



Cornell University University Assembly

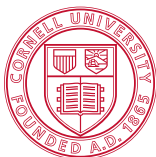
Cornell University Assembly

Agenda of the November 27th, 2018 Meeting

4:30 PM – 6:00 PM

401, Physical Sciences Building

- I. Call to Order
 - a. Call to Order
 - b. Welcome and Introduction
 - c. Call for Late Additions to the Agenda
- II. Approval of the Minutes
 - a. 10-30-18 Minutes
 - b. 11-13-18 Minutes
- III. Presentation from Senior Associate Dean of Students Mary Beth Grant
- IV. Assembly, Committee, and Liaison Reports
- V. Adjournment



Cornell University University Assembly

Cornell University Assembly

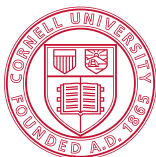
Agenda of the October 30th, 2018 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

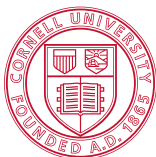
- I. Call to Order (Chair)
 - a. Call to Order
 - i. M. Battaglia called that meeting to order at 4:32pm
 - b. Roll Call
 - i. *Present:* I. Allen, J. Anderson, D. Barbaria, K. Barth, M. Battaglia, R. Bensel, L. Copman, D. Geisler, M. Hatch, R. Howarth, L. Kenney, E. Loew, T. Onabajo, J. Pea, A. Viswanathan, E. Winarto
 - ii. *Absent:* D. Hiner, C. Van Loan, C. Wiggers
 - c. Welcome and Introduction
 - i. M. Battaglia welcomed Jeff Pea to the University Assembly.
 - ii. Jeff Pea, a representative of the Graduate and Professional Student Assembly, introduced himself to the Assembly.
 - d. Call for Late Additions to the Agenda
 - i. There were no late additions to the agenda
- II. Approval of the Minutes
 - a. 10-16-18 Minutes
 - i. R. Bensel motioned to postpone the approval of the minutes to the next meeting of the University Assembly.
 - 1. The motion was **adopted** by unanimous consent.
- III. Assembly Reports
 - a. Student Assembly
 - i. J. Anderson said that at the last meeting, the Student Assembly passed a resolution affirming support for transgender and non-binary students.
 - b. Graduate and Professional Student Assembly
 - i. E. Winarto said that this past weekend, Cornell hosted the Ivy Summit, which was successful. She said there will be celebration at the Big Red Barn for the anniversary of the Graduate and Professional Student Assembly.
 - c. Employee Assembly
 - i. K. Barth said that the Employee Assembly is working to recognize the individuals who heroically stepped in and acted in the events on North Campus, where a student attacked other students.

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.



d. Faculty Senate

- i. R. Bensel said that there is an ongoing discussion about class times. He said two prominent reforms are: 1) allowing undergraduate classes to be scheduled after 4:30pm, which he said might be complex; and 2) abolishing 50-minute classes, which he said he thinks will pass. He said that if anyone has any strong opinions on either of the reforms, they should address them to the Faculty Senate.
- ii. D. Geisler asked when these reforms will be made public.
- iii. R. Bensel said that it would be in the Spring, but the action on the reforms is in far in the future.
- iv. D. Barbaria asked if there is a specific committee pushing this reform.
- v. R. Bensel said that he doesn't think a committee has been appointed.
- vi. T. Onabajo asked for clarification on the abolishing of classes.
- vii. R. Bensel said that only 50-minute classes would be abolished on the designated days.
- viii. J. Pea asked about the administrative aspects of changing class times.
- ix. R. Bensel said that the 50-minute classes are actually disturbing the structure of the class day, and he said that the basic impetus of this reform is to reduce conflict.
- x. A. Viswanathan asked who or what body has the final say on this reform.
- xi. R. Bensel said that the provost would make the final decision.
- xii. R. Howarth said that this reform seems disruptive to the teaching structure in the field of biology, and there would need to be massive restructuring of departments.
- xiii. R. Bensel said that, on the Faculty Senate, the faculty from the biology and language departments expressed objection of the reform.
- xiv. M. Hatch said that he thinks the University Assembly can think seriously about objecting to this reform, especially because it is disrupting lecture timings, and this is something that affects the entire university.
- xv. A. Viswanathan said that it might be useful to conduct a survey to gather the opinions of respective constituents.
- xvi. M. Hatch said that a four-day week is not how to structure an academic week; he said it is idiotic.
- xvii. R. Bensel said that these reforms are not of his personal opinion. He said that there are going to be opinions, decisions, and thoughts from all across



