

Faculty Senate
October 8, 2025

>> JONATHAN OCHSHORN: Good afternoon, before starting with the land acknowledgment I have been asked to remind you that visitors or Senators, but especially visitors should sign in at the front of the auditorium. The land acknowledgment is as follows Cornell University is located on the traditional homelands of the Gayogóhó:nq' (the Cayuga Nation). The Gayogóhó:nq' are members of the Haudenosaunee Confederacy, an alliance of six sovereign Nations with a historic and contemporary presence on this land. The Confederacy precedes the establishment of Cornell University, New York state, and the United States of America. We acknowledge the painful history of Gayogóhó:nq' dispossession and honor the ongoing connection of Gayogóhó:nq' people, past and present, to these lands and waters. Today, we have three microphones which are color-coded so when we get to discuss the motions if you are in favor of the motion, there is a green microphone, if you are opposed, there is a red microphone and if you just have a neutral comment, there is a yellow microphone. If you're in-house, you should come up to the appropriate microphone and we'll try to take you in turn. For those of you on zoom, all bets are off. It will be free for all. We will do our best. The first order of business, the meeting is in session by the way, is to approve the minutes from the September 10, 2025, meeting these have been posted distributed online in the form of a verbatim transcript, therefore there should be no corrections but if there are minor corrections, please bring them to the attention to the Dean of Faculty. By unanimous consent, I hear no objections, the minutes are approved. For those of you who are new, when I say unanimous consent that means everybody has to agree. The way we indicate you don't agree is to yell out "object" or something like that. If you're on zoom raise your hand but otherwise it is a quick way of approving something that is pro forma. Our first speaker today is President Michael Kotlikoff who will address the chambers for 10 minutes after which there will be 15 minutes for Q&A. Don't worry about the color coding.

>> MICHAEL KOTLIKOFF: Thanks Jonathan, thanks everyone, I thought what I would do was just give a little bit of update of where we are on a couple of topics. KB and I have gone around, we've done 18 town halls over the last month and 1/2. This may be a little redundant for some people. Perhaps new information for others. Thank you. Thank you. Let me try this one here. How is that? Thank you, Jonathan. So, first on Federal relations as has been reported in the press in April, we through tweets and leaks were informed that Cornell is subject to a \$1.1 billion in grant and contract reductions from the federal government. We have never received a formal letter, explaining the basis of rationale for this. That's important, because Harvard did receive such a letter. Harvard used that letter to make a first amendment case that they have ultimately been successful at. Our legal situation is a little bit more complicated because we

have not received such a letter, any clear rationale. And because the grant actions that the federal government have taken have been somewhat inconsistent across different agencies. Since April, we received a number of stop work orders for defense department grants and USDA grants. I imagine some of the faculty in this room have received some of those stop work orders and those simply said that upon direction from the White House we're stop work ordering these grants. And in addition to that shortly after that, we learned that the federal government was not paying us for certain other grants that they have not stop work ordered so we're really contractually obligated to continue to do the work. These are NIH grants and USDA grants and they are presumably contractually obligated to pay us for that work but they have stopped paying us. Since April, we have a substantial amount of money that the federal government owes Cornell for this work and we've simply been backstopping those grants for those individuals. Our NSF grants have been paid, our NIH grants at the Medical College have been paid. We also don't have the kind of consistent removal of all grants and contracts that Harvard experienced. That makes our legal position somewhat more tenuous. At the same time, we've had a number of OCR, Office of Civil Rights, complaints at Cornell. Some of this from the Office of Civil Rights, some of these private complaints from outside of government and we've been negotiating on how to resolve those complaints. Those complaints and some other complaints. And those have led to conversations that I can't really describe in any detail but I will tell the faculty that throughout those conversations we have been very consistent about what we will not accept. That is, we will not accept a situation in which the government intrudes on our private actions as a university. That describes what processes or procedures we need to pursue, what sanctions we need to pursue if individuals violate our procedures. Who we hire, how we hire, who we admit, how we admit, all of that has been a consistent theme. I can only say that reports in the press about whether we are close to settling. Whether Harvard is close to settling. Really there is not a lot of credibility in those reports because they're certainly not coming from Cornell, or in the case I believe in Harvard, they are coming from other sources and leaked to the press in a way to sort of create an impression that I don't think is accurate. At this point, the only thing I can say to the faculty is we have maintained our position around what we won't accept, we have been having discussions on the basis of demonstrating that Cornell does follow the law and will continue to follow the law. We will see if we can resolve it on that basis. The other thing, I'll be glad to answer any questions to the extent I can speak publicly about those conversations. The other thing I would say is we've also, KB and I, have also been talking about financial issues at the University in addition to what I've described from the federal government. We're, of course, facing a number of headwinds and challenges. These include potential and likely reductions in indirect costs associated with doing the cost of doing federal research work. Reductions in funding from federal research agencies, particularly the NSF and likely the NIH. Potentials for endowment taxes. Of course, a very difficult international student situation in which we've had some melt and the number of

colleges around international students who've felt that they did not choose to come to the U.S. to pursue their studies likely for reasons associated with the current context in the U.S. In addition, we have the H1B challenge and a number of other challenges that are all coming together. One of the things that Cornell really needs to do is create the kind of financial flexibility that will provide us with the resilience that we need to be able to concentrate on our core missions. There's an effort now, and you'll hear another communication come out this week or early next week, I hope it is this week, around the process going forward for this effort to try to create the conditions that keep Cornell as strong as it has always been. With that I'd be glad to take any questions.

>> JONATHAN OCHSHORN: If you have questions and you're in-house just come to any of the microphones, I don't think we need the colors for this session. If you're in Zoom raise your hand and we will try to alternate between the people in-house and the people on Zoom. Any of them are open.

>> HAYDEN PELLICCIA: On August 7th, WSKG published this article, oh, I am Hayden Pelliccia, Senator from Classics, about the March, Pathways to Peace, there were protesters and they were ordered out. That article had the body cam footage of Kristin Hopkins from your office saying to one of the policemen, "Do you feel that you have gotten enough?" And then "Mike's asking six or eight, he is hoping for more." I was wondering if you could tell us if one, you are the Mike that is referred to and two if in the report, her words were accurate. If they were, why were you hoping for more? I'm not asking this just to troll you. That was in March and the situation, the landscape has changed a lot since then. It's changed a lot in the last two weeks. We now have the president basically identifying half of the electorate as insects that have to be swatted, the enemy within. It is developing more and more it seems with the threat of troops being brought into cities to characterize, urging the heads of the Army to be willing to take the battle to the enemy within. The situation is becoming rather difficult and I think we all individually and collectively need to think about on what side of this issue we are going to find ourselves standing. But my question is what initially about the Kristin Hopkins thing.

>> MICHAEL KOTLIKOFF: Thank you, I would be glad to respond to that. What we responded to at Pathways for Peace was a concerted effort by a number of people, far more than eight people, to try and disrupt that event. We had a university event, the individual speakers were chosen by a faculty group to come to present at Cornell, and we had a group that came with the express intent to prevent those individuals from speaking, and from the audience to prevent them from hearing those individuals. If you were at that event you would've seen that the number of individuals doing that was far more than eight, probably 30 or 40 individuals over time. I don't know the exact amount. The point that was being made, I will respond,

Hayden, that I think that Kristin Hopkins was captured on video, those were her comments, she was misunderstanding or misrepresenting what I was saying. What I was saying is the effort by the Cornell University Police should be to ID everyone who disrupted that event, full stop, that's all. I'm not looking to, the idea that a president of Cornell would want to arrest students that didn't do anything wrong or violate our processes, I think is just silly. The idea here was simply to enforce our procedures. I would say further that it is deeply upsetting to me that speakers can come to this campus and the idea would be that they're not allowed to present ideas to an audience and that we should tolerate the ability to shut down that speech in a forum of that kind.

>> JONATHAN OCHSHORN: When you come up identify yourself and your affiliation and keep your comments to two minutes, if possible.

>> HAROLD HODES: Harold Hodes, Department of Philosophy. I found it very interesting to hear that there are grants for which we haven't gotten any sort of stop orders but are still not being paid. I wonder, has Cornell sued the federal government to get payment for the work that people are doing? If not, why not?

