



Cornell University University Assembly

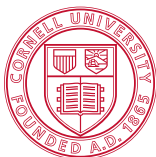
Cornell University Assembly

Minutes of the February 13, 2018 Meeting

4:30 PM – 6:00 PM

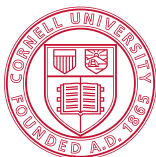
401 Physical Sciences

- I. Call to Order (Chair)
 - a. Call to Order (1 minute)
 - i. G. Kaufman called the meeting to order at 4:33pm
 - b. *Present:* J. Anderson, M. Battaglia, R. Bense, M. de Roos, K. Fitch, M. Hatch, G. Kaufman, J. Kim, J. Kruser, C. Schott, C. Van Loan, A. Waymack, C. Wiggers, E. Winarto
 - c. *Absent:* L. Copman, V. Guido, R. Howarth, E. Loew, E. Michel, K. Quinn
 - d. *Others present:* G. Giambattista, T. Malone
 - e. Welcome and Introduction (2 minutes)
 - i. G. Kaufman introduced Craig Wiggers, the new chair of the EA, who is replacing the outgoing chair of the EA, Ulysses Smith.
 - f. Call for Late Additions to the Agenda (2 minutes)
- II. Approval of the Minutes (Chair)
 - a. January 30, 2018 (2 minutes)
 - i. The minutes were approved by unanimous consent.
- III. Dean Eduardo Peñalver on the Regulation of Speech and Harassment (30 minutes)
 - a. Dean Peñalver said that he planned on being on the committee but was asked to take the role of the chair. He said the committee has met once. He said that, at that meeting, they mapped out their plan. He said their charge was to answer four questions posed by President Pollack. The sub-committee that he is working on is the smallest, with eight members. He said that, he thinks that that is by design. The basic timeframe is to have the work completed by the end of the spring semester. He said that the first half of the time, they have been gathering facts. The sub-committee has been looking at University documents, lining up various meetings with the Title IX Office, Judicial Administrator's Office, The Judicial Codes Counselor's Office the Bias Reporting Office, etc. He said that they are also meeting with other interested student organizations and groups, and, later, a survey will be administered to gather quantitative data and feedback about the Campus Code of Conduct. Later, they will draft a recommendation for changes to the Campus Code of Conduct. He said that there is a process that any Campus Code of Conduct changes must go through, and that that is beyond that scope of the sub-committee.



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- i. J. Anderson said that he has concerns about the representation on the sub-committee because there are two freshmen, and from an undergraduate perspective, he would not trust them. He asked if there is anything being done to address the concerns.
 1. Dean Peñalver said that he had no role in choosing who was on the committee. He said that he appreciates the concerns. He said that it is helpful to have a small group looking at the issue. He said that, in coming up with any recommendations, he would want to have all the breadth of concerns from everyone. He said that the specific undergraduates shouldn't matter because requests for feedback will be going to individuals and groups.
- ii. M. Battaglia said that Dean Peñalver has been very accessible. He said that he looks forward to the meeting tomorrow. He asked, how does Dean Peñalver see the sub-committee and the UA and CJC working together?
 1. Dean Peñalver said that he looks forward to the conversation tomorrow. He said that, speaking from the process of the sub-committee, there is an internal process outlined. He said that he hopes to create some harmony between the groups. He said that he hopes that the work is not wasted, and that the work is enriched. He said that the sub-committee has to stand on its own feet.
- iii. C. Van Loan said that he would rather have an enthusiastic non-expert, than an unenthusiastic expert. He said that it would be great to see a handful of failed attempts. He said that he is in favor of the freshmen. He said that it would be interesting to see the layouts of the permutations of different scenarios to analyze solutions.
- iv. R. Bense said that the CJC has emphasized concrete examples. He said that it is more complicated than it looks, but he recommends it. He said that one concern is to sub-committees use of the word "propose," since that is the UA's domain. He said that the sub-committee should let the UA see what the sub-committee gathers. Then, that recommendation can be channeled through the UA's proposal
 1. Dean Peñalver said that the sub-committee's work is not self-executing, nor does it have a binding effect. He said that, whatever happens after the sub-committee issues a recommendation, it will be left up to the governing processes. He said that the sub-committee is not trying to formally insert itself into this process.

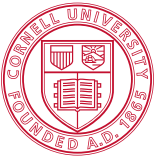


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2. R. Bensel said that he is not worried about the sub-committee, but rather the President.
- v. J. Kruser said that it seems like a main concern seems to be communication. He said that any means to keep the UA and CJC in the loop will ease the process going forward.
- vi. J. Kruser said that the CJC is looking at a clear language overhaul of the Campus Code of Conduct. He said that he appreciates keeping that idea in mind.
- vii. A. Waymack asked that Dean Peñalver keep in touch. She asked, if the Black communities on campus have been involved? She said that there seems to be no Black representation on the sub-committee.
 1. Dean Peñalver said that there will be broad representation, and that anyone is welcome to send any recommendations.
- viii. M. Hatch said that there has been so much litigation of hate speech. He said that he is assuming that this can be an easily transparent process.
- ix. G. Kaufman recommended that Dean Peñalver remain open to consultation from the UA.
- x. Dean Peñalver said that he is happy to come back and meet again as the semester goes on. He said that hopes that what the sub-committee does is additive.

