I. Call to order - 4:30pm
   a. Call to order
   b. Call for Late Additions to the Agenda

II. Approval of Meeting Minutes
   a. 11/10/20

III. Business of the Day
   a. Resolution 3: Bylaw Changes to Require Roll Call Voting
      i. Sponsored by Bennett Sherr
   b. Resolution 4: Acknowledging the Passing of Transgender Day of Remembrance, Upholding the University Assembly's Commitment to Representing Trans and Genderqueer Members of the Campus Community, and Establishing the LGBTQIA+ Intermediary to the University Assembly
      i. Sponsored by Bennett Sherr
   c. Resolution 5: In Recognition and Appreciation of Cornell University Students
      i. Sponsored by Hei Hei Depew and the Executive Board

IV. Campus Code of Conduct Discussion
V. Adjournment
I. Call to Order
   a. L. Kenney called the meeting to order at 4:31pm.
   c. Late Addition: J. Feit
   d. Also Present: C. Benedict, M. O’Gara, B. Krause
II. Call for Late Additions to the Agenda – 4:32pm to 4:35pm
   a. U. Chukwukere motioned to add a presentation by C. Benedict on the demands of Native American and Indigenous Students at Cornell (NAISC) to the agenda after the approval of the meeting minutes.
      i. C. Huang seconded the motion.
      ii. L. Kenney asked if a resolution would accompany this presentation.
      iii. U. Chukwukere affirmed and stated he would send the resolution to the assembly members.
      iv. The motion passed with 18-0-1.
         2. Abstained: L. Kenney
III. Business of the Day
   a. L. Kenney acknowledged that it was the 245th anniversary of the Marine Corps and that tomorrow would be Veteran’s day. She thanked those who have served our country.
      i. C. Duell motioned to approve all of the minutes.
         1. P. Thompson seconded the motion.
         2. The motion passed with 18-0-2.
IV. Presentation by Colin Benedict on the Resolution proposed by NAISC.
   a. C. Benedict presented the history of indigenous peoples who have historically occupied New York state and the demands of NAISC.
   b. U. Chukwukere offered to share the resolution.
   c. L. Kenney reminded the assembly that they will be debating whether or not to consider this resolution in the next meeting.
   d. C. Benedict continued to present the NAISAC Resolution.
   e. L. Kenney wanted to clarify that the resolution is coming from U. Chukwukere as a co-sponsor.
   f. L. Kenney opened to floor to any questions.
   g. V. Aymer asked if any faculty have signed onto this resolution. She also asked if the resolution also refers to South American indigenous people.
   h. C. Benedict stated 34 faculty members have signed onto the petition. He said many of the demands were focused on acts of reparations on the basis of Cornell’s status as a land-grant institution. He also said expanding indigenous student recruitment is part of a larger project in NAISAC.
   i. C. Van Loan asked if the required courses from the American Indian and Indigenous Studies Program (AISSP) are being added to the anti-racism initiative.
   j. C. Benedict thanked C. Van Loan for the question and affirmed that have the AISSP courses in mind along with, in the event of an expansion of this department, a course also exploring ethically conducted research.
   k. J. Pea acknowledged the importance of C. Benedict’s presentation and asks for more information on an aforementioned event on Facebook.
      i. C. Benedict affirmed and offered to share the resource links.
   l. U. Chukwukere motioned to table the resolution for a vote during the next meeting.
      i. B. Sherr seconded this motion.
      ii. J. Feit acknowledged a question in the chat by R. Platt regarding the definition of “educational purpose” and whether that encompasses housing and dining facilities.
      iii. C. Benedict said that “educational purpose” defines any land on campus that the University actively invites individuals to hunt white tailed deer or is used for hunting purposes.
   iv. The resolution was tabled for next meeting unanimously.
V. Committee Updates
   a. Executive Committee
      i. U. Chukwukere said that they discussed issues with emergency appointments and conflicts of interest in positions within the University Hearing and Review Board.
      ii. U. Chukwukere reported that the committee also discussed a communications campaign utilizing different platforms such as Instagram and Facebook. He said they also discussed forming an ad hoc committee that might support this campaign.
      iii. U. Chukwukere stated the Executive Committee discussed how to best support the committee chairs in their regular operations
      iv. U. Chukuwukere said they discussed making by-law and charter changes to ensure gender neutral pronouns.
         1. L. Kenney said that considering the tight deadlines with the Code, they have decided to work on changes to both the charter and by-laws next semester.
   b. Campus Infrastructure Committee
      i. J. Feit said that he has been ensuring that positions in the committee are filled. He also stated they are scheduling their first organizational meeting on the week of Nov. 23rd.
   c. Campus Welfare Committee
      i. B. Sherr stated that due to health concerns there has been a bit of a delay, however they are organizing their first meeting.
      ii. B. Sherr reported they are missing 5 seats and will be reaching out to these various assemblies to fill vacancies.
      iii. B. Sherr said that he has also contacted individuals working on the Nicotine Ban in the last University Assembly (UA) cycle.
   d. Codes and Judicial Committee
      i. B. Fortenberry said that a public forum will be held on Thursday, allowing groups such as the University Counsel’s Office (UCO), the Judicial Code Counselor (JCC), the Office of the Judicial Administrator (OJA), the student and campus perspective, and the University Assembly (UA) to present from what is important for them in terms of comments and feedback. He stated the Counsel’s Office will ask the UA on the CJC and UA’s response to the discussion of the “standard of evidence.”
      ii. B. Fortenberry asked that the UA provides any questions they intend to ask in advance so other groups can prepare to answer them with information.
iii. L. Kenney stated that as a panelist she aims to express the deadlines that have been outlined and the want for a transparent process with other groups. She asked what the members of the UA would like for her to address or ask for comment on. L. Kenney said waiting for community responses before voting on the evidentiary standard would be more in line with democratic values and ensuring that constituents’ voices are heard.