>> MICHAEL KOTLIKOFF: Very good question, this gets to our legal options which gets to the point that I made about not receiving a letter, we were told, our legal advice is that we would most likely be required to move to the Court of Claims not the District Court because we don't have a consistent First Amendment case, we would be going to the Court of Claims to get reimbursement for the grants that are not being paid. We can still pursue that remedy, however, it does not have immediate relief, the Court of Claims would require us to go through a full suit, probably a year and a half maybe longer to be able to get those funds back. So we don't have a great legal remedy here that would immediately provide relief. What we've been trying to do is achieve some sort of agreement with the government to get that relief. Some faculty have written to me and said really we should have no conversation with this administration, that essentially we are being blackmailed in a way to try and come to some resolution. I certainly understand that point of view. But for Cornell to come to an agreement with the federal government that indicates we will obey the law that we have obeyed the law and restore those grants to the many faculty that have had them either stop work ordered or not being paid I think that's our obligation to try to pursue that route.

[INDISCERNIBLE]

>> JONATHAN OCHSHORN: We can't have a conversation from the audience.

>> KEN BIRMAN: Alright thank you, Ken Birman Computer Science, Senator, thank you for your remarks Mike, my question may actually be closer to a question for KB. It relates to the matter of Eric Cheyfitz and the proceedings against him, there is a motion moving around that will be debated in a separate meeting two weeks from now but it centers on what I find to be a puzzling sequence of events, in which Professor Cheyfitz had an interaction with a student that went badly, there was a complaint, that complaint led to a recommendation by the Dean that he be suspended without pay for two months. Then it was appealed and the appeal went to the committee on freedom of speech. It was appealed and went to the committee on freedom of speech and professional status on the faculty. They gathered information and produced a report but they recommended no sanctions. The report was sent to the Dean but the Dean had already forwarded the matter to KB and to the Office of Civil Rights. The legislation found enabling that action by the committee is 9.12 in the enabling legislation and says that their report cannot be disregarded, and the findings have to be accepted but the dean can make a different recommendation and instead it was all sent to the Provost, and it does not say anything about them constraining the Provost. I would like to understand how the university is viewing this whole sequence and also I am wondering if 9.12 doesn't need to be rewritten and that enabling legislation. Because it seems as if it tries to order a Dean to take a certain action after a matter has already been sent to the Office of Civil Rights and the Office of the Provost. Thank you.

>> MICHAEL KOTLIKOFF: Upon your suggestion I will let KB take that question.

>> KB: Thank you for the question, and I will start, I just want to thank all of you that reached out and— I want to thank all of you that reached out to ask, understand the facts before reaching judgment. Just to get more information there were two serious charges of alleged discriminatory conduct by the faculty member towards a student based on the student's nationality and presumed viewpoint. The faculty member continued teaching his course in Spring to completion, he was never on suspension and he is not teaching until we resolve this issue. Just to clarify the sequence of events, when the complaint was filed, an investigation was first conducted by COCR, Cornell's Office of Civil Rights, with faculty representation from the AFPSF Committee, the investigation concluded that the faculty member had violated federal discrimination law. This investigation used a legal standard that was aligned with the federal law. An independent committee then with membership from the AFPSF followed their procedures and decided there was no discrimination based on a different threshold, by their own internal rules, as Ken was referring to there are different rules on the books. This company did not use the mandated federal standard for discrimination. So where does that leave us? Essentially we had an internal university committee that decided based on its threshold that there is insufficient evidence of discrimination, but as a University we would be violating federal

antidiscrimination law if we accepted their finding based on that threshold. So this situation led to the actions that the Dean and I took, and the Dean got the AFPSF report, the dean took the action and then I took the action to uphold our obligations on the law, to prevent discrimination against students. I also stand, also our moral duty to prevent discrimination at Cornell. We are any person, any study, and as a faculty we take our commitment to our students very seriously, and to provide them with a discrimination-free environment. I believe deeply in academic freedom, but that freedom does not extend to denying a student access to an educational opportunity based on their nationality or their viewpoint. I am happy to come back, I think the Dean of Faculty potentially could invite me back in the future. This process is still ongoing I am happy to come at the end to further comment on it.

>> JONATHAN OCHSHORN: Did you have more to say on this?

>> MICHAEL KOTLIKOFF: No no. Just more questions. At least two more.

>> CHRIS SCHAFFER: Chris Schaffer Biomedical Engineering, Mike this question is back to the Pathways of Peace event. The students that had protested there, many of them were identified and I think have started through Cornell standard procedure for adjudicating misconduct. It's also become public that many of them received interim suspensions. Or interim measures to restrict their activities on campus and we have resolutions about it today. On another occasion you and I spoke privately about the appropriateness of these interim sanctions for students who were accused of vandalism. I want to be clear if a student was accused of violent conduct and while that is being sorted out I understand the need to maintain safety on campus to impose additional interim suspensions. But I'd be really curious to hear your personal perspective on the use of these interim measures in the case where students are accused of nonviolent, not dangerous conduct. Although it could be expensive I agree, spraypainting Day Hall cost tens of thousands of dollars to clean up. So there is a university impact of not putting a firmer interim sanction in the meantime. But I am curious how you see this.

>> MICHAEL KOTLIKOFF: Thanks Chris. Yeah I mean I think there is a point of view that certain individuals have that emergency sanctions, or intermediate actions really should be reserved only for violent acts. This came up, was a point of significant discussion at the expressive activity committee, there are the counter weighing argument so you know the counter argument here is that it is possible for individuals to repeatedly disrupt actions of the University for which the University is legally required to maintain. And so the idea that the University could be subject– and this was an issue around whether stopping an event, a sanctioned event at the University or speech at a university, or spray painting and vandalizing a university, if those events are allowed to continue repeatedly they call into question the University's ability

to adhere to its Title VI responsibilities. Now this process I think there are a lot of issues around our student campus code. I'm very pleased we're opening this up and having a discussion about the campus code. Because I do think we need to be able to quickly adjudicate these matters, do it on the basis of evidence, and avoid an extended period of time where individuals can repeat activities. We have had examples of that occurring. It is that use that I think the University has to reserve this to, to make sure we can have events where students are not prevented from hearing speakers or prevented to going to a career fair, etc.

>> CHRIS SCHAFFER: [indiscernible] does graffiti on buildings violate Title VI violation?

>> MICHAEL KOTLIKOFF: Repeated so, a hostile environment is a part of Title VI is around creating a hostile environment. And certainly repeated graffiti you know it depends on the kind, certainly can certainly run that risk, yes.

>> JONATHAN OCHSHORN: We're going to go to Zoom, Sandra Babcock please identify yourself and your affiliation.

>> SANDRA BABCOCK: Hi I'm Sandra Babcock from the Law School. And I just had a question for the Provost, based on what you just said. As you know, there is a resolution that I have drafted that is also going to be considered in two weeks at our next meeting. I just had a follow-up question based on what you said that there is a different standard that was considered by the Faculty Senate Committee that considered Professor Eric Cheyfitz's case and the standard that was used by the Office on Civil Rights. I would like to understand the two standards precisely. If you could tell us and read us the two different standards and preferably provide those in writing. I think it would be very helpful for us to understand why there was a difference in the outcomes.

>> KB: COCR used a preponderance of evidence and the AFPFS Committee, COCR also had an AFPS member, so I should be careful about that. The other committee used a clear and convincing, those are the two standards. The federal law requires us to use a preponderance of evidence.

>> SANDRA BABCOCK: Clear and convincing is a higher standard. Under the law clear and convincing is a higher standard than preponderance. So, you said that the Office— I think you said it the opposite way so the Office of Civil Rights used the clear and convincing.

>> MICHAEL KOTLIKOFF: No, no my understanding is that the second committee used a higher standard and found not culpable based on the higher standard.

>> KB: Requires preponderance of evidence.

>> SANDRA BABCOCK: I see. Thank you.

>> JONATHAN OCHSHORN: We have just a few more minutes left.

