



**Cornell University**  
**University Assembly**

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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**

- i. 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) <sup>[1]</sup> <sup>[2]</sup>

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

**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.

	request of the accused, to a date not later than 21 calendar days after the petition is received. If that board determines that the No-Contact Directive was improper or is no longer necessary, it shall lift the directive immediately. The board's decision may not supersede an active court order.	
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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