



Minutes
University Assembly
March 11th, 2014
4:30pm - 6:00pm
401 Physical Sciences Building

I. Call to Order

J. Blair called the meeting to order at 4:30 p.m.

Attendance:

Present: R. Adessa, S. Balik, J. Blair, R. Booker, D. Bunck, N. La Celle, M. Lukasiewicz, E. Loew, G. Mezey, A. Moore, G. Ruizcalderon, B. Schaffner, U. Smith, R. Wayne

Absent: J. Burns, M. Dumas, C. McGrath

Others Present: C. Walcott, L. Falkson, A. Kleinberger, G. Giambattista, T. Luce, A. O'Donnell, T. Vosburgh, K. Zoner, and approximately 45 members of the Cornell community

II. Business of the Day

i. Report from the Ombudsman (C. Walcott) (20 minutes)

C. Walcott briefly went over the role of the University Ombudsman, a place where members of the Cornell community can come to discuss problems and receive advice. It is located in Stimson Hall. They stressed their role is to not take sides in disputes and to maintain confidentiality.

--A number of students walked into the room at this point holding a banner declaring 'Free Speech is Without Permit. Vote No to Resolution 9.'

J. Blair requested the banner be moved until R.9 is addressed so as to not disturb the Report. T. Luce, Director of CIVR, noted she was at the UA meeting on behalf of the University Administration. She reminded all the members and non-members of the Campus Code of Conduct which states all speakers have a right to speak their opinion and beliefs at a university meeting and the audience has a right to listen. It was proposed by U. Smith the banner be moved to the side during the PowerPoint and the members agreed.

C. Walcott then delegated the conversation to Linda B. Falkson about the issues their office is seeing. She mainly discussed the incidents of 2012-2013. She shared the number of visitors they have seen has increased by 52%, especially in the non-academic area. The greatest area of conflict being addressed is employment. She stressed, as did C. Walcott, the principles of their office are confidentiality and informality. They went over some specific hypothetic incidents that concern all constituencies to provide some insight into what the office deals with. Some of the common topics of discussion brought to the Ombudsman are faculty concerns with student behavior, academic performances, religious observances, and staff performance.

The office anticipates the number of visitors will continue to rise and guidelines are in place to accommodate that. They also announced one of the new projects they're involved in and asked for volunteers. The floor was then opened to questions. They clarified by 'visitors' they mean individuals

affiliated with Cornell and words such as clients/visitors/works are interchangeable at the office but clarified there is no payment received.

III. Old Business

i. Discussion on Resolution 9: Resolution to Clarify Responsible Free Expression in the Campus Code of Conduct (G. Mezey) (40 minutes)

J. Blair went over special rules for debate and discussion on this resolution. G. Mezey thanked all the individuals who came for the discussion on the resolution since that shows the spirit of Cornell. He read an excerpt from the Code. He believes the platform for the resolution has been set in the Code and the sentence from the banner sums up the resolution “Free Speech is Without Permit.” He then briefly went over the historical timeline of Resolution 9. He asked for unanimous consent to waive reading of the resolution. Seeing no dissent, it was so ordered. The previous language used is “there appears to be no need” which according to G. Mezey, is ambiguous and the resolution will ensure free speech by changing the language of the Code. The Committee believes the proposed resolution would clarify the Campus Code of Conduct. The resolution was posted online and was open to public feedback and it received 31 comments. It draws attention to specific locations on campus surrounded by academic buildings that do have requirements and policies, such as Use of Amplified Sound, for use. The incident on November 19th, 2012 on Ho Plaza included a violation of amplified sound policy.

Professor Wayne took over the discussion at this point and pointed out the resolution changes the wording of the Code while strengthening it by making it unarguable. He went over what the opponents of the resolution consider ambiguity in the new resolution. He believes freedom of speech is not an unconstrained freedom and comes with responsibility and does not think amplified sound is in the scope of free speech. This change in the policy can be used to support free speech while ensuring it does not disturb university functions. The floor was then opened to questions and comments.

A. Moore asked a question about one of the specific policies pertaining to the Code that could not be readily answered, and the lack of answer was attributed to decentralization of the policies. R. Booker suggested policies governing the use of individual spaces needs to be discussed more. One question was which and what kinds of activities are allowed by the Code at specific places. G. Mezey responded by clarifying that is the reason the code is clarified for each location. M. Lukasiewicz asked what would happen if a group violated a policy at a location that is not mentioned in the Code. A specific answer was not readily available, but the principle of discipline resides in the Code and is not specific to location. U. Smith asked for clarification on what exactly is a ‘university function’ and what constitutes a ‘disruptive function’. He also asked if the list of restricted actions is exhaustive. G. Mezey said there is no perfect answer to this question but one of ideas being considered is a centralized website to addresses these issues. He encouraged everyone present as UA members to bring these issues and any possible solutions to the table. J. Blair clarified the Code applies to students but policies of space apply to faculty staff, and students.

G. Ruizcalderon thinks the resolution covers all the important points and is not ambiguous. He expressed his agreement with the resolution. E. Loew said the problem is not ambiguity, but interpretation. The Code itself cannot limit free speech; rather interpretation of it can be used to limit it. It is not the question of having permits but how the need for the permit could become limiting. G. Mezey responded there is no policy that specifically limits free speech, and the Code should not deal with those specifics. S. Balik wanted to know why the UA is not addressing the Faculty Senate

recommendation. G. Mezey said most of the policies from the recommendation are not mentioned in the Code itself. J. Blair informed the members the UA was specifically asked to clarify the policies regarding use of permits and use of amplified sound.