>> PAUL GINSPIRG: Paul Ginsparg from Physics and Information Science, representing information science as a senator. I apologize for being at the opposition mic. The questions I have are really more on the 5 to 10 year timeframe. Which I don't expect you to be able to answer. Instead I will pose a question in the near term that has a dramatic effect on the five-year timeframe which is a year ago, both of the graduate fields I am in were told to dramatically limit the number of graduate students we could accept. I don't know, those came down from the college deans. I don't know how much of the directive they are getting from the Provost level. I'm sure you're aware of this. I am curious, not being able to admit graduate students and destroying the pipeline has a dramatic effect on the research profile of the institution. Certainly on the five-year timeframe and likely the ten-year timeframe as well. I'm wondering if the two of you have any plans to mitigate that, I know there is incredible uncertainty about the federal funding. I don't envy the tight rope you have to walk to figure out the financial stability versus the future. But I'm just wondering what your thoughts are on this?

>> MICHAEL KOTLIKOFF: I would just say generally Paul of course our graduate student cohort depends on a number of things. Partially funded through the colleges as you intimate also many many graduate students are on extramural funding. So that plays a role here. To me the bottom line is Cornell really needs to achieve the kind of financial flexibility to give deans and academic leaders the ability to invest in the future and invest in our core priorities. The core mission. That is where I think we need to be as disciplined as possible to be able to give ourselves the ability to make sure that we come out of this ideally stronger than we came into it.

>> JONATHAN OCHSHORN: We have time well no time but we will do one more. Keep it quick if you can.

>> NOAH TAMARKIN: Hi Noah Tamarkin, Senator from Anthropology, also in STS. I just want to follow up quickly on the interim suspensions, you mentioned one of the rationales to doing it is the need to prevent repeated offenses. Is it the position of yourself or the administration in general that protest related activity is likely to be repeated and therefore one occurrence needs to be dealt with by interim suspension and if so what is the basis for that presumption? And if not, why are you doing interim suspensions if someone is doing something for the first time?

>> MICHAEL KOTLIKOFF: Yeah I think these cases are always, contain a fair amount of information. Some of that is former actions. We have had for example cases in which an individual went through a process, was in that process, in that extended process of adjudication and violated another procedure that is a classic example I would say of trying to make sure that we are able to prevent repeated actions of the kind that violate our policies.

>> JONATHAN OCHSHORN: Thank you that is all the time we have for this, we are going to move on. Presentation by Vice President of Student and Campus Life Ryan Lombardi who will speak for 15 minutes. Then we'll have another 15 minutes for Q&A.

>> RYAN LOMBARDI: Thank you, I have some notes he said I could use for this. I want to make sure everyone can hear me okay, yes? Okay. Well good afternoon, thank you very much for the opportunity to be here this evening. I wanted to provide and was asked to provide a high-level overview of Cornell's conduct process under the current code and procedures that took effect in the fall of 2021. I'll then share some data about the past 4 years of cases under this code as well as some highlights from last year academic year 2025. I will close with an overview of the code of procedures review process I announced in August and that is underway. Next slide. This is a snapshot of the process in entirety. The top boxes outside of the red frame reflect the early assessment intake of reports before a resolution method is determined. The colored boxes within the red frames are possible resolution pathways under the code. I will speak to each of these sections in more detail, in the next two slides. Next slide please. This slide overviews the steps taken before a resolution pathway is determined, the process starts with the intake of a report and review and assessment by staff in the Office of Student Conduct and Community Standards from there, there are several potential courses of action. First, of course no action can be taken. The behavior reported is not a violation or there is no person identified, no action is taken. The behavior could be referred to another office, maybe it's inappropriate for the student code of conduct for example if it was sexual misconduct it would be referred to the Cornell Office of Civil Rights. If it was a Greek life recruitment violation that did not involve alcohol or hazing or something in that matter it would be referred to sorority and fraternity life, if it was a minor infraction of residence hall policies that did not meet the threshold for the code it would be referred to Housing and Residence Life. Then there is an opportunity for interim action which has been the source of several questions here. The Senate, the procedures currently permit OSCCS to put in place a range of interim actions which are restrictions up to including a full temporary, full academic temporary suspension. Again it's spoken about before where there's an immediate need to protect individuals or University community. Nonacademic— nonacademic temporary suspensions and full temporary suspensions are appealable to the Vice President for Student Campus Life, me or designee when I was here I

was off in the spring but when I'm here I hear those. Full temporary suspensions have an additional level of appeal to the Provost of the University, I'll share a little bit more details about temporary suspensions later on in the slide deck. This part of the process is also when an intake meeting is held with both the complainant and the respondent in this code, different from the previous code the role of the office, is to resolve complaints between parties rather than serve as the prosecutor as was previously case. First there is a complainant. The complainant can be either an individual or a designated complainant, what a designated complainant means is that is typically an individual that represents a university department I'd say the most frequent examples of that are sorority and fraternity life, Housing and Residence Life or the Cornell University Police Department. The respondent can be either an individual or a student, registered or recognized student organization. The president of that organization then serves as the representative. Next slide. Based on that intake there are then three possible ways to resolve the reports that have come in. I'll go left to right green, starting first is a nonconduct resolution. These are cases that have no outcome of responsibility, examples of these might be the good Samaritan protocol which encourages calling for help when a student needs assistance. Educational conversations about high-risk decision making, talking about intent versus impact. Warning letters for very very minor offenses such as using a fake ID, or a very minor bookstore theft. The middle trajectory pathway is something called alternative dispute resolution. Wherever possible the office tries to explore alternative dispute resolution. It is important to note it is totally voluntary and it requires both parties to agree to that pathway. One party cannot insist on it if the other does not want to do it. So if there is not an agreement about pursuing, the yellow bucket here, then it proceeds to a formal complaint. There's a menu of options available in alternative dispute resolution including mediation, restorative justice conference, etc. Another important note is that those resolutions are all agreement-based meaning both parties have to agree on the outcome. These are the resolutions this yellow bucket I would say is the most restorative, the most collaborative in the way it is resolved, and finally there is the formal complaint pathway which involves a full investigation, this is also the resolution method that takes the longest and I mentioned a little bit about the timeframe. There's three ways a formal complaint can be resolved. First that complaint can be dismissed by the Director of Student Conduct and Community Standards maybe because the alleged violation is not actually a violation of the code— there's a nonresponsive complaint etc, If the director does dismiss that the complainant has the opportunity to appeal that decision into a hearing panel. The formal complaint can be resolved via alternative resolution, which not to be confused with alternative dispute resolution, that's some of the wonkiness of the code language, as it currently stands. This is a negotiated agreement between the complainant and respondent, and it is the most common resolution under the formal complaint which I'll share some of those data in a minute. The procedures do currently require that all investigations will be paused during that AR process, the alternative

resolution process. So that does lengthen the resolution timeline. Then finally a formal complaint can be resolved via a hearing panel. Those panels are five person hearing panels who issue an outcome. And then hearing panel decisions can be appealed to the three-person review panel that entire hearing process is independent of the office or the administration.

Next slide please. Thank you. This slide provides an overview of the resolution method for cases resolved last academic year so this is the 24-25 academic year. The numbers on the top row do not add up to the total number of cases 844 because they do not include the cases that were referred out to other offices. Numbers in the second row represent only fully resolved cases from last year. You'll notice under formal complaint that it does not add up to the row above. Not all of those complaints have been fully resolved so those will show up in the academic year '26 data. There are still 27 formal complaints in resolution process. Of those 27, 22 of them are between two individuals. Individual respondent and individual complainant and an individual respondent. The remaining five have designated complainants. You see that the overwhelming majority of cases are resolved via nonconduct, alternative dispute resolutions, or with no action taken. The smallest portion are those resolved via formal complaint within the framework. Most often alternative resolution. Maybe talk about the timeframe for the resolution for each of these buckets too. Average adjudication timeline varies for, I will work left to right, good samaritan protocol, educational conversations, summary resolution usually within a week or so those can be completed, a resolution meeting roughly about two weeks. Mediation or restorative justice conference up to a month. Formal complaints, those can vary widely. They can be as short as three months. We have some that have spanned more than a year, even 18 months for organizational level cases. Range can be attributable to a lot of factors. There's some procedural requirements in the code as I mentioned before if you are exploring alternative resolution which sometimes can go on for a month or two, you stop all investigation during that time, so then they have to restart if that resolution doesn't come to fruition they have to start investigation. There's a lot of difference to the respondent in this, not forcing respondents to participate during breaks. Some of those types of things. The complexity of investigation certainly does vary. Resource limitation, staffing limitations, single investigator model.

