



## Minutes

Codes and Judicial Committee  
University Assembly  
September 27, 2017  
4:30pm-5:45pm  
163 Day Hall

### I. Call to Order (Chair)

- a. M. Battaglia called the meeting to order at 4:38pm.
- b. Roll Call:
  - i. *Present:* M. Battaglia, R. Bensel, M. Horvath, G. Kaufman, J. Kruser, S. Park, D. Putnam, A. Waymack, K. Zoner
  - ii. *Absent:* N. Jaisinghani, K. Karr, R. Lieberwitz
  - iii. *Others Present:* D. Barbaria, T. Malone, V. Price, N. Stetson

### II. Approval of Minutes (Chair)

- a. April 25, 2017 Minutes
  - i. **Tabled** to the next meeting
- b. September 6, 2017
  - i. **Tabled** to the next meeting
- c. September 13, 2017
  - i. **Tabled** to the next meeting
- d. September 20, 2017
  - i. **Tabled** to the next meeting

### III. Business of the Day

- a. For Discussion/Vote: Housekeeping Changes to the Campus Code of Conduct
  - i. M. Battaglia said that he hopes to go through the Campus Code of Conduct to make it more clear and understandable.
  - ii. M. Battaglia explained the first proposed language change in the Campus Code of Conduct, which addresses the suspension length, definition, and reporting date for organizations in Title Three, Art. III, Sec. D.4 (pg. 24, 2017) of the Campus Code of Conduct.
    1. M. Horvath said that she is in full support of the proposed language change.
    2. R. Bensel made a motion to approve the first proposed language change. By a vote of 4-0-1, the motion was **adopted**.
  - iii. M. Battaglia explained the second proposed language change in the Campus Code of Conduct, which addresses immediate suspension for non-compliance of sanctions in Title Three, Art. II, Sec. A.3 (pg. 18, 2017).
    1. M. Horvath questioned the use of “valid” in the context of the language of the proposed language change.

2. J. Kruser made a motion to amend the proposed language to read: “To refuse to comply with any penalty or remedy given pursuant to the Campus Code of Conduct.”
  - a. The motion was seconded by M. Horvath
  - b. By a vote of 4-0-1, the motion was adopted.
3. M. Battaglia called the question to adopt the proposed language change to the Campus Code of Conduct.
  - a. By a vote of 4-0-1, the motion was adopted.
- iv. M. Battaglia explained the third proposed language change in the Campus Code of Conduct, which more specifically defines the term “Student,” and the role of non-matriculated minors in the Campus Code of Conduct.
  1. K. Zoner said that it is understandable to protect free speech, however, she said that she finds it hard to agree with R. Lieberwitz’s wording of the proposed language change.
  2. J. Kruser asked why is anyone being carved out of protections if they are taking classes at the University? And what is the risk to the University by leaving provisions in the Campus Code of Conduct?
  3. Point of Information-S. Park asked whose jurisdiction are they [meaning students not fully and officially registered with the University] are under?
  4. M. Horvath said that the language is distinct to take into account the different special cases and to not overstep the boundaries of parents and school jurisdictions to not open up the University to liability.
  5. K. Zoner said in special cases for atypical students, to have things in place. She said the Campus Code of Conduct provides resources that they have not earned, as opposed to other fully registered students.
  6. R. Bense mentioned the freedom of expression for students.
  7. J. Kruser said that there needs to be something to access the terms for third-parties to make sure that they don’t offend the University.
  8. G. Kaufman said that they are written out of the Campus Code of Conduct, and that there should be something in place to ensure that their rules are held to standard, and that the Codes and Judicial Committee has power the power to oversee and ensure that.
  9. M. Horvath said that there is a need to look at whether the

- Campus Code of Conduct is the place to remove the students, and therefore, action must be taken to demonstrate flexibility.
10. K. Zoner said that most high school students have codes that apply to them, so how far with the University go to access those codes? She said that it might be worth looking at a “person’s bill of rights.”
  11. J. Kruser said that there are already things in place within the University Assembly to take a look into policies.
  12. R. Bensel said that there is a strong suggestion to revisit a bill of rights.
  13. M. Battaglia said that the language that gives the University Assembly power to look at policies should be brought forward.
  14. D. Barbaria questioned the placement of the proposed language change.
  15. M. Battaglia moved to move the proposed language highlighted in yellow to before the phrase “if they are:”
    - a. By a vote of 5-0-1, the motion was adopted.
  16. M. Battaglia called the question to adopt the third proposed language change to the Campus Code of Conduct.
    - a. Point of Information-M. Horvath said that there is an issue with having the proposed language change because it raises an issue.
    - b. R. Bensel asked, why not move the proposed language to subsection D.?
    - c. R. Bensel recommended considering a making a section 3 that says “No provision of 1 and 2 shall not apply to...”
  17. K. Zoner proposed that the language reads: “The term student should not be defined as...etc.”
  18. M. Battaglia called the question to amend the proposed language by moving the language highlighted in yellow to after “University employees” and before “if they are:”
    - a. By a vote of 5-0-1, the amendment to the proposed language was adopted.
  - v. M. Battaglia explained the fourth proposed language change in the Campus Code of Conduct, which removes indefinite suspension.
    1. M. Horvath said that students currently on indefinite suspension would currently follow the Campus Code of Conduct that they were suspended under.
    2. D. Putnam asked if credits can be transferred out if they cannot