iv. C. Van Loan asked if B. Fortenberry could reiterate the panelists again.

v. B. Fortenberry outlined the panelists as: Madelyn Wessel (UCO), Barbara Krause (OJA), Marisa O’Gara (JCC), Logan Kenney (UA), Ryan Lombardi (Vice President on Student and Campus Life), and has reached out to the Complainant Advisors (CA) group but has heard no response.

vi. C. Van Loan asked if the biggest divergence is the evidentiary standard.

vii. B. Fortenberry said that the standard is a very clear split decision while others are more discussion based.

viii. L. Kenney asked if the body is more comfortable with her speaking to the evidentiary standard or to speak more procedurally.

ix. C. Van Loan said he would like individuals within the current meeting to speak to the evidentiary standard. He asked L. Kenney to state her opinion on the different evidentiary standards.

x. L. Kenney said that she believes that in the criminal justice system when you lower the evidentiary standard you don’t need as much proof to convict someone as someone guilty or responsible. She believed that this may augment unconscious or implicit bias towards students who come from a minority background or lack confidence. She supported “clear and convincing” evidence to ensure that people are not wrongly held responsible. L. Kenney also stated that the majority of the public votes in May were heavily leaning towards the “clear and convincing” standard. She understood the other avenues to keep “clear and convincing” and maintain a restorative justice but asserted those paths need to be investigated further.

xi. M. O’Gara said that there was a fear that if they kept “clear and convincing” in the code then it would be made uniform across all of institutions under Title IX. She states that “clear and convincing” ensures that one must be more than 70% sure that a student is responsible. She also affirms what L. Kenney spoke to the lowering of the evidentiary standard and lowering of proof.

xii. B. Krause stated that this issue is not a criminal process, but rather aims to sustain an educational environment. B. Krause said that it is important to address not only individuals but also the campus as a whole. She states that
in this “clear in convincing” standard it creates an unequal field in the favor of individuals.

xiii. R. Platt said that Cornell faculty and students should be free of fear of being wrongly accused and there should be a clear case for those held responsible. R. Platt stated the process itself is traumatic so if there is no “clear and convincing” evidence then the campus shouldn’t pursue it. R. Platt also disproved of the intent by the Board of Trustees to shift the responsibility of codes away from the UA and shared governance into the Vice President and the University Counsel. He said that they need to have community-based codes and procedures for all people to ensure the same fundamental rights.

xiv. L. Kenney wanted to clarify that the Campus Code of Conduct is not a criminal justice system as they do not have a “beyond a reasonable doubt” standard. She said that the “clear and convincing standard” can award student’s trust in the system.

xv. M. O’Gara said in regard to the “preponderance of evidence” standard’s aforementioned unequal field one needs to keep in mind that the complainant is often the University. She said there can be harm to the individual and University if the respondent has done something wrong, however a punitive approach is not the correct approach. She believed in accountability and a restorative model. M. O’Gara agreed that hearing panels can refuse impose a disciplinary record, however that isn’t a commonplace in practice.