Next slide. This is the annual number of referrals by year over the four years. Under this code that have been underway with slightly different shading as you see between individuals and organizations. I will note that one report can include multiple respondents and complainants so these are the number of reports and referrals in total by year. Next slide. Here is the disposition or case resolution status cumulative over the last four years. This is the entire time of course this code has been in use so the lowest level outcomes comprised under 73% of all cases and are not reportable at all. They don't follow the student while they're here or beyond, the middle level outcomes comprises roughly 26% of the cases, and those are reportable, often for a specified duration. Not be on the student's graduation. In the most serious outcomes as you see are exceedingly rare most suspensions over the last four years

have been issued to student organizations. Over the last 4 years there's been one individual student suspension that was issued by a hearing panel. There's been one individual student dismissal which was issued by a hearing panel. I'll make a couple of additional notes. The case resolutions that are reportable still require a respondent to provide a signed release to disclose the requested information. They have to verify that someone can in fact be aware of their conduct record. I wanted to just note the deferred status, triggers a specific sanction. If a student for example is on deferred probation that suggests if they were found responsible after they go through a process of another violation that would escalate to a full probation from deferred probation. Next slide please. In addition to a disposition case resolution status a number of case outcomes include some component of an educational sanction. I just wanted to show you about where those breakout they are pretty self-explanatory so I won't walk through them I will mention basics because it is an acronym that stands for brief alcohol screening and intervention of college students. That is used in a lot of alcohol cases. Next slide. These percentages represent the total respondents by category over the past four years of cases. You may be wondering about the 7% unknown, there are referrals that come in that don't have a name attached to them. They don't know who the respondents are, most often these are related to alcohol type situations, often in residential spaces. Most likely undergraduates. Again, we don't know that for certain. But given where most of those referrals originate we suspect that to be the case. Next slide. A quick snapshot of the most commonly reported behaviors from last year. Again, pretty self-explanatory won't walk through that in the interest of time. Next slide, a lot of conversation and discussion and debate around the use of temporary suspension. I want to share the data from last year, this data represents only individual students, so not student organizations, with individual students who receive temporary suspensions or nonacademic temporary suspensions last year, just as a reminder a full temporary suspension prohibits a student from making academic progress, attending class, things like that. In the case of student organizations, it prohibits student organizations from operating. But does not otherwise restrict rights and privileges of individual members of a student organization. A nonacademic temporary suspension permits students to continue making academic process, can attend classes, etc. Additional accommodations can be granted for those students as well. Access to jobs or other things on campus. Those are handled on a case-by-case basis. There are again two levels of appeal for the full temporary suspension first to the Vice President for Student and Campus Life, second to the Provost, there's one level appeal for the other. Regardless of whether it is a full temporary or a nonacademic temporary suspension or other interim measure, OSCCS does an ongoing assessment of whether restriction remains necessary and they can modify or lift the restriction. That is most often happened when a respondent commits to not violating university policy pending resolution and progress. I will mention at the start of this academic year of those 21 students those suspensions imposed last year all but one of them have been lifted with one student who is

currently away from the university on leave. 11 of the 21 were modified either on appeal or OSCCS prior to the resolution of the case, 9 of the 21 remained in place until the resolution of the case, not all of those nine chose to appeal prior to resolution or use the second level of appeal. Those nine remain. Next slide please. I wanted to switch gears now as I wrap up briefly to provide an overview of the review process that I announced in August. First I want to share a little bit about the committee, there's reviewing amendments to the codes and procedures in addition to student assembly representatives, a professional student has been added, at the request of the GPSA president an undergraduate student who is involved in residential life and RA an undergraduate student who is a student athlete and highly involved on campus, two faculty members. One a formal faculty senator from this body, another is a current hearing panelist who has a lot of extensive experience with the code. And finally the staff, a college Student Services leader with AAP, the Director of Student Conduct and Community Standards, the Director of Greek Life, a lot of cases involving Greek Life, Marla Love the Dean of Students is serving as the chair, and facilitating the meetings, and I'm attending the meetings as an ex officio, mostly listening I want to understand and hear all the deliberations of the committee for when those recommendations come forward. Next slide please. Last slide please. This is a timeline of what we hope to accomplish over the course of the academic year. I want to say we have tried to be super transparent about this process from the onset we announced it publicly just as the semester was starting. I authored a Sun Op-Ed to try to inform and promote and invite feedback about the process. The Committee has already met three times. They're currently reviewing code for grammatical errors, scrivener's errors, things like that. There have been brainstorming and constituents for which they want to hold listening sessions, very similar to the expressive activity committee that was held last year. That will be launching very soon. Hopefully at the start of next semester, any proposed revisions that do come forward will be released for public comment and feedback. More listening sessions at the time with assemblies and other bodies. We'll consider all the proposed revisions and I will advance to the President with recommendations and the President will decide whether or not he accepts those and whether we have a new code or revised code. I do want to underscore a strong desire to receive specific input and suggestion about the codes and procedures. We have four years of experience now. I heard a lot of concerns and questions about it over the last couple of years and that is a big part of why we began the process this year. So we can interrogate those issues and talk about them and figure out if there's some amendments that could be made to this code to make it better reflect what we want for our community. This is an opportunity to work on changes to address those concerns we may have. It is intended I mentioned this in my OP-ed, but it is intended that this will be an annual process so this is not the only opportunity this should be a living breathing document that evolves as our community evolves, that certainly is our intent going forward. With that, that is the end of my overview.

>> JONATHAN OCHSHORN: Again, if you have questions and you're in-house, step up to the microphones. If you are on-line, raise your hand. Identify yourself when you come up here. You may have been too clear.

>> KEN BIRMAN: Yes, Ken Birman Computer Science. Thank you for the presentation. Four years ago when we started this process there was a lot of concern about sexual assaults, harassment, other types of violations of that type. They're not broken out in your chart. I wonder if you could give us a sense of how Cornell's thinking has evolved. Where those fall under this breakdown of categories of offense and so forth.

>> RYAN LOMBARDI: I appreciate the question there is a Provost task force on sexual assault taking place right now. This continues to be a grave concern. Cases related to sexual misconduct are not processed through the Office of Student Conduct and Community Standards. I don't have those data off the top of my head, I apologize for that. I will say I am involved in that process. I'm the last level of appeal for cases that proceed through that process with a panel of two other individuals. So three of us hear those. I can informally report it is still a troubling problem for us. Given the reports that I see come across my desk in those appeals. I don't have the data with me. I'm sure we could get COCR to come back and share some of that data or I'd be glad to follow up with it after the meeting.

>>JONATHAN OCHSHORN: On Zoom, Begum Adalet, identify yourself.

>> BEGUM ADALET: Yes hi, Begum Adalet, Government. Thank you for this I am wondering if you could say a little bit more about how the codes and procedures review committee was chosen. Why was there no consideration for including students who have been subject to discipline and also faculty support people who have shown up for various disciplinary processes. The second thing is I really appreciate what you said about this being a living and breathing document in response to things happening on our campus and in the world. Some of those external changing circumstances have included the presidential and declarations about international students. Activists who are going to be— an executive orders saying they can be subject to deportation and worse. And yet the interim suspensions are still being imposed on these students. To what extent is the code being amended in response to these terrifying changing circumstances in our country and in the world, thank you.

>> RYAN LOMBARDI: Maybe I'll answer the latter part of your question first. We are, if you've been following, I'm sure you have, many of us have the way some of these changes have happened across the country on different campuses. A lot of campuses have changed their

codes although they have not done it in a fully transparent manner in a way we're trying to do here. That is not what prompted this review. The code stipulates it is intended to be an annual process that stood up. It had not happened since the code was put in place it was overdue. Discussed bringing forward last year. I was going to be on leave during the spring semester I thought that was not a great idea to do when I was away so I decided to launch it this semester. So that's maybe to answer the latter part of your question. That was probably a mistake I'm trying to remember the former part of your question. Related to the committee composition. When we chose folks we did a combination of things. There are stipulations about who we need to invite representatives from the student assembly and from the graduate student assembly. Those two presidents are on the committee. Beyond that, we tried to look for pockets that we know individuals have experience with the code or represent constituencies that have experience of the code. I mentioned a student who is deeply involved in the resident's life and sees a lot of behavior issues within resident halls, faculty members one of them is a hearing panelist. One of them is a former Senator, who is really engaged and came with the recommendation of many folks on the UFC. Two additional students. One additional student, the professional student I mentioned was added because realized the GPSA president is the physics PhD student in his discipline, so there was not a professional student representative there. Majority of the committee represents students and then faculty members I did have a chance to talk with Eve and the UFC and they've suggested an additional faculty member on that committee. I am certainly open to taking that advice as we go forward but really trying to have it be as inclusive as possible.

