individual? Additionally, what would you see as mitigating factors and what do you see as aggravating factors?

[Insert Text]

9. Cases frequently depend on the credibility of witness statement and the amount of weight assigned to various pieces of evidence. How would you approach evaluating the credibility of witnesses and deciding how much weight to place on a piece of evidence?

[Insert Text]

10. As a member of the Hearing Pool, you would be expected to recuse yourself from a particular panel if you doubt your ability to assess the case fairly. If asked to serve on a hearing panel, under which potential cases, if any, would you recuse yourself and why?
- a. a case involving an alleged infraction that you had witnessed?
 - b. a case involving an acquaintance of yours?
 - c. a case which you had read or heard a fair amount?

[Insert Text]

11. When discussing contentious matters, how do you approach interacting with others and advocating for your point of view? Further, generally, how open are you with your opinions even when they might not be shared by others present?

[Insert Text]



12. How do you believe Policy 6.4 and its procedures should be applied when an ambiguity arises?

[Insert Text]

13. If when serving you observe that the policy or procedures are not being followed fully how would you respond? For example, if there is an inconsistency in how document submission or party notification deadlines are being applied. How, if at all, would a procedural flaw effect your judgment in a case? How, if at all, would the timing and magnitude of the flaw play into your thought process?

[Insert Text]

14. Are there any specific things that you believe a panel must focus on above others when examining a case? Please explain why or why not.

[Insert Text]

15. If you wish to explain any of your answers further, please do so in the below space.

[Insert Text]

UA Bylaws Appendix A: UHRB Staffing Procedure

Per the Campus Code of Conduct, the University Assembly (**the Assembly**) is charged with confirming members of the University Hearing and Review Boards. As the Assembly has an interest in ensuring the integrity and clarity of the confirmation process, the Assembly shall confirm members in accordance with the following procedures. If conflicts arise between this document and the Campus Code of Conduct, the Campus Code of Conduct shall supersede.

Nothing herein shall be construed to constrain or modify the authority of the University Assembly's Executive Committee to make temporary, emergency appointments when required.

A. The Codes and Judicial Committee of the University Assembly (the Committee)

- ~~a.~~ The Committee is charged with nominating candidates to the University Assembly **through the form of a resolution** before the last regular meeting of the outgoing Assembly. **Upon receipt of the nominations, the Assembly shall consider the nominations in a manner similar to other resolutions as it sees appropriate. ~~for the Assembly's confirmation.~~**
- b. The Assembly interprets the Committee's nomination responsibility in the Campus Code of Conduct to include its independent ability to determine and enforce its own procedure for carrying out its nomination responsibility. This discretion includes, but is not limited to, whether or not and how to:
 - i. Set the criteria by which the candidates are to be assessed
 - ii. Decide the eligibility qualifications of students, staff, and faculty to apply, subject to the requirements of the Campus Code of Conduct
 - iii. Enter executive session to discuss the applications
 - iv. Interview the applicants
 - v. Redact the names of the applicants¹
 - vi. Create and amend the content and format of all application materials
- c. Any discretionary decisions taken by the Committee may be suspended and reversed by a majority vote of the Assembly.
- d. The Committee is empowered to designate a subsection of its voting membership as a primary selection committee. **Should the committee choose to do so, the recommendations made by the subsection may advance directly to the floor of the Assembly as nominations after notification to the full Committee.**

A. Timeline and Procedure

¹ To ensure the integrity of the process, if names are redacted, the Chair of the Committee and Chair of the Assembly shall maintain the un-redacted master list specifying which names correspond to which applications. **This master list shall be delivered to them** simultaneously with the anonymized applications.

- 37 a. The Chair of the Committee is responsible for determining the total number of
38 ~~appointments~~ **nominations** to be made by the Committee through reconciling the
39 current roster on file with the Office of the Assemblies, Office of the Judicial
40 Administrator, **Hearing Board Administrative Chair**, or successor entities. The
41 expected number of appointments to be made is equal to the number of expiring
42 seats. The Chair will report this number, the number of returning members
43 indicating their desire to continue service, and the number of new appointments in
44 writing to the Committee and the Assembly by the Assembly's first regularly
45 scheduled meeting in March.
- 46 b. Returning Member Appointments:
- 47 i. The Chair of the Committee will work with the Administrative Chair of
48 the UHRB to contact, in writing, the members of the University Hearing
49 and Review Boards currently holding expiring seats by the second
50 Tuesday in February to offer to submit their name to Committee for
51 reappointment to serve another term or part thereof, provided the member
52 remains in good standing.
- 53 ii. Returning members must indicate their desire to continue their service by
54 the ~~Friday before~~ the last ~~business~~ day of February.
- 55 iii. Upon hearing from those members who wish to continue, the Chair of the
56 Committee will contact the Hearing and Review Board Chairs, the Office
57 of the Judicial Administrator, and the Office of the Judicial Codes
58 Counselor with the list of members seeking to renew their terms to
59 determine if any reasons exist that an individual's term should not be
60 renewed.
- 61 iv. The Chair of the Committee will also forward the list of all faculty
62 members seeking renewal to the Dean of the University Faculty to receive
63 input if any reasons exist that an individual's term should not be renewed.
- 64 v. **The Committee shall notify the Assembly both in writing and at a**
65 **regularly scheduled meeting of those UHRB members who wish to**
66 **continue their service. Such notice shall be public.**
- 67 vi. Upon receipt of a statement that a particular individual's term should not
68 be renewed, the statement will be forwarded to the full Codes and Judicial
69 Committee for review.
- 70 1. The Committee will then vote to determine if the individual should
71 be recommended for a term renewal.
- 72 2. The Committee is empowered to request information relevant to
73 determining the merit of any concern raised. ~~by either the Hearing~~
74 ~~Board Chair's, the Judicial Administrator's Office, the Office of~~
75 ~~the Judicial Codes Counselors, or a member of the Cornell~~
76 ~~Community.~~

