Cornell University Assembly
Minutes of the March 13, 2018 Meeting
4:30 PM – 6:00 PM
401 Physical Sciences

I.   Call to Order (Chair)
    a.   Call to Order (1 minute)
    b.   G. Kaufman called the meeting to order at 4:33pm
    c.   *Present*: J. Anderson, M. Battaglia, R. Bensel, M. Hatch, R. Howarth, G. Kaufman, J. Kim, E. Michel, C. Schott, C. Van Loan, E. Winarto
    d.   *Absent*: L. Copman, M. de Roos, K. Fitch, V. Guido, J. Kruser, E. Leow, K. Quinn, C. Wiggers
    e.   *Others Present:* G. Giambattista, T. Malone
    f.   Welcome and Introduction (2 minutes)
    g.   Call for Late Additions to the Agenda (2 minutes)
II. Consensual Relationships Policy Committee (C. Van Loan) (20 minutes)
    a.   G. Kaufman said that there will be a 30-second speaker limit.
    b.   C. Van Loan stated that after tomorrow, the draft of the Consensual Relationships Policy that he presented will have gone by every assembly. In the Faculty Senate, this will be revisited in April and voted on. He stated that the co-chairs had met with all the college human resources staff, graduate students, each assembly, as well as other groups. They believe it is important to understand alternative views hear from people that disagree with the rough draft proposal.
    c.   C. Van Loan said that President Pollack will receive a vote and surrounding comments from each assembly, then it is between her and the University lawyers to turn it into an official policy. The worst thing would be that the comments would be in disarray. The pressure is there to have the whole campus understand this issue.
    d.   C. Van Loan added that this deals with relationships; romantic and/or sexual. It also deals with authority-subordinate pairs. There is a wide-range of authority-subordinate pairs. In regard to undergraduates, the committee is recommending that romantic and/or sexual relationships between faculty and undergraduates be prohibited. Everyone should take a look at the case of Rochester, which was made possible by a weak policy. The committee also provided examples of a number of romantic/sexual relationships that should be prohibited and is also recommending that there be more than one pair of eyes looking at things. It is important to have mechanisms in place that are clear and involve many people. On enforcement, the
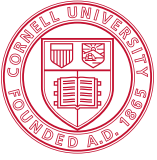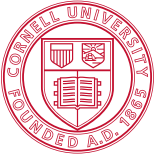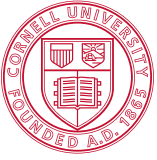
committee has spelled it out a bit more, but lots of detailed work must go into this. If the policy is violated, there would be some investigation done with multiple sets of eyes. This is a rough draft, and even in the last few days, there has been push-back.

e. M. Battaglia stated that though he likes the current policy, he thinks this is over-inclusive and would caution against this seeming like *in loco parentis*, which the community pushed to have removed. For the enforcement mechanism, seeing as the old version of this policy was in the Faculty Handbook, and was more faculty-centric, this seems to be more University-wide, so he asked what thought was there about this putting this policy into the Campus Code of Conduct.

f. C. Van Loan stated that all of this is job related.

g. R. Howarth asked if C. Van Loan had any sense of the number of cases being dealt with.

h. C. Van Loan stated that the group did not have the volume of the number of cases.

i. R. Howath stated that he'd like to confess for the record that his wife was a graduate student in his field, so if the policy was around then, they'd be somewhere else.

j. C. Van Loan stated that he is not passing judgement.

k. R. Howarth stated that, if this policy were to come up, he would take a position elsewhere.

l. C. Van Loan stated that the University has to protect itself.

m. M. Hatch stated that, some of the examples are a little trivial, right.

n. C. Van Loan said that that was a sarcastic remark, but that this policy must be kept in mind.

o. M. Hatch suggested that there be a document that lists possible relationships that cause these problems. Also, he mentioned, instead of sending five documents to President Pollack, the UA should consolidate to gather more of a general consensus.

p. G. Kaufman reminded everyone to keep in mind the 30-second speaker time limit.

q. M. Battaglia-Point of Information-Where is the authority in that? He said that the assembly voted speaker limits down last time.
    i. G. Kaufman said that this is a request.

r. E. Winarto asked how departments held accountable.

s. C. Van Loan stated that the disclosure responsibility is on the authority. Everything goes to the Title IX Office.

t. R. Bensel suggested, to change the motto and put it another way. Secondly, he said that he is worried about privacy.

u. C. Van Loan stated that every graduate student must fill out an annual progress report; he said that one can see this policy two ways at extreme points, but this is not policing. He added that, the wellbeing of the academics is important.