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the university. He said that he is a little worried that he might have overstated what C. Van Loan is trying to do.

xviii. D. Barbaria asked M. Battaglia if he could get a timeline from C. Van Loan on the process of moving forward with these reforms.

xix. M. Battaglia said that he would speak with C. Van Loan to attempt to do so.

IV. Committee Reports

a. Executive Committee

i. J. Anderson said that the Executive Committee is looking at several entities and people to come to the Assembly to present. He said that the Executive Committee is working on the tobacco referendum, and the Budget Planning Committee, and more.

ii. M. Hatch asked if the Campus Sustainability Office could present to the Assembly.

iii. M. Battaglia said that Rick Burgess, Vice President for Facilities and Campus Services, presented to the Assembly earlier this year, and that he will forward along the information.

b. Codes and Judicial Committee

i. D. Barbaria said that the Codes and Judicial Committee is continuing discussion on all of the recommendations given for amending the Campus Code of Conduct. He said that the committee does not look like it is going to have anything close to an actual recommendation by the end of the semester, in terms of language. He said that he'd love recommendations on how the committee can do better outreach. He said that there are only two meetings left for the fall semester.

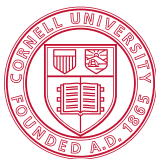
c. Campus Welfare Committee

i. T. Onabajo said that the Campus Welfare Committee has been looking into the childcare services that Cornell provides.

ii. E. Winarto said that there is an advisory group called Students with Families that is organized, so it might be beneficial to collaborate with that group.

iii. L. Copman said that she is perplexed that the Office of the Assemblies does not have the authority to send a campus-wide email, and that this should be taken care of and in writing to ensure that this does not occur in the future.

iv. M. Battaglia said that the Office of the Assemblies has the email lists, but said that they can only use them for elections, but, he said, in accordance with the University Assembly's governing documents, the Assembly has the



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authority to send out a referendum, including a questionnaire, so he does not think there needs to be approval.

d. Campus Infrastructure Committee

- i. M. Hatch said that at the last meeting, there was a discussion of covered field facilities. He said that he is bringing these issues to the University Assembly to consider.
- ii. R. Howarth asked if there was any discussion about the impact of greenhouse gases.
- iii. M. Hatch said that there was no discussion whatsoever.
- iv. M. Hatch said that the building would be steel with a strong plastic framework.

V. Liaison Reports

- i. There were no updates.

VI. J. Anderson made an announcement that the Public Service Center would be providing free rides to polling locations in the area on November 6.

VII. Late Additions to the Agenda

VIII. Executive Session

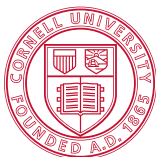
IX. Adjournment

- a. The meeting went into executive session.