vii. All individuals who are recommended for additional terms will be listed alongside the new members recommended by the Committee to the full Assembly.

c. New Member Appointments:

i. The number of new member appointments is defined as the total number of expiring seats less the number of continuing members.

d. Faculty Member Appointments:

i. Consistent with the Code, faculty candidates for the Boards shall be nominated by the Dean of the Faculty. ~~Upon receipt of a faculty nomination,~~ The Committee shall review ~~faculty nominations it alongside~~ and in a ~~similar~~ manner ~~similar~~ to applicants from other constituents. ~~Faculty nominations received prior to the close of applications for other constituencies shall be reviewed alongside other received applications. The Committee may, at its discretion, consider faculty nominations received outside the application period for other constituencies as needed.~~

ii. The Committee is empowered to request additional information in their evaluation of faculty nominees and may request they fill out an application of the same or similar nature as other constituencies to aid the Committee in evaluation.

e. Application Period:

i. All amendments to the application materials, including but not limited to the content and format of the application questions, must be approved by an affirmative vote of the Committee ~~no fewer than seven calendar days before the application materials is published~~ prior to the beginning of the application period.

ii. By the ~~last third Monday of the last full week~~ of February, the Office of the Assemblies will publish the ~~draft~~ application utilizing the questions approved by the Codes and Judicial Committee. The Chair of the Committee will inspect the application, may modify its appearance, ~~and~~ ancillary text, ~~and~~ correct errors. ~~with the questions after consulting with the Committee, and The Chair must approve it the application~~ prior to it being ~~made~~ publicly ~~accessible or accepting applications~~. The Office of the Assemblies will advertise the application alongside and in consultation with the Committee.

iii. Application materials will be ~~made~~ publicly accessible ~~and made open for community application~~ by the Office of the Assemblies no later than the last Wednesday ~~of February. of the last full week in February.~~

iv. ~~The~~ Application materials ~~should~~ shall be publicly accessible ~~and accepting applications~~ for ~~no less than at least~~ 10 calendar days, at the discretion of the Committee.

v. During the application process, the Office of the Assemblies will provide an update on the number of applicants, their constituency, and other information related to the applications upon request of the Chair of the Committee or majority vote of the Assembly. The Office of the Assemblies shall also provide an update on the number of applicants and their constituency when the application period ~~is half over~~ ~~time has half elapsed~~.

vi. The Office of the Assemblies will transmit the received applications to the Committee in the manner of the Committee's choosing no later than 3 business days after the application period has concluded.

vii. All information collected during the application process shall be provided to the Committee. Information collected may not be withheld by any entity. The Chair of the Committee may request additional information be provided as needed.

viii. The Committee has the authority to solicit applications in the Fall semester should enough vacancies exist that the Committee believes waiting until the Spring would not be conducive to the sound operations of the boards.

f. Selection

i. The Committee shall strive to fill all anticipated vacancies on the boards but is not required to do so should insufficient qualified candidates apply or be nominated.

ii. The Committee may designate or rank an appropriate number of alternate candidates sufficient to fill anticipated vacancies during the year at the Committee's discretion. Such alternates will be approved by the Committee and given to the Chair and Executive Vice Chair of the Assembly and will be confirmed by additional resolution or emergency authority should the need arise. Such alternate list will be treated confidentially.

iii. At the start of each semester, the Chair of the Committee will reconcile the UHRB membership roster on file with the Office of the Assemblies, Office of the Judicial Administrator, or successor entity. Should a need arise to seat additional members, the Chair of the Committee shall contact individuals in order of their appearance on the previously approved list verifying their continued interest in serving. Upon verification, the Chair of the Committee shall consult with the Executive Committee of the Assembly to determine if emergency appointment is necessary prior to a formal resolution being presented. Should the Executive Committee exercise its emergency authority, the full Assembly must be notified at its

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next regularly scheduled meeting and a resolution for formal confirmation must follow within a reasonable timeframe.

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