v. J. Anderson asked, what happens if there is only one group that disagrees with this.

w. C. Van Loan stated that everything goes to President Pollack and the University lawyers. He added that this isn't binding, but the proposal, and the comments, go to the President.

x. C. Schott asked, how strong is the justification of "any person, any study" with the circumstances of this policy.

y. C. Van Loan said to think about the practical reasons behind this policy.

z. M. Battaglia stated that he has brought his concerns up to multiple members of the committee working on the policy, and nothing has happened.

aa. R. Bensel stated that, the authority things, he'd buy that; he said that he wouldn't agree with the fact that it should be exposed. He said that one should recuse him/herself voluntarily. He added that the argument about undergraduates is unbelievable. The Rochester example sounds like a justification, but he finds it unpersuasive, because it is one case.

bb. C. Van Loan said that the Rochester case was used because it is close to us, but there are many more cases.

cc. R. Bensel said that it sounds like litigation avoidance.

dd. E. Winarto asked, how this policy enforces that the DGS reports everything to Title IX and enforce the DGS to take action.

ee. C. Van Loan stated that the absence of lines on the diagrams should not lead one to believe that there is no communication. The policy is clear about "who" should know "what."

ff. E. Winarto said that this does not solve the "sweep under the rug" issue.

gg. C. Van Loan said that the committee is trying to establish behavior patterns that are free of bias.

hh. E. Winarto asked, could she report a DGS for not disclosing.

ii. C. Van Loan responded with "yes."

jj. G. Kaufman stated that the enforcement and the penalties seem like a lot of the work involved in this, but it seems like that would be a good thing to do.

kk. C. Van Loan stated that there are different levels that must be taken into account. For example, there may be a nondisclosure, but there might not have been any harm. He added that it is important to have intermediate things.

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ll. J. Anderson said that if the Faculty Senate does not agree with this, he feels as though it puts the students more at risk, especially if there is not consensus.

mm. C. Van Loan said that this process is necessary, and to keep in mind that this is merely a draft.

nn. R. Howarth stated that he applauds what C. Van Loan is trying to do. He said that he has an issue, because, some time ago, there was an incident regarding a nonconsensual relationship; and from what he'd read, the Rochester situation seems like a non-consensual issue, which is what happened in his department, but it is not really addressed here.

oo. C. Van Loan stated that 95% of this is about prevention. He added that this is a topic of which there has not been a lot of discussion. There is an environment here that must be protected.

pp. R. Howarth added that he thinks it should be broadened to harassment.

qq. R. Bensel stated that, one problem he has is with third parties. He said what this policy is doing is setting up a police state, which is worse than the situation the University has at the moment.

rr. C. Van Loan said that you can say the same thing about bias reporting or hazing.

ss. R. Bensel said no, they are not the same thing. They are different processes. He added that he thinks this is a really bad idea.

tt. M. Battaglia motioned to suspend the agenda to allow time for guest speaker Risa Lieberwitz - the motion was seconded.
  i. There was no dissent. The motion was adopted, and the agenda was suspended.

III. Approval of the Minutes (Chair)
  a. M. Battaglia requested to make corrections to both sets of minutes. There was no dissent.
  b. February 13, 2018 (2 minutes)
    i. Tabled until the next meeting
      1. M. Battaglia had corrections. There was no dissent.
  c. February 27, 2018 (2 minutes)
    i. Tabled until the next meeting
      1. M. Battaglia had corrections. There was no dissent.