Respectfully Submitted,

Terrill D. Malone

Clerk of the University Assembly



Cornell University University Assembly

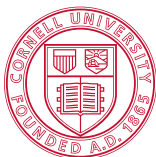
Cornell University Assembly

Agenda of the November 13th, 2018 Meeting

4:30 PM – 6:00 PM

401 Physical Sciences Building

- I. Call to Order
 - a. Call to Order
 - i. M. Battaglia called the meeting to order at 4:35pm
 - b. Roll Call
 - i. *Present:* J. Anderson, D. Barbaria, K. Barth, M. Battaglia, R. Bense, D. Geisler, M. Hatch, R. Howarth, T. Onabajo, J. Pea, A. Viswanathan
 - ii. *Absent:* I. Allen, L. Copman, V. Devatha, D. Hiner, L. Kenney, E. Loew, C. Van Loan, C. Wiggers, E. Winarto
 - c. Welcome and Introduction
 - d. Call for Late Additions to the Agenda
 - i. There were no late additions to the agenda
- II. Approval of the Minutes
 - a. 10-16-18 Minutes
 - i. J. Anderson motioned to approve the meeting minutes. K. Barth seconded the motion. There was no dissent. The meeting minutes were **approved**.
 - b. 10-30-18 Minutes
 - i. D. Barbaria motioned to postpone the approval of the minutes. D. Geisler seconded the motion. There was no dissent. The meeting minutes were **postponed**.
- III. Presentation from Judicial Administrator Michelle Horvath
 - a. M. Horvath gave an overview of the of the 2018 academic year, with respect to the campus code of conduct, the Office of Judicial Administrator (OJA), the OJA's focus on educational sanctioning, liaising with Cornell Tech, and more. She referenced her 2017 report in which the topic of speech is mentioned. She said that it has been a tough academic year for the University. She said there has been an increase in fraternity and sorority hazing cases.
 - b. She said that there are two programs that she considers to be a success, which are the suspension reintegration program, which provides a system of support for students during and returning from suspension, and a decision-making class, in which four curricula are used to help students make better decisions. She said the



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OJA has been collaborating with peer institutions as well. She said that there has been a drop in the recidivism rate.

- c. She said she would like to increase knowledge of the Campus Code of Conduct and thinks that the OJA should be included in orientation. She said the OJA continues to work with the Schienman Institute. She said her last goal for the upcoming year is to create a Judicial Administrator Advisory Council.
- d. M. Horvath fielded questions from Assembly members.

IV. Assembly, Committee, and Liaison Reports

- a. Campus Planning Committee
 - i. M. Hatch briefly discussed a report circulated at a previous Campus Planning Committee meeting.
- b. The Assembly lost quorum at 5:48pm The Assembly moved into a committee of the whole to continue a brief discussion.

V. Adjournment

Respectfully Submitted,

Terrill D. Malone
Clerk of the Assembly

Summary of Work of Sorority and Fraternity Judicial¹ Review Committee

Nature of the problem: In President Pollack's letter of May 4, 2018, she described changes that must occur in sororities and fraternities and **identified** areas for further examination. One area for deeper examination was the Chapter Review Board, which is the body that considers whether the university should continue to recognize a chapter accused of misconduct. Over the years, the community (both the SFL community and the broader Cornell community) had become dissatisfied with the Chapter Review Board because, among other reasons: the processes and results were neither consistent, nor transparent; some felt the sanctions were disproportionately high while others felt responses were disproportionately low; some felt there was a bias against the SFL system, and, conversely, some felt that the SFL system was protecting itself rather than protecting the broader community. President Pollack identified five specific areas that this committee should examine: community expectations, structure, membership, process, and procedures.

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Values (or, community expectations) identified by the committee. The committee considered the values that must be present in a system of accountability. While many values were expressed, three values held by all were: safety; fundamental fairness²; and transparency. Additionally, President Pollack has made clear that the process must be educational.

Gap analysis. There were a number of ways the current Chapter Review Board structure, processes, membership and procedures were falling short of these values. To address these gaps, the committee has considered short-and long-term changes, and now seeks community input to refine the recommendations.

Proposed short-term, meaningful changes; to be implemented by February 2019.

- Write out the process and procedures of the Review Board in plain English. These will outline expectations for the investigation, hearing and appeal.
- Create consistent Review Board **membership** to decrease the current *ad hoc* nature of **membership**.
- Provide consistent training of all review board members prior to their participation in any hearing.
- Separate **the** investigators from board; that is, the individual who investigated the case **should not** be on **the actual review** board.
- Provide the investigative **re**port to the Review Board, Chapter and Advisor in advance. All information provided to the Review Board must also be provided to the Chapter and Advisor.

Commented [MOU1]: Not sure best way to frame but assume you are talking about membership in particular.