>> JONATHAN OCHSHORN: We have about seven minutes so let's try to keep it quick and identify yourself.

>> IRIS PACKMAN: Hi, Iris Packman Senator from ILR. My question builds off of some of the others. Wondering if your office and the offices that handle other forms of student discipline look at the severity or have like a ranking of severity and crimes and then kind of like accordingly what the punishments are and to pick specific examples, if you could speak to last November there was a pretty awful allegations of repeated sexual assault at a fraternity. With drugging and a pretty horrible thing to read about. And I'm wondering what was the outcome for the students accused of that and what their current status is and same with the students who spoke during the Pathways to Peace. And what their current status is. If there is any sense of trying to rank the consequences.

>> RYAN LOMBARDI: I can't speak to the specifics of all the cases I need to be thoughtful about what I say about any specific information I will say my experience you heard the data around student conduct and how often a student is suspended or not suspended. Those types of

things. Again I don't have all the data at my fingertips, but sitting in the position I do and the process for policy 6.4 violations I can tell you suspensions are far far far more frequently issued in these cases than are the case in the Student Code of Conduct, dismissals have occurred in that process. I don't have the data. But they are different processes addressing different things. I would not say there is a comparison per se. They also had different reporting structure, sorry for my visual here, but different reporting structure so the offices sit in different organizational structures, but they are collaborative as you see sometimes a referral gets made one way but they don't usually I don't think confer on outcomes or comparison of what the standards are or precedent to those types of things because the nature of behavior is typically is so different under the code versus policy 6.4 for example.

>> BRIAN SYKES: Hi, I'm Brian Sykes, Senator from Brooks Public Policy. I want to thank you for showing the table of the 21 students broken out by category. It looked like depending on the category 90-100% of them received some sort of a modification.

>> RYAN LOMBARDI: So, some of them were modified as a part of the resolution. Once the case was essentially closed the temporary suspension lifts. I don't want that to be—...ultimately.

>> BRIAN SYKES: But 90-100% of them have received some sort of modification. Ultimately. I guess the question I had is on the one hand you can interpret that as the process working as intended, but another interpretation might be that whatever sanctions or intermediate sanctions were imposed were a required modification of some kind later on, in which case the question then becomes were the consequences for the students and the impact on their educational careers prior to that modification going into effect.

>> RYAN LOMBARDI: That period of time in between a temporary suspension being issued and a resolution is impactful unquestionably. The degree to which depends obviously if it's the full academic those are the most serious because their academic ability to continue to go to class make academic progress that is quite serious. Nonacademic I don't want to underplay that but at least they're able to maintain academic continuity and continue to go in class. Those types of things. That is part of the challenge we need to weigh here the president referred to being able to issue sanctions that we believe are necessary to protect the community. Also getting to that resolution point as quickly as possible to really minimize and mitigate the impact that you speak because it can be substantial.

>> JONATHAN OCHSHORN: This will be the final comment or question.

>> TRACY MCNULTY: Tracy McNulty, Faculty Senator from Romance Studies. Ryan my first question is why you've chosen to only present data from 2025 and not from 2024 which was when a majority of students received full academic suspensions. I want to speak to, I was the faculty advisor for six students who received full temporary suspensions and I want to speak to a couple of those cases in particular. Some of you may remember that on the second day of the Gaza Solidarity encampment, four students received notification of full temporary suspension. I served as a faculty advisor for two of them. In one of those cases the student suspended was a freshman who was charged with misrepresenting her intent, when she signed a form requesting a permit to show an art work in the arts quad. This was the mural that was eventually erected on campus, it stood next to the encampment. So, the first notification she received was that she had been suspended, she had been disenrolled from courses, I know because she was in my course and I received a notification of her disenrollment, she was evicted from campus housing. She lost access to her meal plan. As in many of these cases, the most severe punishment was imposed at the very start of the process. Before there was any presentation of evidence. Before there was any kind of procedural process. Before there was a finding of any sort. Even if we take the complaint at face value, it's essentially charging that she misrepresented what the content of an art work would be. If we were to class this among other types of violations of the kind that you mentioned, it seems it was most comparable to something like plagiarism. With the important difference that she did not actually steal someone else's work or claim it to be her own. So Mike going back to your point earlier, I fail to see how this rises to the level of something that is dangerous for the campus community. Or something that the university has to prevent to recognize it's Title VI obligations. This student was prevented from coming to campus, she lost access to the jobs that she had on campus, she was not able to work on campus for the whole summer. Truly serious consequences, and in addition to the loss of an entire semester.

>> RYAN LOMBARDI: Thank you for that. Let me say a couple of things. One, I chose to show academic year 25 data because that has not yet been released. The previous 3 years have been provided to the student assembly and the graduate student assembly per the code. I don't remember exactly so I want to be careful about quoting but I am pretty certain the numbers were consistent from academic year 24 to academic 25 on full temporary suspensions. I think the big shift in academic year 25 was a lot more nonacademic temporary suspensions. So again I don't have that data in front of me but I'm pretty certain of that we would want to double check it of course in the situation you're referencing, I do want to provide some clarification and I can't speak about specific students but I do want to say a couple of things. There were a number of temporary suspensions issued at the end of the 23-24 academic year all of those individuals who had been temporally suspended were given the opportunity to commit to not have any further infractions of the student code of conduct and those students who agreed not

to do any additional violations while the process was pending had their temporary suspensions lifted. Those who did not had not make that commitment to the university, the other thing I will say it is not a practice for a student to be evicted in housing. It is true that that spring there was an accidental communication that corrected within 30 minutes, where a student believed they had to leave their housing. That was quickly rectified and corrected that they did not have to leave their housing. They were able to stay in there. It was very unfortunate and certainly could be traumatic for that student. I don't want to minimize that. The only time a student would have to leave their housing, under a temporary suspension, is after they exhausted the appeals process for that temporary suspension and were denied.

[INDISCERNIBLE] someone speaking from the audience without coming to a microphone.

>> JONATHAN OCHSHORN: We should not have conversations back and forth like this. We have to move on to the next agenda item.

>> RYAN LOMBARDI: Thank you so much.

>> JONATHAN OCHSHORN: The next item will be presented by Senator Richard Bensel, Government, concerning a resolution concerning excessive and unreasonable delay in the conduct of disciplinary hearings and providing for reform of procedures under the student code of conduct. 10 minutes and then this will be followed by a discussion and a subsidiary motion to refer to committee.

>> RICHARD BENSEL: Can you call up the slides? We only have 10 minutes. We have divided up Derek Chang, Department of History, first part and to present more information on the resolution. So Derek.