IV. Business of the Day
  a. Resolution 9: Reinstating the Budget Planning Committee (J. Anderson) (9 minutes)
    i. J. Anderson stated that the comments were helpful. He said that he doesn't feel comfortable discussing this without employees present.
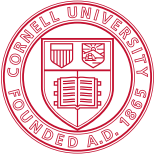
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ii. J. Anderson motion to table. The motion was seconded.
   1. The resolution was <mark>tabled</mark> until the next meeting.
iii. Matt's Comment
b. Resolution 10: In Support of E.A. R. 8: Furthering the Institutional Commitment to All LGBTQ+ Members of the Cornell Community (J. Anderson) (1 minute)
   i. J. Anderson motioned to table the resolution. There was no dissent.
      1. The resolution was <mark>tabled</mark> until the next meeting.
c. Resolution 12: Increasing Access to Gender Neutral Bathrooms on Campus (C. Schott) (5 minutes)
   i. <mark>Tabled</mark> until the next meeting.
d. Resolution 13: Risley Crosswalk Resolution (C. Schott) (5 minutes)
   i. <mark>Tabled</mark> until the next meeting.
e. Resolution 14: Making Cornell's Economics program STEM-certified (C. Schott) (5 minutes)
   i. C. Schott motioned to move resolution 14 before R12 and R13.
      1. There was no dissent. The motion was <mark>adopted</mark>.
   ii. C. Schott said that this resolution calls for the certification of the Cornell Economics Program to be STEM certified to allow international students a three-year work authorization.
   iii. M. Hatch-Point of Information-Isn't this handled through the Faculty Senate? Why is the UA handling this?
   iv. M. Battaglia added that he shares M. Hatch's confusion as to why it is here. He asked, had President Pollack said yes or no.
   v. C. Schott said that the process has started, but there is nothing tangible yet.
   vi. R. Howarth stated that this is a great idea, but he doesn't see this is a UA issue; he asked if this is a problem across other STEM majors, in which case, the UA should look into this.
   vii. C. Schott said that there are a couple of other majors that have recently recertified, but that he is looking into more cases.
   viii. R. Bensel stated that the resolution seems harmless; if this goes forward in the UA, it's hard to see what staff is going to do; He said that he would say just pass it.
   ix. M. Battaglia said that it seems like this is so focused. The UA handles large issues that reach broad groups.
   x. M. Battaglia motioned to table the resolution. The motion was seconded,
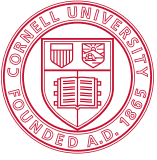   1. There was no dissent. The resolution was <mark>tabled</mark>.
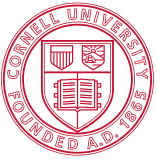
        xi.   E. Michel-Point of Information-will the other sponsors be here?
             1. C. Schott-responded with "no."
        xii. C. Van Loan and R. Howarth prepared to leave, making the UA enter into Executive Session before their departure.

V.   Working Group on Hate Speech and Harassment (R. Lieberwitz & M. Battaglia) (30 minutes)

    a.   R. Lieberwitz introduced herself as the chair of the Working Group on Hate Speech and Harassment. Matt sits as an ex-officio member. The Working Group has a really good working group. The Working Group is still missing an employee member of the group. She said that the Working Group is right on the other side, as there was an incident this past weekend. The community is really focused on the issues that the University is facing, in a community that is supposed to be open and inclusive. The approach that the Working Group decided to take is that the group believes that community engagement at every level is essential as a matter of substance. She said that the Working Group did not want to go with preconceived notions about what should happen. She added that, as a group, they agreed that the community should be engaged in their meetings, which are open, their community forums, and the creation of their proposals. She said that the best work will come from the community, upwards.

    b.   R. Lieberwitz said that the Working Group has created a series of public fora, and each will have two sessions. The first session was this past Friday, which was largely successful. The second session is tomorrow from 12 to 2pm in Willard Straight Hall. The Working Group is providing guiding questions and background materials but does not want to constrain. The Group wants to hear about people's experiences on this campus; they also want to hear additional thoughts regarding the handling and enforcement of cases. The second forum sessions will be after Spring Break. The third public fora sessions will have more fully developed proposals, in which the Working Group will be seeking public comment. The proposals will then be sent to the CJC for consideration. She mentioned that the Working Group has a website and has developed lists to keep people informed. She added that issues that people continue to raise include the transparency and accountability of the Cornell administration. There was also discussion about ways of connecting the offices that deal with these many issues of bias, racism, sexism, homophobia, etc. The Working Group is also discussing the line between protected speech and speech that is not protected. Many people raised very real questions. In regard to the timeline, the plan is to get proposals to the CJC this semester, but it is highly unlikely that anything

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besides comments will happen. She said that, in the Fall is really where movement will occur. There was a resounding response to not rush this process; she said that the Working Group wants to do it right, but that they just don't want to do it fast.

c. M. Battaglia thanked Risa Lieberwitz for her work.

d. R. Howarth stated that he understands the statement about not wanting to be rushed, but personally feels that the UA should do something by the end of the semester. He said that he thinks the UA needs to do something by May, as the community needs closure. He added that he would hope that this could move faster, because the inaction looks bad on the UA.

e. R. Lieberwitz stated that the UA could certainly pass something in support of the work that the Working group is doing. It would be good for the UA to find a way to support that work that the Working Group is doing. She said that the Working Group believes that they should not look at the Presidential Task Force as something separate. They have decided to view the Presidential Task Force as another place to gather information. Her understanding is that the Task Force will not have produced anything in May; she added that, the group would rather be in line to not seem as if there is a disconnect.