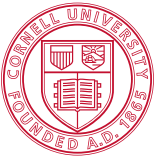
IV. Business of the Day

- a. Request from the Office of the President (25 minutes)
 - i. G. Kaufman said that everyone should refer to UA Resolution 11.
 - ii. J. Kruser said that the Executive Committee met with the President this morning for clarification on the written statement that she provided in regard to the reappointment process for the JA. He said the process that is currently being used is undocumented.
 - iii. He said that there has been a commitment to work with the President's office to develop a formal reappointment process by the end of this semester.
 - iv. M. Battaglia asked if this process is going to be used to reappoint the JA for another year? He said that he hopes that this should not be passed today, since it was only shared a few hours ago. He said that the community and the CJC will be interested in looking at this Resolution.



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1. A. Waymack said, yes to the first question, this would extend the term of the current JA for one year. To the second, she said that President Pollack hopes this Resolution passes today.
2. J. Kruser said that Michelle Horvath is aware that this conversation is going on.
3. Point of Information-Battaglia-Has this been put out for community comment?
 - a. G. Kaufman said no.
4. M. Hatch said that he is fine with this, as there must be a formalized process. He said that the “Therefore be it resolved” should have language about how the UA is in charge of developing a process for reappointment. He said that the words should be rearranged to include a timeline for beginning a process.
5. J. Kruser said that he intended to include a definitive timeline to finish by the end of the semester.
6. M. Hatch said that, in the “Be it Therefore Resolved,” it should include how the UA is going to take action. He said that it should include how the UA is in control of the process.
7. M. Battaglia motioned to suspend the agenda and return to the standard order of business.
 - a. The motion was seconded. There was no dissent. The motion was adopted by unanimous consent.
8. M. Hatch motioned to amend the Resolution to strike lines 13-16. Then to add, “To establish an appointment/reappointment procedure...” M. Battaglia seconded the motion. The purpose is to reflect the President’s comprehensive view of what is to be accomplished. Amend line 27, to read “The University Assembly concurs with the...” Then add a second resolved clause to reflect the President’s cooperation.
 - a. A Waymack moved the question. R. Bensel seconded the motion.
 - b. J. Kruser said that a few minor formatting and language changes would need to be corrected before a vote can occur.
 - c. M. Battaglia said that the issue here is reappointment, and when the CJC gave a previous process to the President, it



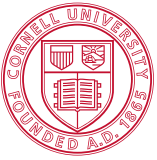
was not accepted. He said that there is no need to look over the whole process.

d. By a vote of 11-0-2, the motion to vote was **adopted**.

9. By a vote of 10-0-3, the amendment was **adopted**.

v. R. Bensel asked who the author of the Resolution was?

1. J. Kruser said that the Executive Committee authored the Resolution.
2. R. Bensel asked if the President saw the Resolution, and if changes were made?
3. J. Kruser said yes, a grammatical error.
4. J. Kruser said that President Pollack spent a half an hour detailing her thought process and logic of her response. He said that the President is actually looking for a longer term for the JA, but since that can't be done right now, the President asked for a one-year extension while this issue is hashed out.
5. J. Kruser said that President Pollack said that, to adopt a better practice, and to employ it two years later, is unreasonable.
6. R. Bensel asked if the resolution was written after the meeting with President Pollack. He asked A. Waymack and G. Kaufman how they feel about this?
7. G. Kaufman said that he is impartial.
8. A. Waymack said that G. Kaufman did the work on drafting the resolution. She said that she is not complacent, and that she has worries. She said that she is concerned about the schedule for the rest of the semester. She said that, given the stakes, she would pass this today, and as of now, she would abstain.
9. J. Kruser said that, while having the President's Office as stakeholder in the Resolution is odd, the process of how it was developed is not. He said, with Michelle Horvath being aware of the conversation, he is more comfortable. He said that he would go with the Resolution.
10. M. Battaglia said that his big contention is that it should not be voted on today. He quoted President Pollack. He said he intends to motion to table this resolution. He said there is no person in the room to spread the news to the community. He said that he would like the CJC to take a look at the Resolution. He said through the previous JA search, there was a discussion with Joel Malina and



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other administrators about possible improvements to the search process that should be incorporated, and that the University Assembly should also be mindful of ensuring community comment on this resolution. He said that this should be put on the website and be opened to the rest of the community.

11. M. Battaglia motioned to tabled. K. Fitch seconded the motion.

a. By a vote of 13-1-1, Resolution 11 has been tabled to the next meeting.

12. M. Battaglia motioned to table the rest of the resolutions and adjourn the meeting.

a. There was no dissent. The Resolutions were tabled, and the meeting was adjourned.

b. Resolution 9: Reinstating the Budget Planning Committee (J. Anderson) (5 minutes)

i. Tabled until the next meeting

c. Resolution 10: In Support of E.A. R. 8: Furthering the Institutional Commitment to All LGBTQ+ Member of the Cornell Community (J. Anderson) (5 minutes)

i. Tabled until the next meeting

V. Assembly Reports

a. Assembly Reports were tabled until the next meeting.

VI. Committee Reports

i. Committee Reports were tabled until the next meeting.

VII. Liaison Reports

a. Liaison Reports were tabled until the next meeting.

VIII. Late Additions to the Agenda (4 minutes)

IX. Adjournment (1 minute)