>> DEREK CHANG: Derek Chang History and Asian American Studies. I'm here to speak about the experiences of students who have been subjected to excessive and unreasonable delays and the conduct of disciplinary hearings by the Office of Student Conduct and Community Standards and about the consequences of those delays for our students. I want to highlight the student named in our resolution to demonstrate the impact of the interim suspension process, on the academic and personal lives of students. I want to underscore however, he is by no means unique in his experience. On September 18, 2024 Sriram Parasurama took part in a protest at the Statler Hotel. Unlike most students who have received temporary suspensions, Sriram was subsequently arrested and charged with obstructing government administration and unlawful assembly, almost immediately the OSCCS placed Sriram on a temporary interim suspension and barred him from campus. An Ithaca City court the prosecutor ultimately

declined to prosecute Sriram. Nevertheless, the OSCCS persisted in its case under the student code of conduct, as a result Sriram continued to be barred from campus on the interim suspension pending resolution. A punishment that holds material consequences and imposed by the OSCCS prior to a formal finding of fact by a University investigation. The student code of conduct procedure states that the interim suspension may be imposed only when available less restrictive measures are insufficient to protect the community, presumably from violent behavior that might harm the health or safety of others. The standard laid out by the procedure is to impose the least restrictive option. Since interim suspension is imposed before any investigation it must be used cautiously, and wisely and sparingly. I'll remind you that the OSCCS imposed that sanction on someone whom the city court decided not to prosecute. The procedure required the investigation that proceeds a hearing, be completed as expeditiously as possible, the requirements for A, the least restrictive option and B expeditiousness, are important because when an interim suspension is issued it is done without a full hearing and formal fact findings both of which are crucial elements of due process. It is astonishing then that Sriram's hearing did not occur for more than eight months. During that time he was barred from entering campus and could not undertake his work as a graduate student. He was denied the benefit of National Science Foundation Fellowship. It is important to underscore that excessive and unreasonable delay is not something that Sriram alone experienced. In December 2024, while Sriram was temporally suspended the committee on expressive activity registered its dismay at learning that the normal disciplinary process often takes four to six months or longer to complete. It recommended that the University explore opportunities to reduce significantly the timeline for process and modify its procedures to support timely adjudication for students. We only have time to discuss Sriram's case. But others have been subjected to the unduly lengthy temporary suspensions. Dispensed before a hearing and a full finding of fact. As in Sriram's case the consequences are far-reaching and material. They like Sriram have been banned from campus and their enrollment status has been altered. They have been de-enrolled. They've lost progress towards degrees. Incurred the loss of tuition money. They lost access to federal grants and assistance, some have lost access to campus employment, campus housing, campus dining. They have been cast out the campus community. The immigration status of international students and their ability to remain in the US to pursue their education has come under scrutiny. University discipline and the OSCCS have made their already vulnerable position even more precarious. I find it impossible to come to any other conclusion, but that the excessive and unreasonable delays results in consequences and disciplinary actions that are disproportionate and severe.

>> RICHARD BENSEL: Thank you Derek. So if we could move forward in the slides. One more. One more. One more. We don't have time to go through the resolution. There, stop. So Vice President Lombardi has left the room. It is hard to reply to him. He is not here. I do want to take

exception to some of the things that he said. With respect to the process. We've got lots of charts. This is the one that counts. I want you to look at it. The central administration has refused to share data with us. So we have collected our own. We have tried to get as much as we can. It has been hard. It has been difficult. Kids are afraid. They are afraid. But this is the process that is relevant to interim suspensions. This is the one you have it, and in the messages and information, we have sent you. You have this information in one case, actually a couple of cases. You have it particularly in the Dina Ginzburg case. So, what happens is the Vice President of Student Conduct and Community Standards Ryan Lombardi, appoints in interim suspension cases, appoints a complainant who then acts in the institutional interest of the University. This complainant almost always, always, almost always is a policeman. In fact, it's one policeman, Lieutenant Scott Grants. Now that policeman, then issues a complaint. The complaint in these interim suspension cases that we have access to is a laundry list of all kinds of violations. Many of which have nothing to do with the event the student was involved in. The Dina Ginzburg's case one of the things was she was blocking traffic, a 5 second interruption in a University event inside an auditorium. That complaint immediately goes to the Director of the Office of Student Conduct and Community Standards who is responsible to Ryan Lombardi. Christina Liang, turns around and issues an interim suspension the same day. No investigation, no attempt to get evidence. No attempt to question the police officers' charge. The interim suspension then goes and is immediately applied to the student. No hearing, what you heard from the central administration about careful attention Dina Ginsburg never repeated was never likely to repeat. All you heard about repeated violations and the prospect of repeated violations that would lead to immediate rush to judgement by the central administration is incredibly, incredibly awful. There is no way that kind of thing should be going on. So, how much time?

>> JONATHAN OCHSHORN: Try to wrap it up in a few seconds.

>> RICHARD BENSEL: I haven't had a chance to talk about the subsidiary motions. That is the resolution. That is the problem we are addressing.

>> JONATHAN OCHSHORN: At this time we open it up for discussion and it's kind of choreographed we're going to start with Dean of Faculty Eve De Rosa, who will present what is called a subsidiary motion. This is something that the body has to take up and it will result in a vote. If a vote is successful, then it refers it to a committee, if unsuccessful we come back to the main motion and resume the discussion.

>> EVE DE ROSA: Thank you. So as everyone saw, we have the draft resolution that was just presented. We have subsidiary motion from the UFC. It has two parts. One we first asked the sponsors to make revisions and I'll have that on the next slide. Then we also have requests that

it goes to committee for a review before it comes to the Senate, our hope is that all of this can happen this month. And come back to the Senate for a vote in November and so the revisions for example next slide please, we asked the sponsors this one I don't think we put into writing until the subsidiaries. But the idea of having this resolution seems to be two different resolutions one about censoring the central administration and then one separately about making this a more productive review of student conduct. We wanted some cleaning up of the where as clauses some of them some had supposition of outcome. We wanted to make sure they are contextual. We wanted the resolution to recognize that there is a current code review that's happening and how can we make it better that's our job as a faculty to say how can we do this so we are making this better for our students.

>> JONATHAN OCHSHORN: The order of business is to discuss the subsidiary motion. Then we'll have a vote. Depending on the outcome of the vote we may go back to the main motion, but it may refer to the committee if the vote on the subsidiary motion is successful. So we start with discussion of the subsidiary motion and we're going to allow the sponsors of the main motion to have a first crack at it.

>> RICHARD BENSEL: You have in your email box, you have our comments and discussion of the subsidiary motion. I think it would be best to go through those. We have not had much of a chance. In the preamble of the subsidiary motion it says this motion acknowledges the ongoing dialogue between the University Faculty Committee and the resolution sponsors. There has not been a dialogue. We have been told what will be done to us and to our resolution step-by-step. There has never been a case where let's talk about this what would you like to have done so forth and so on. There is no dialogue. Subsidiary motion was never presented to us in any form before it became before it was entered on the Senate agenda. Now, the subsidiary motion says that our resolution should be split into two parts. One of those parts is right. There is a century motion in our resolution. The other one says one focused on process improvement, the student code of conduct that does not exist in our resolution, it was made up it was fiction. What we say is the process that has been created by the central administration with staff members, by the way Jane Michael who was on the committee was on the hearing board for Sriram Parasurama, it begins when you start to press on these things it becomes really incestuous how the central administration draws upon their resources to prosecute these things, but you can't divide the resolution into two parts as the subsidiary motion suggests because one of the parts doesn't exist. The subsidiary motion asks us to refine the where as clauses to provide background contexts without prematurely stating conclusions, we looked at them they're there, and we stand by them. The subsidiary motions ask us to acknowledge the formal review process underway by Office of Student and Campus Life and offer constructive suggestions that might inform or enhance that process and we certainly recognize the central administration has

created a committee and we want to replace it with a democratically elected committee from each of the assemblies at Cornell University the subsidiary motion this is the fifth item, states that UFC has been in communication with our sponsors to suggest incorporating relevant data from the Office of Student Conduct and Community Standards regarding that number and duration of formal hearings, that is not true. What the University Faculty Committee asked us is to get data from the central administration on interim suspensions and we did that, you can find that in our comments, once we did that, Christina Liang, to whom we have addressed that request, said I will work directly with office of the Dean of Faculty and the University Faculty Committee to share any relevant data. On October 4, the University Faculty Committee notified the working group, our group, for the resolution notified us that Christina Lang had not sent in data and it would not be shared with the sponsors of resolution. In sum, the UFC have been "In communication with the sponsors" but only in ways that have frustrated and obfuscated the preparation of background material on these cases. However, I want to note this, because it is really important, however the UFC has apparently been cooperating quite closely with the central administration in the withholding of data from the sponsors. I will now return to the first section.

>> EVE DE ROSA: Richard, excuse me. Let's do a couple of corrections. You've had more than two minutes.

>> RICHARD BENSEL: I'm not done, please let me finish.

>> EVE DE ROSA: I will let you finish but I will be correcting the record.

>> RICHARD BENSEL: Interrupting me is not a good idea.