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¹ As this group worked throughout the semester, the chair replaced "judicial" with "accountability." "Judicial" is meaningful in the criminal justice system, but in higher education, expressions like "accountability," "conduct" and "community standards" are more normative and appropriate. To reduce any confusion, however, all public discussions will refer to the original title, with an acknowledgement that ultimately the term may not be used.

² Depending on the type of educational or work background a committee member had, they might use the expression "due process" or choose instead "fundamental fairness." Since "due process" is a constitutional term used to describe criminal processes, and "fundamental fairness" is a term used in higher education, we have chosen the latter.

- Maintain accurate and current updates on line, regarding allegations and results of Review Board cases.

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NOTE: Other short-term suggestions were made, but either not possible immediately or did not receive consensus. Among these is the notion that OSFL should not be involved with the investigations and decision-making process: while committee members agreed with this concept, and some felt it should be implemented immediately, resources and staff shortages prevent immediate implementation of this idea. Other ideas (for example, changing the standard of proof to “clear and convincing evidence” and changing the role of the advisor to an “advocate” rather than as a support person) did not have consensus, but warrant further discussion because the committee is almost evenly split.

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Long-term, meaningful changes that need further consideration.

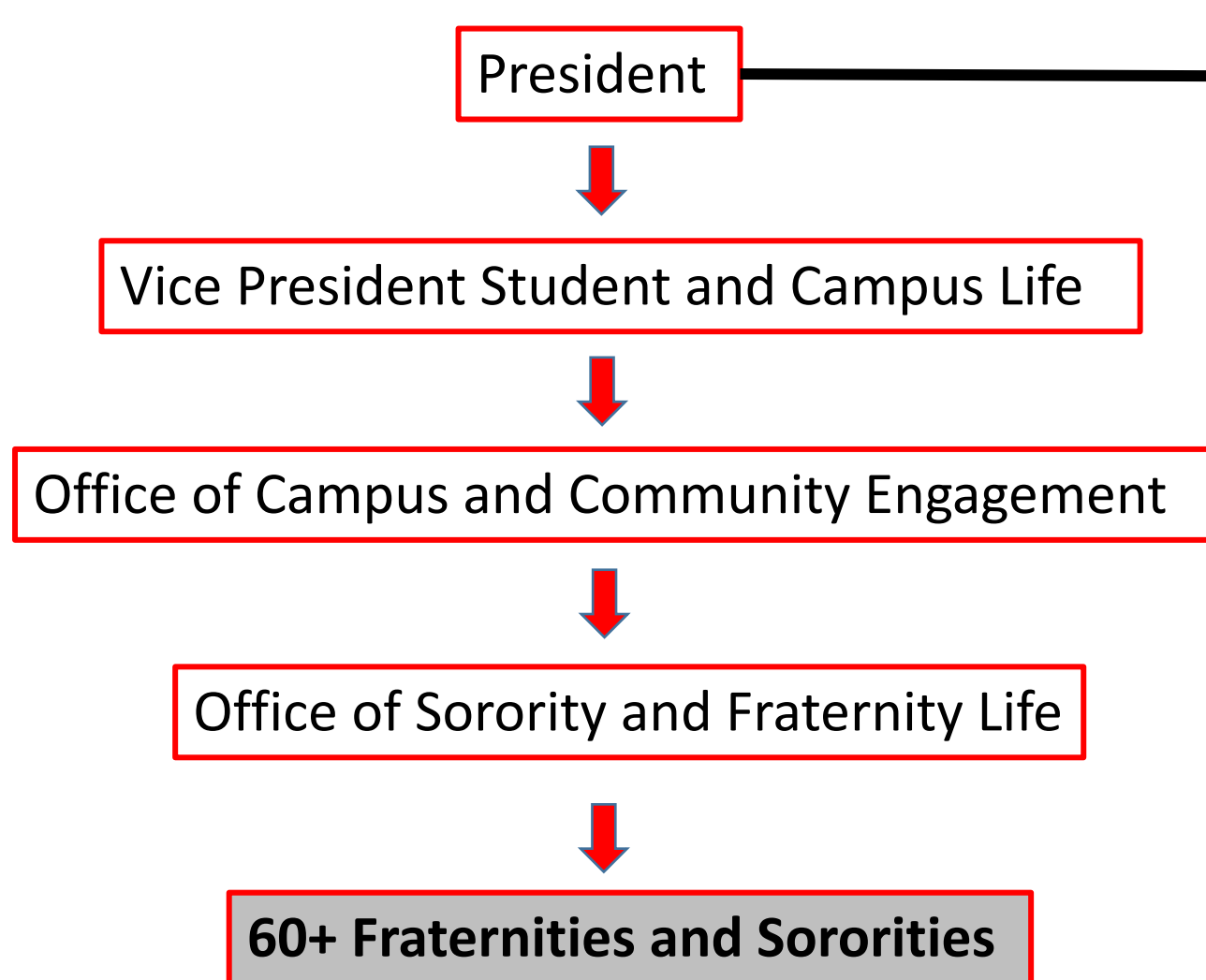
- The committee believes OSFL should not be involved with investigating and deciding Review Board cases. This does not preclude OSFL, however, from other roles. What roles, if any, should OSFL members have in adjudicating cases? (for example, Advisor to board? Expert on SFL? Expert on process and procedures?)
- Should non-Greek community members be part of the decision-making body?
- What role should alumni/ae have?
- What role should faculty have?
- Do you agree that alternative dispute resolution (e.g., mediation, restorative justice) should be used in the SFL system?
- Do you believe consideration should be given to harmed parties?