The floor was then opened to guest speakers. Max Ajl said he understands from the Code that a permitted group can removed an unpermitted group from the location, as in the case of SJP in November 2012. The ambiguity is now written in to the Code and that magnifies restriction of free speech. G. Mezey clarified that removing 'appears to be' removes ambiguity. R. Lieberwitz recognizes CJC is trying to make code better but is making it worse instead by giving more powers to administrators to control speech. She thinks the Code should be left alone and the UA should shift attention to a more participatory democratic procedure to address concerns. She suggested voting down the resolution. R. Wayne clarified CJC is a democratic body, however several faculty seats on the committee were never filled.

The next speaker, Daniel Sinykin, said he is on the CJC but disagrees with the resolution since it gives a lot of power to administrators through loopholes and backdoors. The CJC has an obligation to write a more agreeable resolution and it needs to because not a single person in the public comments supports the current version. He urged everyone to vote it down, send it back to CJC for significant revision. Sponsors responded they do not think it is possible to create a resolution everyone would agree on.

A motion to extend debate by 20 minutes passed. E. Cheyfitz said there is a conflict due to an increasing number of administrators but a constant number of faculty. Code can be changed easily to remove the phrase 'appears to be' and amend to 'there is no need' and move on to the issue of democracy at Cornell. The real conflict is between administration, faculty, and students. Sponsors said the so-called 'oppressive administrators' opens their office doors to protests and invite them to speak their opinion. They believe administrators are not as oppressive as they are being painted in this argument.

Paul Berry asked a question about the logic behind the university function for which demonstrations can be limited. Sponsors responded saying permits are required are at a number of places and Ithaca requires protestors to acquire a permit before protesting. However, they do not believe a single rule can be all encompassing.

Tasha Berrick said the UUP puts one voice over another and every voice should be equal.

Sean O'Connor said all the language in the discussion is hiding the political reality of the university and attempts to be politically neutral. The administration should not be given any tools to stop disruption by students who are voicing their strong opinions. G. Mezey said disruption is a personal choice but there are rules, and breaking rules will result in consequences.

Megan Brewer, who completed her undergraduate at Emory University, said free speech there is limited to one location on campus. She said she believes free speech is a concern across a number of universities and it must not be guaranteed by location but rather maintained universally and democratically. Christopher Banks, a graduate student at ILR, shared his personal opinion and an anecdote from his undergraduate years, also at Emory. He is opposed to the amendments to the resolution. He believes interpretation can be confusing and there should be no amendment to the Code.

V. Ganesan said it had not yet been clarified who sets the policies of a space and giving that power to one office or administrator is not democratic and could also be potentially dangerous. She shared she had attended CJC meetings and did not find them particularly open to non-member opinions.

J. Blair closed the non-member speaker list and moved back to member discussion.

G. Mezey asked U. Smith if undergraduate students were involved with the work on the resolution and U. Smith responded there was overwhelming work done by undergraduates.

G. Mezey made a motion to extend debate by 10 minutes. Motion passed by unanimous consent.

E. Loew believes the Code has nothing to do with permits. Conduct does not and should not mention a permit. D. Bunck asked why the clause ‘reasonable time, place, and manner’ is not enough to control protests. Sponsors think that is an ambiguous clause. Sponsors think this is an opportunity to make a change and it should be done today and not moved back to a committee. This closed the debate on R.9.

J. Blair requested unanimous consent to extend the meeting by 10 minutes. There were no objections.

M. Lukasiewics proposed an amendment to the resolution.

Strike: Line 43- while to Line 44-no | Strike Line 45- so long to Line 47- functions | Strike Line 50-so long as to Line 51- listen | Strike Line 37-respect to the word ‘and’ on Line 37 | Line 47- add “the benefit of the permit is to ensure that the University staff can help ensure the safety of participants” | Add Line 52- Everyone has the right to be heard and to listen to others”

S. Balik seconded the collection of amendments. U. Smith departed the meeting.

E. Loew said this UA can do nothing to address permits and he does not support the addition of the mention of permits. He noted administrators do have the right to use permits. Professor Wayne asked M. Lukasiewicz how that would address amplified sound. She responded saying the addition “Everyone has the right to be heard and to listen to others” addresses sound. Another proposed amendment by R. Wayne was to remove the amendment to Line 37. G. Ruizcalderon thinks that part should be struck down since that seems to be the real problem.

M. Lukasiewicz proposed an amendment to the Resolution to strike “the benefit of the permit is to ensure that the university staff can help ensure the safety of participants.” The UA can later address this policy issue. The question was called to amend the resolution. The amended part carried 9-3 with 1 abstention.

Another motion was proposed to reopen debate on amended resolution; it did not carry. Another motion was proposed to reopen amended resolution to community members for 7 minutes. This motion carried. There was general support for the amended resolution among the community members present. There was a comment on what constitutes a university function as well as a disruption. E. Loew believes removing such statements could lead to anarchy and is totally against it.

After community comment was concluded, G. Mezey called the question on the amended resolution, which passed 7-3 with 3 abstentions.

IV. Adjournment

J. Blair clarified that since the meeting was over allotted time, all other items on the agenda would be moved to the next meeting, March 25.

J. Blair adjourned the meeting at 6:31 p.m.

Respectfully submitted,

Aastha Wadhwa
Assemblies Clerk