>> EVE DE ROSA: We each have two minutes and you've gone beyond it.

>> RICHARD BENSEL: We should now return to the first section of the subsidiary motion which asked the sponsors of the resolution to consider revising a resolution in all the ways they recommend, we have now done that. We reject it. We instead propose that the Faculty Senate vote on our resolution unamended. Thank you.

>> EVE DE ROSA: So, I would like to correct the record. When we received this, this was after we had set the agenda for September. The next UFC meeting we reviewed this resolution and immediately emailed the sponsors with these suggestions, every single one of them except the idea of separating this into a resolution that deals with censure and one that talks about reforming the process that is under review. If you think that we should have a democratically

elected put it in there. That is fine, that is not what we're talking about. So, after that we did ask for the Office of Student Conduct and Community Standards to please compile data and analyze it and bring it to the Senate. They've done that and we gave them grace to get the data together. They're already doing this for their review. We will all get this data together. The sponsors will receive it, the UFC will receive it. We've all just seen it presented so there is no conspiracy. We have been transparent and clear from the very beginning.

>> TARA HOLM: I am Tara Holm. I am a Senator for Mathematics, and I am speaking on behalf in favor of the subsidiary motion, I oppose the motion as it stands, because it elevates a single case and misrepresents it as typical. That is not only misleading, it is dangerous for sound policymaking. In my experience as department chair, I have learned that every situation has multiple facets and without full context conclusions are often incomplete or wrong. The University is bound by confidentiality and cannot disclose details about individual students or cases. Which means we do not and cannot have the full picture of one case. Building policy on an exceptional case is not just unwise, it undermines fairness and integrity. Policy should not be grounded in consistent well documented patterns of policy— sorry, policy should be grounded in consistent well documented patterns, not anecdotes. Instead of reacting to one case we should commit to a data driven review of broader trends and develop policy that reflects the needs of the entire community. This is the goal of the UFC subsidiary motion to refine these important topics into something we can collaborate on.

>> JONATHAN OCHSHORN: We have someone on Zoom I'd like to have someone speaking against the subsidiary motion since we like to alternate, Begum are you supporting it or against it?

>> BEGUM ADALET: Against the subsidiary movement. Begum Adalet Government. I respectfully disagree with what Tara just said. Because this is not about a singular case I'm one of the cosponsors of the original resolution. I was the faculty person for another graduate student who was issued a temporary suspension after participation at the Statler protest in October last year. It was not a repeated incident. The student had been away the entire previous year but our experience with Office of Student Conduct was remarkably similar to the trajectory outlined by my colleagues. The suspension was issued before a full investigation. It was a result of charges brought by the CUPD, half of CUPD's bogus charges were dropped once we finally saw video footage from the event which showed the student did not in fact violate public law, did not engage in violent or threatening behavior. Even though it appears that walking through a college as a black man seems to qualify him for this charge in the eyes of powers that be. The student was in effect placed under house arrest at his own campus residency before that case was resolved. This took three months. By the time the case was

resolved it was too late, President Trump issued Executive Order which meant that the student had to go under hiding again, for another three months before leaving the country in May. Afterwards we found out that his visa status was suspended. So this is among many many cases that cannot be told in numbers or statistics, because the effects are moral, the effects are academic, the effects are societal. They affect everything from immigration status, to job prospects, loss of funding, and all of this. So if an investigation clears a student of allegations even if it turns out that attending a demonstration, using a megaphone protesting, using a speaker. Not repeatedly, not presenting any violent or dangerous action it is too late to reverse academic societal and economic consequences and having emotional consequences that end up having these lifelong effects for a huge number of students whose experiences we don't get to learn from just numbers. We must revise the student code of conduct with a democratically elected committee that has learned from these heroing experiences people have been part of these processes in presence of them. The resolution as a whole has to be voted on that not with the resolutions that have been suggested, thank you.

>>JONATHAN OCHSHORN: I think I'm going to invoke a unanimous consent unless there is an objection to extend the meeting time for 10 – 15 minutes? Do you object?

>> [INDISCERNIBLE]

>> JONATHAN OCHSHORN: If there is no objections we will take another couple of comments and move to a vote on the subsidiary motion. As I said, if it is not successful we will go back to the main motion. We will not vote on the main motion today in any case. Go ahead.

>> BILL Katt: Bill Katt, Molecular Medicine. I agree. This resolution is badly in need of revision. One, I don't like that it specifically mentions the student. I think students deserve their privacy. I don't think a student and crimes the student committed should be enshrined in faculty senate legislation. That being said, we are talking about the specific student. We received an email saying no context is needed. I disagree. As a reminder, the student was part of a group who unilaterally decided to shut down the University function. They pushed past University security personnel and generated so much noise that the job fair had to be disbanded. Among the devices, we can clearly see in photographs of these students is a megaphone. Irreversible, progressive hearing loss starts at about 80 dB of sound. A megaphone puts out 110-220. This was not a reasonable protest, this was not free speech, this was a potentially medically damaging attack on other people who were enjoying their free speech rights to participate in university functions. I would add that almost a year ago to the day in our October 9th meeting last year the current interim Provost talked to us about these very topics about how these

interim suspensions worked. After a, to be generous, energetic response from the faculty Senate we learned a couple of things. We learned them more throughout the last year one was that if we like to rewrite the procedures, the administration encouraged us to take a look at these procedures and rewrite them and address problems we proceed. Two, they're not enough human beings working in the relevant offices these days to advance all these cases in the speed we would like. No amount of censure can fix that, there are not enough people to do that. Three, we have learned not enough faculty are volunteering for the volunteer aspects of the panel that have to be formed. No amount of censure can fix that. Finally, we have learned, we heard it again today that most of the students we have given temporary suspensions could be relieved of almost all of the criteria from the suspension if they just pledged not to do it again. The specific student being referred to we learn from reporting in the Cornell Chronicle, not only showed no remorse during disciplinary hearings, but doubled down and said that the student would continue to disrupt functions until Cornell stopped holding functions that this student felt Cornell should not hold. This is entirely unreasonable and I don't know how you can support this kind of activity. I fully support separating resolutions, let's stop censuring the administration for following University policy which this Faculty Senate helped to develop. And rewrite the policy if we really feel like it needs to be rewritten. Thank you.

>> PAUL FLEMING: Hey everybody I'm Paul Fleming from German and Comparative Literature. I will speak to an experience I had different from the other students. So just to say yet another experience that goes towards the resolution. This is a unique case. This case illuminates the problem with the current code of conduct procedure. As the faculty support for one of the students involving the Statler protest on September 18th, this is the so-called fourth student who was charged for pushing past the police. This is an important detail was charged a month after the event based on one video that was found online and had been identified by the video. This was not by the Cornell police video. On October 16th, the student was made aware of the charges for the first time. Summoned to OSCCS and immediately given the full temporary suspension from all Cornell activities. Was being declared a persona non grata. Other than health services he was completely separated from the Cornell community including banned from attending Shabbat services. October 24th, a week later we met then again with OSCCS to talk about an alternative resolution. The initial charge was based only on a written description of the event based on the video. We want to see law rep the student asked to see the video. Now the discrepancy between the verbal description of the event and the video itself was so surprising that when the lawsuit rep and I watched the video we said did you just see that? We were thinking what was described in the police report and what actually happened in the video are two very different things. We immediately asked OSCCS to leave the room so we could discuss. We were thinking we might be able to win the charge. The video is very different than the written description, it looked like the student did not push but was pushed from behind.

When pushed from behind, raised her hands to brace themselves. This was the cause of contact being pushed from behind. Based on the evidence that the University provided we want to move towards an investigation and hearing confident we had a decent chance of winning. OSCCS comes back in the room when asked about the timeline for what would be involved here. We were told investigations hurry up. Investigations take time. Need to question witnesses. I'm all for thoroughness, thoroughness is a great thing, but I want to repeat the student was already fully suspended, was already persona non grata, was already removed from all life, etc. In other words there was no way to win the situation if we did go to a hearing. So in other words the student was already basically removed from campus, so there was no way for us to win, why? Because winning would have meant the student would lose a full academic year, they were already suspended, already persona non grata. Therefore the student felt like they had no choice but to take the ultimate resolution. That's why those numbers are so high, because they're basically forced to a situation and have no choice. This is the real problem with the current situation. Once you couple suspension with persona non grata, and add in delays towards the hearing there is no way to win even if you have evidence on your side, thank you.