f. C. Van Loan stated that he agrees with R. Howarth, and that he can agree with this timeline, as long as there is some sense of forward motion. He added that he doesn't understand why is it so hard to have something.

g. M. Battaglia explained that, in the Fall, the Working Group did that, but, some people felt like it was moving too fast, and others have said the Working Group was moving too slow.

h. R. Lieberwitz said that, in this instance, given the responses from the community, and the consensus of the group, the group determined that they wanted to learn from the community. She said that she thinks that there is a certain level of arrogance of the Working Group and the assembly to think that what will be put out will be the answer. She said that, when these instances occur, they're personal, it's personal; there is a threat. She said that there are perspectives that even she did not see in the beginning. The Working Group is practicing inclusiveness here. She added that she did not see any reason to dwell on what happened logistically. She added that there will be progress because the Working Group will have something to present to the CJC by the end of the semester, but it is just not as fast as some people want.

i. M. Hatch asked, what can go into practice is a unified statement from the leadership of the University of what is acceptable, and what is not. Cornell is at a really

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important time in the history of this country. He asked, why is there not a statement that discusses the things that will not be tolerated. He said that he doesn't think one should accuse people doing things the right way, but that attention needs to be paid to the leadership-in the same way that the assembly did with the Greek life--to ask why no one has come out and declared certain acts as unacceptable.

j. C. Van Loan stated that he has a different view. To him, the simple thing is that changes will be made to the Campus Code of Conduct, and it would be good to see what that might look like.

k. M. Hatch stated that, what will have purchase in this community is a statement from the leadership of this University. He said that the assembly needs to direct the leadership to issue a principle of basic, enforceable actions.

l. J. Anderson said that he wants to agree with M. Hatch. He said that he was disheartened seeing students affected by this, and only saying that the Presidential Task Force is working on it. As a student on this campus, safety is the most important responsibility of the University, and the University is failing. He also mentioned that he'd also like to dispel the notion that the community does not know about these issues, because the community is aware. He said that he supports the current approach of the Working Group and enjoyed the conversations at the forum.

m. M. Battaglia stated that the Working Group is looking at all options. He said that he appreciates C. Van Loans's suggestion.

n. M. Hatch Motioned to extend by half an hour. It was seconded.
    i. By a majority vote, the motion was adopted, and the meeting was extended to 6:30pm.

o. R. Lieberwitz stated that she appreciates the discussion that is happening here, now. In the next "workshop," which is in a couple of weeks, the group will be starting to put together the pieces that they've heard and will hear in the future. She added that she'd like to echo what M. Battaglia and J. Anderson said, because the Working Group is hearing things that go beyond the group. There are lots of ways in which it can go forward with the Campus Code of Conduct. She said that she appreciates all the input that she is receiving.

p. R. Bensel said that at the first forum, there were 16 people, it was very open, Risa did a wonderful job. He added that, one striking thing is that many of the comments went beyond the sections of the "Hate Speech" section of the Campus Code of Conduct. The turnout should tell us that the assembly is on the right track and that
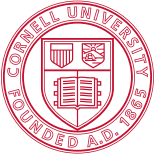
there is enough time to work this out. The forum was very revealing and informative. He mentioned that knowing that the concerns were there is important.

q. C. Schott said that it is important to find ways to gain community engagement, because when instances occur, then it becomes popular, but with a seemingly long process, it is important to find ways to sustain community engagement.

r. M. Battaglia mentioned that the Working Group has been meeting weekly, and that he has sent out multiple emails to various listservs.

s. E. Winarto added that another way to generate more comments would be to visit and meet with groups; going out, instead of asking people to come to you.

t. R. Howarth said that he wasn't meaning to criticize the slowness of this process; what he was trying to get at was the fact that the Campus Code of Conduct is a small part of the process, which might not even be changed. He said that he applauds Risa Lieberwitz and the group's efforts in reaching out to the community. He added that having a forum in the evening might be helpful.

u. M. Hatch suggested that maybe the group approach the Presidential Task Force to join together and will the University administration to provide a statement condemning inappropriate behavior. It involves the President's Office, Faculty Office, the Provost's Office, and even the Chair of the Board of Trustees; he said that that would be admirable.

v. M. Hatch motioned to move to the resolutions on the agenda.
    i. There was no dissent. The order of the agenda was amended.

VI. Adjournment (1 minute)

VII. Executive Session
   a. Internal liaison appointment to the Judicial Codes Counselor search committee (3 minutes)

Respectfully Submitted,

Terrill Malone
Clerk of the Assembly

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