- be transferred in while on indefinite suspension?
- a. M. Battaglia said that it is left up to other institution on whether or not they accept the credits.
3. M. Battaglia called the question to adopt the proposed language change to the Campus Code of Conduct.
    - a. By a vote of 5-0-1, the proposed language was adopted.
- vi. M. Battaglia explained the fifth proposed language change in the Campus Code of Conduct, in regards to the misuse of confidential information.
1. Point of Information-M. Horvath asked whether this, and the next proposed language changes were able to be voted on, since they were introduced in a working session.
    - a. M. Battaglia said yes, they technically can be voted on.
  2. M. Battaglia said the goal of the Campus Code of Conduct is to be more specific and clear.
  3. D. Barbaria said that it must be denoted as to what it means to assent to described terms of “confidentiality.”
  4. R. Bensel said that it should include the term “explicitly.”
  5. M. Horvath said that this language seems a bit rushed, and that it should be tabled. She recommended that the University Assembly talk with its different constituencies on how this language impacts their work.
  6. J. Kruser said that the Codes and Judicial Committee is trying to out in a protection to make it blatant as to what is confidential, and to not make it overly broad.
  7. G. Kaufman said that it would be okay to pass language now and have it discussed later by the University Assembly, and hopefully, further by its respective constituencies.
  8. R. Bensel said that postponing the adoption of this proposed language might be a good idea so that it can be thought out.
  9. K. Zoner said that she agrees with tabling the proposed language, however, she disagrees with narrowing it, and disagrees with the fact that it restricts free speech because it she says it allows people to have a frank conversation.
  10. M. Battaglia motioned to extend the meeting by 15 minutes. There was no dissent. The motion was adopted.
  11. J. Kruser said that there are good reasons to keep things confidential for courtesy.
  12. R. Bensel said that, if there is a written form, it is good, however, it should include the term “explicit.”

13. M. Horvath motioned to table the proposed language change until the next meeting. R. Bensel seconded the motion.
  - a. By a vote of 4-0-1, the proposed language was **tabled** until the next meeting.
- vii. M. Battaglia explained the sixth proposed language change in the Campus Code of Conduct, which clarifies University Hearing and Review Board appointment procedures.
  1. R. Bensel moved to approve the proposed language change to the Campus Code of Conduct. K. Zoner seconded the motion.
    - a. By a vote of 4-0-1, the motion was **adopted**.
- viii. M. Battaglia explained the seventh proposed language change in the Campus Code of Conduct, which clarifies Judicial Administrator appointment procedures.
  1. M. Horvath said that she is excluding herself from this conversation, and mentioned the change in the University Assembly's Charter and how it conflicts with the proposed language change.
  2. G. Kaufman said that there is no conflict with the Campus Code of Conduct because the Campus Code of Conduct takes precedence.
  3. K. Zoner said that she agrees with documenting the procedures in the Campus Code of Conduct, however, she said that she is unclear about what the proposed language means. She also said that she is concerned with the timeline.
  4. K. Zoner said that there are more simple ways to prevent reappointment issues, and that it shouldn't be taken lightly. She said that a six-person committee does not represent the University well.
  5. M. Battaglia motioned to table the proposed language.
    - a. By a vote of 4-0-1, the proposed language was **tabled**.
- ix. M. Battaglia explained the fifth proposed language change in the Campus Code of Conduct, which adds discretion to No Contact Directive procedures.
  1. R. Bensel motioned to approve the proposed language change to the Campus Code of Conduct.
    - a. By a vote of 4-0-1, the proposed language was **adopted**.
  - b. M. Battaglia motioned to adjourn the meeting. There was no dissent. The motion was **adopted** by unanimous consent.

#### **IV. Adjournment**

- a. The meeting was adjourned at 6:07pm.

Respectfully submitted,

Terrill D. Malone  
Codes and Judicial Committee Clerk