xvi. B. Krause said she hopes individuals do not perceive this as a debate between offices. She would like to note that the majority of cases have university individuals bringing the case forward on behalf of an entire community such as residence halls. B. Krause notes that the code aims to be less legalistic and less adversarial. She notes that the current proposed revision attempts to create avenues to informal and alternative dispute resolutions.

xvii. D. Dunham moved to extend the meeting until 6:15pm.
   1. B. Sherr seconded the motion.
   2. The motion passed with no opposition.

xviii. B. Fortenberry said the forum is a 6:30pm the tomorrow. He said that they have the responsibility to take the public comments and provide it to the Counsel’s Office and individuals have until the 17th to provide these comments.

xix. L. Kenney said that is anyone has any further questions they are welcome to email herself or B. Fortenberry.
xx. B. Fortenberry asked what is the turn-around from collecting comments to report them.
xxi. G. Giambattistia said she would ask.

VI. Constituent Group Updates
a. Student Assembly
   i. C. Huang reported that last week they passed a resolution where they unanimously supported NAISAC’s demands.
   ii. She said they also passed a resolution for the University to rethink their relationship with the Ithaca Police department in response to protests downtown.
   iii. C. Huang reported that this week they will be reviewing procedures and sending out a student’s activity free.
   iv. She said that they had and will continue to have a discussion about the Cornell Police department.
   v. C. Huang stated that the Student Assembly have also been working with the Financial Aid Office to develop a pilot program to waive the Student Contribution fee.
   vi. L. Kenney asked when students were pepper sprayed.
       1. C. Huang said that it happened 2-3 weeks ago.
       2. L. Kenney expressed thanks for bringing that to their attention and report.
       3. T. Fox said that the Cornell Police chief used to participate in these meeting and suggests that if they are going to be discussing current relations within law enforcement that they may want to invite the chief of police chief.
       4. C. Huang recognized that it is good to keep everyone involved.
       5. T. Fox asserted that they will not get rid of law enforcement and that they should have a voice on behalf of said law enforcement.
       6. L. Kenney asked P. Thompson to reach out to David Honen if he is interested as an ex-officio member since he has a seat on the CJC.

b. Graduate & Professional Student Assembly
   i. D. Dunham said yesterday Pres. Pollock came the speak with the GPSA.
       1. He said they discussed a greater need of structural support with wi-fi and other technological issues.
       2. D. Dunham reported that there was a discussion of vaccines under the Biden administration.
   ii. He reported that the resolution on the Campus Code of Conduct, cohering with the JCC’s perspective failed on voting.
iii. D. Dunham also said that the GPSA approved a resolution in finance commissioning.

c. Employee Assembly
   i. H. Depew said that they are still going to work on their priorities poll.
      1. She also said that they will work through these issues as a unit using a retreat.
   ii. They have voted on a resolution which thanked students for their commitment on social distancing measures. They aim to send said thanks to the community before the Thanksgiving break.
   iii. H. Depew also said they were discussing with the faculty senate about endorsing the naming of an upcoming building.

d. Faculty Senate
   i. C. Van Loan said that the Office of the Provost is giving a financial update tomorrow.
   ii. C. Van Loan reported that they are discussing the use of standardized test in freshman admissions.
   iii. He said that the vote on a number of academic integrity modifications to the Academic Integrity Code was delayed as a handful of professors disagreed on whether the independent witness could be a staff member.
   iv. C. Van Loan said that they are setting up a discussion on hate-based communication that targets faculty as that has escalated.

VII. Open Floor Discussion
   a. L. Kenney opened the floor for discussion.
   b. B. Sherr motioned for attaching names to the votes taken today: approval of the minutes, approval of the late addition to the agenda, and the tabling of the resolution to next week.
      i. U. Chukwukere seconded the motion.
      ii. L. Kenney asked if this would also extend to further meetings.
      iii. B. Sherr said that it was just for this meeting.
      iv. The motion passed with 17-0-0.

The meeting was adjourned at 6:16pm.

Respectfully Submitted,
Kassandra Jordan
Clerk of the Assembly
U.A. Resolution #3
Bylaw Changes to Require Recorded Voting

[11/24/2020]

Sponsored By: Bennett Sherr, Undergraduate Student Representative; Jacob Feit, Undergraduate Student Representative

Abstract: This resolution proposes adding a subsection to Article II of the Bylaws of the University Assembly that would require recorded votes be taken for all voting matters outside of executive session or organizational meetings.