Sorority and Fraternity Life Accountability Committee

Discussion of Issues

Slides prepared by:
Chris Schaffer
Associate Dean of Faculty

Context and Charge



A comprehensive review of the Chapter Review Board process that governs recognition for fraternities and sororities will be conducted and submitted for my approval.

The review will include, but not be limited to, structure, procedures, process, membership and community expectations.

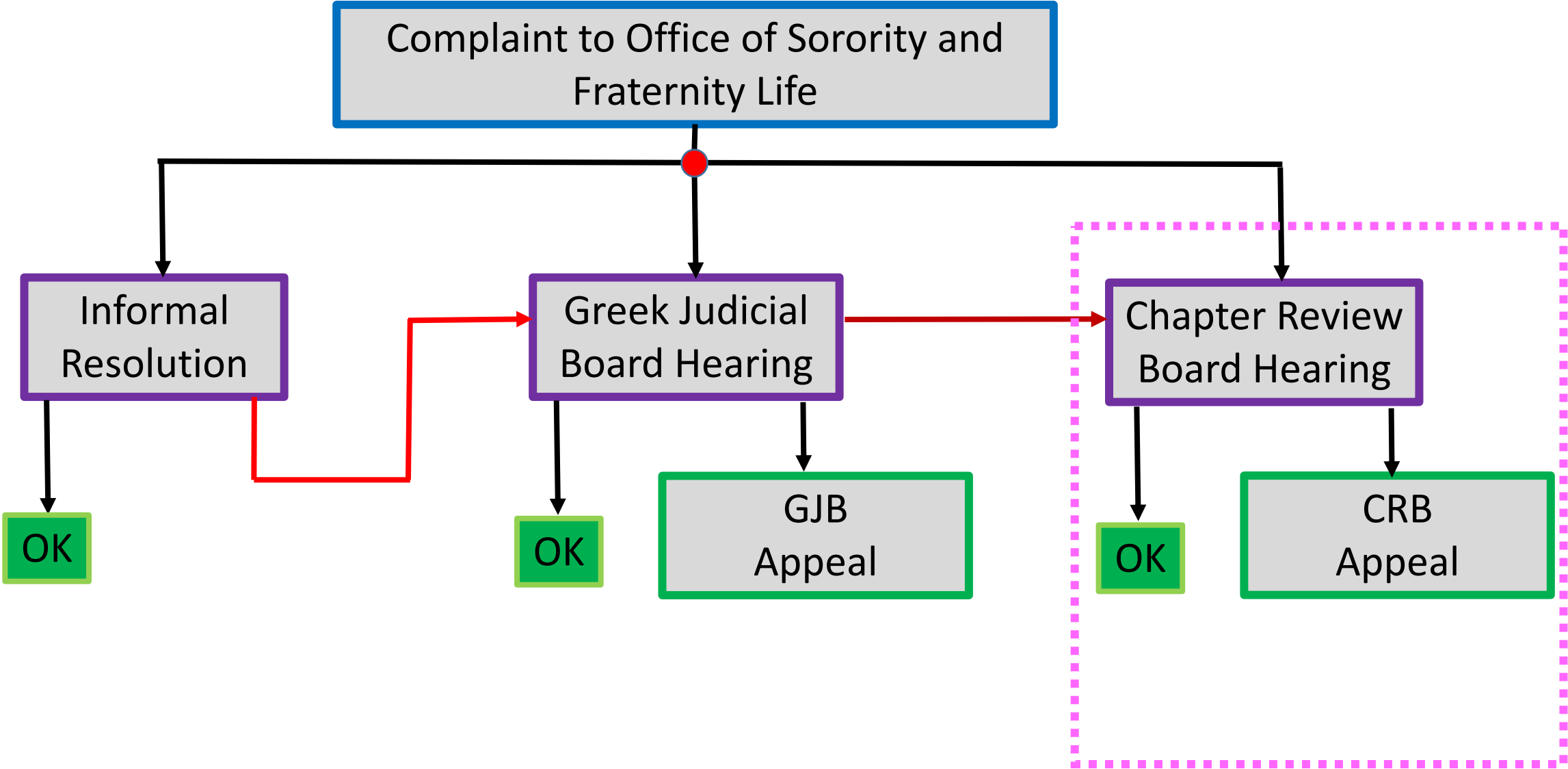
May 4, 2018

The Sorority and Fraternity Life Accountability Committee

Members

Mary Beth Grant (Chair)	Senior Associate Dean of Students
Joe Anderson '20	Resident Student Congress, President
Briana Barrett '18	MGLC, Former President
Allie Brodeur	OSFL, Advisor to FSAC
Mark Faber '81	CUAIFC, President
Bob Forness '87	FSAC, Chair-Elect
Christiana Lang	Office of the Judicial Administrator, Associate JA
Greg Mezey '09	FSAC, Member
Christina Nastos '19	PHC, President
Paul Russell '19	IFC, President
Laura Santacrose '11	Skorton Center for Health Initiatives, Assistant Director
Chris Schaffer	Associate Dean of Faculty
Charles Van Loan	Dean of Faculty

Current System



Committee agrees on core values

- Safety of community members is the first priority
- Fundamental fairness is core to any process of accountability
- Transparency is essential
- Educational system since higher ed context

Current system falls short of these values

1. **Complex system:** different rules and procedures for each process
2. **Lack of fundamental fairness:** inequity regarding access to evidence, investigators on board; *ad hoc* board
3. **Triaging imperfect:** some cases of apparent serious misconduct adjudicated Greek Judicial Board (that is, an all student board)
4. **Lack of confidence** (both within and outside of Greek community): process, appropriateness of the outcomes, and transparency of the process and results

Ideas for short term, meaningful changes to current system

- **Plain English** procedures
- **Recruit and train** Review Board panel members, rather than rely on *ad hoc* practices
- **Investigators** do not serve on Review Board
- Provide **full investigative report** to all parties
- Maintain **public information** of allegations and review board findings

Other considerations for long-term revision

- **Structure:** Removal of chapter conduct cases from the Office of Sorority and Fraternity Life
- **Membership:** Should non-Greek community members be part of the Review Board? Students? Faculty members?
- **Roles:** What roles should the following have in the Review Board process: Harmed parties? Alumni/ae? OSFL? Advisor?
- **ADR:** Use of alternative dispute resolution (e.g., mediation, restorative justice)