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## Agenda

Codes and Judicial Committee University Assembly March 21st, 2018 5:05pm - 6:05pm 316 Day Hall

- I. Call to Order (Chair)
  - i. Call to Order (1 minute)
- II. Approval of Minutes (Chair)
  - i. March 14, 2018 (1 minute)
- III. Business of the Day
  - Discussion with the University Hearing and Review Board Chairs (T. DeVoogd,
    T. Overton, R. Scanza, A. Mooney, & J. Cisne) (40 minutes)
  - ii. Working Group Update (R. Lieberwitz) (5 minutes)
  - iii. For Discussion: Concerning the Previously Passed Housekeeping Amendments to the Campus Code (12 minutes) [1] [2]
- IV. Adjournment (Chair)
  - i. Adjournment (1 minute)

## **Attachments**

- 1. Language for Housekeeping Changes to the Campus Code of Conduct President's Response Comparison with Possible Solutions (Edited 3.20.2018)
- 2. Interim No Contact Directive Options Chart (Edited 3.20.2018)

## Language Comparison from Returned Changes to the Campus Code of Conduct

## Proposed language adding discretion to No Contact Directive procedures

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

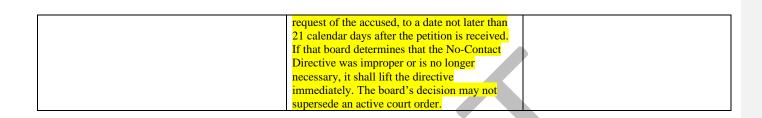
Page 1 of 2

**Commented [MB1]:** Per the Committee's discussion, these provisions will be included in the packet to UHRB Chairs prior to their attendance at a CJC meeting.

**Commented [MB2]:** Interim measures and concerns over them being unreviewable are discussed at some length in the Minikus Report (issued on June 11, 2015).

**Commented [MB3]:** The Committee in the past has provided the President with multiple options, all of which are approved by the CJC in cases where the Committee believes multiple options equally achieve the goals of the Committee. In this case, alternative language that does not directly create a right of review but accomplishes a similar goal could read:

Such directives may be initially issued for a duration of up to 21 calendar days. Should the Judicial Administrator believe a No-Contact Directive remains necessary after that time, he or she may petition a University Hearing Board Chair to renew the directive for up to an additional 21 calendar days. If the Chair determines that the No-Contact Directive is no longer necessary, he or she shall not extend the directive. Should the Chair choose to extend the directive, he or she may modify the directive's terms but may not supersede an active court order. In evaluating a renewal request, the Chair shall have access to all relevant investigative materials and the parties to the directive may submit written statements. If additional renewals are requested by the Judicial Administrator, a different Hearing Board Chair shall review each additional request. Chairs may evaluate multiple renewal requests on the same case only if all other currently serving Chairs have already reviewed an equal number of requests on the case.





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Initial Duration

- 21 days
- 40 days
- 60 days
- Other time

Reviewing Party

- Full Hearing Board
- Hearing Board Chair
- Rotating Hearing Board Chair
- "Review Group" E.g. 1 faculty, 1 staff, 1 employee from the judicial boards or other group

Reviewing Process

- In-person hearing
- Paper hearing
- Virtual/remote
- Other review

Extended Duration

- 21 days
- 40 days
- 60 days
- Other time