Whereas, Article II of the Charter of the Cornell University Assembly states, “The object of the Assembly is to improve and sustain the involvement of the campus community in the governance of campus affairs affecting the broad campus community by establishing open, effective, and efficient channels of communication between and amongst the community and university administration,”

Whereas, the University Assembly votes on decisions that are within the general interest of the Cornell community,

Whereas, students have become disinterested in and untrusting of shared governance,

Whereas, voter turnout in undergraduate elections to the SA and UA during the Fall 2020 semester ranged from 16.85% to 29.77%,

Whereas, with minimal exception, Student Assembly elections have maintained turnout rates lower than 50%,

Whereas, voter turnout in Employee Assembly elections was 14.55% during the Fall 2020 semester,

Whereas, students lack faith in shared governance due to the lack of transparency between the legislative bodies and the general population,

Whereas, secret ballots and non-roll call votes lessen transparency and reduce the Cornell community’s ability to hold elected representatives accountable,

Whereas, Section 2.4 of the Cornell University Assembly Bylaws requires adherence to Robert’s Rules of Order for all things not addressed in Article II of the Bylaws,

Whereas, Robert’s Rules of Order does not mandate recorded votes on all voting matters of the body,
Be it therefore resolved, that the University Assembly will amend its Bylaws by adding the existing language to Article II immediately following Section 2.14, to read:

“Section 2.15: Voting Protocol

The Assembly will require votes be recorded in such a way that the names of the yeas, nays, and abstentions are accessible to the Cornell community for all voting matters except during executive session or organizational meetings. How the votes are taken will remain at the discretion of the Assembly and should be decided upon during the first organizational meeting; however, in the event that no decision is made, the Chair is encouraged to decide how voting should take place.”

Be it further resolved, the Assembly, in conjunction with the Office of the Assemblies, shall create a website accessible to the Cornell community where community members can see a full record of all recorded votes cast by each voting member;

Be it finally resolved, this change to the Cornell University Assembly Bylaws shall remain active beyond the end of the 2020-2021 academic year, or until it is removed by a subsequent amendment.
U.A. Resolution #4
Acknowledging the Passing of Transgender Day of Remembrance, Upholding the University Assembly's Commitment to Representing Trans and Genderqueer Members of the Campus Community, and Establishing the LGBTQIA+ Facilitator to the University Assembly

[11/24/2020]

Sponsored By: Bennett Sherr, Undergraduate Representative

Abstract: This resolution expresses the Cornell University Assembly’s recognition of the 21st Transgender Day of Remembrance which took place on Friday, November 20th, 2020. The bill also seeks to ensure that the names of all the transgender and gender queer people who died from violence in the United States this year and all future years are documented in our record. The resolution affirms the University Assembly’s support for protecting the rights and safety of LGBTQIA+ Cornellians. Finally, the resolution establishes the LGBTQIA+ Facilitator to the University Assembly, who will be elected from the voting membership to serve as the primary point of contact between LGBTQIA+ community groups and the University Assembly.

Whereas, the Gay and Lesbian Alliance Against Defamation (GLAAD) describes Transgender Day of Remembrance as, “An annual observance on November 20th that honors the memory of the transgender people whose lives were lost in acts of anti-transgender violence,”

Whereas, Transgender Day of Remembrance dates back to a 1999 vigil led by transgender advocate Gwendolyn Ann Smith to honor the memory of Rita Hester, a transgender woman killed the year prior,

Whereas, during 2020, the Transgender Murder Monitoring (TMM) project found 350 reported murders of trans and gender-diverse people,

Whereas, a majority of the murders found by the TMM were reported in Brazil, Mexico, and the United States, representing 237 of the 350 murders, and a 6% increase in reported murders from 2019,

Whereas, between 2008 and the present, the TMM has found 3,664 reported cases of murder caused by anti-transgender violence spanning 75 different countries and territories across the globe,

Whereas, the average age of the transgender people who were murdered in 2020 was just 31 years old, the youngest victim was 15,
Whereas, the Human Rights Campaign recognizes the murders of 37 transgender individuals in the United States during 2020, the most of any year since the organization began keeping track in 2013,

Whereas, of the over 200 known murders across the country documented by the Human Rights Campaign, two-thirds of the victims were transgender women of color and 60% of the total murders involved the presence of a firearm,

Whereas, victims of anti-transgender violence are disproportionately transgender women of color,

Whereas, The FBI has noted an uptick in gender-based hate crimes in 2019,

Whereas, nearly three out of every four cases of anti-LGBTQ+ hate crimes are committed against transgender women,

Whereas, the National Center for Transgender Equality states that one in four transgender people have faced a bias-driven assault,

Whereas, transgender people experience heightened rates of family and intimate partner violence, and sexual assault,

