



Minutes

Codes and Judicial Committee
University Assembly
September 13, 2017
4:30pm-5:45pm
163 Day Hall

I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:36pm.
- b. Roll Call:
 - i. *Present*: M. Battaglia, R. Bense, M. Horvath, G. Kaufman, J. Kruser
 - ii. *Absent*: K. Karr, S. Park, D. Putnam
 - iii. *Others Present*: T. Malone
 - iv. *Late Arrivals*: N. Jaisinghani (4:37pm), R. Lieberwitz (4:37pm)
- c. Due to the fact that there were not enough members to reach a quorum, the committee moved into Committee of the Whole, until the two late arrivals, N. Jaisinghani and R. Lieberwitz, arrived to the meeting at 4:37pm, at which time a quorum was achieved.
- d. In the Committee of the Whole, the committee spoke about permanent meeting times, University Hearing and Review Board vacancies (2 students and 1 staff), the Campus Code of Conduct language regarding the appointment terms of the Judicial Administrator, and Campus Code of Conduct housekeeping regarding the dense and ambiguous language in the Campus Code of Conduct.

II. Approval of Minutes (Chair)

- a. No minutes were approved at this meeting.

III. Business of the Day

- a. For Vote: UA Resolution X: Appointment of University Hearing Board and University Review Board Members for Academic Year 2017-2018
 - i. UA Resolution X **passed** with a vote of 4-0-1
- b. For Discussion: Addressing housekeeping code changes
 - i. M. Battaglia said that there was a lot to discuss regarding Campus Code of Conduct amendments, specifically in the language of the appointment of the Judicial Administrator, the language in Title 3 regarding the discretion of the Judicial Administrator, and further explanation of terms in the Campus Code of Conduct.
 - ii. M. Horvath said that Title 3 needs to be changed because there is only mention of “non-compliance” in Title 4, although it was once in both Title 3 and Title 4, however, now that it is only found in Title 4, she said that the Office of the Judicial Administrator cannot act accordingly on an individual basis without the discretion given by the wording in Title 3.
 - iii. M. Battaglia said that there must be an avoidance of being too far-reaching and vague.

- iv. R. Benseal said that the matter of changing code language in Title 3 is not “low-hanging fruit,” and needs to be handled.
- v. M. Battaglia said that this provision is to amend the Campus Code of Conduct to add more discretion in Title 3 to give to the Office of the Judicial Administrator.
- vi. R. Lieberwitz asked for clarification of what was being discussed.
- vii. M. Horvath said that she asks that there be language in Title 3 to charge Non-Compliance for appropriate violations, as necessary, in accordance with the Campus Code of Conduct.
- viii. R. Benseal said that he was uncomfortable with changing the language because of the connection with the McBride case, and because the it is too broad
- ix. M. Battaglia said that the Committee had discussed narrowing the language of this proposed amendment.
- x. R. Benseal discussed the McBride Case and said that if the amendments of the Campus Code of Conduct are proposed to bring the McBride Case under the Campus Code of Conduct, then he is opposed the idea. He said that the proposed amendments are broad and need regularity.
- xi. M. Battaglia said that he has heard concerns from a number of groups and individuals concerning regulations for public order. He said based upon the prior discussion of the committee, the proposed language would be narrowed to only include the violation of sanctions given under the Code to avoid being broad.
- xii. R. Benseal asked about standardized University Campus Code of Conduct formats.
- xiii. M. Battaglia mentioned Policy 1.1, which is the Policy on Policies.
- xiv. J. Kruser said that along with the format changes, the definition of term “University Official” is unclear and vague, and has different meaning throughout its various occurrences in the Campus Code of Conduct.
- xv. M. Battaglia said that additional board and administration approval would be needed to amend the specific language regarding the term “University Official.”
- xvi. R. Lieberwitz said that there is wording of a violation of Title 3 in Title 3, which is odd.
- xvii. M. Horvath said that Title 4 is odd, but parts of it all is required of New York State Law.
- xviii. R. Lieberwitz said that it would be useful to see the implementation and applicability of the Campus Code of Conduct throughout history, specifically how amendments were brought in.
- xix. M. Horvath questioned if there was anything that the Office of the Judicial Administrator could provide.
- xx. R. Lieberwitz asked about the three-year provision in the Campus Code of Conduct.

- xxi. M. Horvath said that there are exceptions to the one-year extension rule.
- xxii. R. Lieberwitz said that she was not comfortable with a five-year suspension because she doesn't agree with the idea of cleaning out an organization entirely.
- xxiii. The Chair asked for the unanimous consent to extend the conversation and move off the Agenda. There was no dissent.**
- xxiv. M. Horvath said that a five-year suspension is sometimes used because of the turnover of membership and university perceptions, and to dismiss the stigma surrounding a group or organization.
- xxv. M. Battaglia asked the Codes and Judicial Committee to consider that language and meaning of the term "Student" for discussion for the next meeting.
- xxvi. The Chair moved the meeting into an Executive Session at 4:34pm.**

IV. Adjournment

- a. The recorder was turned off and no further minutes were recorded.

Respectfully submitted,

Terrill D. Malone
Codes and Judicial Committee Clerk