Whereas, transgender people are more likely to be revictimized when reporting physical or sexual assault,

Whereas, the Anti-Violence Project reports that transgender people are 3.7 times more likely to be victims of police violence, with higher rates amongst black and brown transgender women,

Whereas, more than one-fifth of transgender people who had interacted with the police reported police harassment, amongst black transgender people this number jumps to almost two-fifths,

Whereas, violence against trans people frequently goes unreported or underreported and the previously mentioned statistics most likely do not fully encapsulate the gravity of the problem,

Whereas, anti-trans violence occurs in New York State and acts of anti-trans discrimination and harassment occur on Cornell’s campus,

Whereas, the Cornell University Assembly first formally recognized Transgender Day of Remembrance on November 24th, 2020,

Whereas, LGBTQIA+ Cornellians have specific needs that differ from the general Cornell community,
Whereas, LGBTQIA+ voices are traditionally underrepresented in all forms of governance,

Be it therefore resolved, the Cornell University Assembly acknowledges the passing of Transgender Day of Remembrance on November 20th, 2020,

Be it further resolved, the University Assembly pledges to recognize and commemorate all future Transgender Days of Remembrance through a reading of the names of the transgender people who were murdered within the United States that year,

Be it further resolved, the Chair of the Assembly is encouraged to read the names at the beginning of the public meeting closest to November 20th and all the names read should be recognized in the meeting minutes,

Be it further resolved, the Cornell University Assembly will affirm its commitment to fighting for the rights and safety of transgender and genderqueer Cornellians,

Be it further resolved, the Cornell University Assembly will commit to actively working with LGBTQIA+ student and employee groups through creating the position, “LGBTQIA+ Facilitator to the University Assembly”,

Be it further resolved, the LGBTQIA+ Facilitator to the University Assembly shall be a non-officer role and is separate from liaisons listed within Section 6.1 of the Assembly bylaws,

Be it further resolved, the LGBTQIA+ Facilitator to the University Assembly will be elected from the general membership of the Assembly during the first organizational meeting,

Be it further resolved, in the event that no one runs for the position or the LGBTQIA+ Facilitator to the University Assembly is otherwise vacant at any point after the first organizational meeting, the Chair of the Assembly shall appoint someone from the general membership of the Assembly to fill the role,

Be it further resolved, the LGBTQIA+ Facilitator to the University Assembly will be charged with maintaining constant communication and cooperation with LGBTQIA+ undergraduate student, graduate and professional student, staff, and faculty groups,

Be it finally resolved, the LGBTQIA+ Facilitator to the University Assembly will present updates to the Assembly at least once a month during a regularly scheduled meeting.
UA R5: In Recognition and Appreciation of Cornell University Students

Abstract: This resolution is a formal recognition of the response of Cornell University students to the COVID-19 pandemic and to thank them for their efforts to protect Cornell’s Ithaca campus community.

Sponsored by: Hei Hei Depew and the Executive Board of the University Assembly

On behalf of: The University Assembly, our constituents, and the greater Cornell community

Reviewed by: The University Assembly Executive Board, November 17, 2020

Whereas, the University Assembly acknowledges and supports Resolution 4 of the Employee Assembly, outlining the below information; and

Whereas, the COVID-19 pandemic caused a global crisis; and

Whereas, the COVID-19 pandemic created unprecedented public health challenges to Cornell University, and personal and professional challenges for all members of the Cornell community (Cornell faculty, staff, undergraduates, graduate and professional students); and

Whereas, the university’s response to the COVID-19 pandemic required drastic changes to Campus operations, research and student learning, student activities and gatherings, and adherence to behavioral expectations by its members to reduce community health risks; and

Whereas, without students doing their part in exercising good judgement, it would have been more probable that the university would have had to move to fully remote learning, the surrounding community would have been exposed to greater health risks, and our financial situation would have been further compromised; and

Whereas, the University Assembly is impressed and grateful at how adaptable and quick to respond Cornell students have been in making massive and difficult changes for everyone’s protection in such a short amount of time.

Be it therefore resolved, the University Assembly, on behalf of all the Cornell community, expresses its deep gratitude for the service and dedication of Cornell students during the COVID-19 pandemic; and

Be it further resolved, the University Assembly recognizes and applauds the efforts and sacrifices made by the students to reduce the added burdens the Cornell community are facing at this time; and
Be it further resolved, the University Assembly wishes to formally recognize and thank the students for their commitment to the safety and welfare of the Cornell community; and

Be it finally resolved that this resolution be submitted to the President of the University.