>> JONATHAN OCHSHORN: We have one more comment, and then hopefully address to the subsidiary motion then we can take a vote on it.

>> RISA LIEBERWITZ: I am against the subsidiary motion.

>> JONATHAN OCHSHORN: You're the last comment I don't think there is anybody else. Go ahead.

>> RISA LIEBERWITZ: Thanks, I'm speaking against the subsidiary motion. I wanted to sort of crystallize what you just heard in the prior comments. Which is just sort of in a very short well known phrase as justice delayed is justice denied. That's generally true about this extended period between a temporary suspension and an actual hearing. But added to that is the coercion that's been described here against the students. Number one, the temporary suspension policy provisions under the student code of conduct, as we know from many discussions in this body including today, the temporary suspension provision has been abused, the University has not even followed its own policies about using a temporary suspension only as narrowly as possible and only where there's really an immediate danger of some sort of physical harm and perhaps violence so that is the starting point of where we get justice denied in an immediate sense and then the justice delayed part means that once somebody has been temporarily suspended with no end in sight, there is a coercive nature to saying we will settle

with you as long as you will agree you will never do this charge again. Which of course has never been proven. There has never been a hearing about it. The coercion is enormous, as we just heard for students to agree to it and say I just won't do anything which is then the suppression of speech. The chilling effect on not only the particular student, but every other student who sees this is what happens to you if you are charged initially, temporarily suspended outside of the rules and provisions. Then maybe you'll get a hearing months later. I better stay away. The coercion is not only for these particular students. But for everybody else who knows that they better stay and color within the lines. Just the way Cornell defines it, thanks.

>>JONATHAN OCHSHORN: We will go to a vote on the subsidiary motion to be clear if you vote in favor, the main motion that was introduced earlier goes to the committee that formulates a report which could include a revised proposal and comes back to the Faculty Senate in the next meeting. If you vote against, then the subsidiary motion dies then we go back to the main motion, as it stands, resume discussion. Then there will be a Qualtrics vote after that meeting. Point of information.

>> UNKNOWN SPEAKER: Why do we go to a Committee and not back to [indiscernible]?

>> JONATHAN OCHSHORN: That is the motion that is known as refer to committee.

>> EVE DE ROSA: The sponsors revise first. Then it gets reviewed and then comes to senate. We do this typically. For those of you on Zoom, this is typically what we do we ask sponsors to revise a resolution and then it goes to committee, and then the revised version and the committee report get presented together. Then we go to a vote. This is standard.

>> JONATHAN OCHSHORN: Strictly speaking the motion is to refer to a committee. Then all sorts of informal processes happen within that motion which can include feedback from the sponsors. That is between the committee and the sponsors. Essentially what happens is as a result of those interactions the committee creates a report and brings back whatever they feel is appropriate to the next Senate meeting. That is the subsidiary motion. Are there any questions about the process or intention without getting into the content?

>> EVE DE ROSA: I just want to remind everyone the committee is CAPP, the Committee on Academic Procedures and Policies they look at university wide policy.

>> JONATHAN OCHSHORN: The other reminder is only Senators should be voting, another point of information.

>> UNKNOWN SPEAKER: The Committee does not re-write the resolution, right?

>> JONATHAN OCHSHORN: No the committee can do whatever they want they can rewrite the resolution.

>> EVE DE ROSA: Actually the subsidiary is that the sponsors revise, and the committee reviews, that is it.

>> JONATHAN OCHSHORN: Well, okay. Go ahead.

>> UNKNOWN SPEAKER: [INDISCERNIBLE]

>> EVE DE ROSA: Correct then we all bring it to a vote. The sponsors revise, the committee reviews, the revised version and the sponsors feedback, excuse me, the committee's feedback all come to the Senate for our education. Then we vote. The revised motion.

>> JONATHAN OCHSHORN: Are we ready for a vote? So those in favor of the subsidiary motion raise your hand, keep them up. And if you are on Zoom is there a special quiz or something? So that is already going.

>> EVE DE ROSA: Keep your hands up. 21.

>> UNKNOWN SPEAKER: [INDISCERNIBLE]

>> EVE DE ROSA: It's actually the subsidiary, as written and sent to you last Friday. We have until October 13 for the sponsors to revise. October 14 whatever we have on the 14th, whether the original motion or revised motion, will go to committee for review. The review will come back to the Senate with the revised or original motion. Let's do the in-person against.

>> UNKNOWN SPEAKER: We have no votes.

>> UNKNOWN SPEAKER: There are a number of people who are saying they don't understand what they're asked to vote on. The question is are they voting on resolution or—

>> EVE DE ROSA: The subsidiary motion that was sent on Friday is what we're deciding on. Do we want a revised version of this or do we not, essentially and do we want a committee review or not?

>> JONATHAN OCHSHORN: I apologize I still have a yes no up there and I forget we need to actually do that more explicitly here. So those not in favor, of the subsidiary motion, in other words the no votes, raise your hand.

>> UNKNOWN SPEAKER: Do it again. Keep your hand up.

>> JONATHAN OCHSHORN: The no votes. And those who abstain? What is the final tabulation?

>> EVE DE ROSA: 36 – 30. Denied.

>> JONATHAN OCHSHORN: 36 in favor? So the motion prevails that means we can move on to the last agenda item. The motion prevails. The main motion will be referred to a committee. That ends the discussion. Until next month. We still have a good of the order, we have two speakers.

>> EVE DE ROSA: So, I just want to let everyone know that the revolution that we received on Professor Cheyfitz's case will be, we'll discuss it, we will have a hybrid meeting again here in the Schwartz Auditorium on October the 22nd. That's our faculty forum space and I just wanted us to be able to get the full hour just on that one resolution. Then, the other thing I wanted to announce is that we have pop up faculty soups. We did the first one in the School of College of Veterinary Medicine and it was wonderful. We encourage you guys to come to the next one on October 28, good of the order. That is Tara and Richard. [indiscernible]

>> JONATHAN OCHSHORN: So we have two good of the orders and we will split the five minutes and then move to adjournment.

>> TARA HOLM: My good of the order was meant to be about the library. Because there has been, well you all had the email about the unbundling of the Elsevier package, it has been subsequent unbundling of the Springer package you may not be aware of there was very little in fact no consultation with faculty about that. I was going to give a good of the order about pleading with the library to be open with us. To engage with faculty about the materials they need for scholarship. I have to tell a different story. Just about 20 years ago, I was on the subway in Boston going to BU for a math talk. It was about this time of year. There was a Red Sox game that day. Two stops before we got to Fenway somebody screamed there is a Yankees fan on board. Somebody else said, "Get him off!" They shoved him out the door. It is funny, sort of. But it is a reminder of mob mentality. What we don't do here. We don't kick students out the door. We don't kick each other out of this room. We engage in constructive dialogue. I

firmly believe our faculty faces far greater threats from outside these walls, than from within. Our challenges will not be overcome by division or disruption. They will only be surmounted if we stand united. I urge each of us to take responsibility for strengthening our committee and work together in constructive and collaborative ways. Trying to dismantle the system, does not solve our problems. It only makes us weak. If you want to protect what matters most we must commit to building solutions together.

>> JONATHAN OCHSHORN: Richard?

>> RICHARD BENSEL: Well, I can't say I am happy with the outcome. There is a problem here. Which is that our community is thoroughly permeated by fear. It is permeated, students are fearful of free expression of opposition, to the central administration. Because they might be punished in a draconian manner. Junior and untenured faculty are fearful that their positions will be considered redundant. Senior faculty are fearful that their departments will be consolidated, merged, or even eliminated in highly centralized and discretionary decisions. We have seen today, in the way all the heavy artillery brought in to oppose the resolution, the way in which the central administration rules over our community. They brought up a hostile environment under federal law. That hostile environment has been created by the central administration at Cornell. The persecution of students, Eric Cheyfitz's case, Russell Rickford case, all of these things. Dina Ginzburg case. All of these things contribute to that hostile environment. We are faced with a central administration that the worse effect of that administration is in fact the creation of that hostile environment in which we all work and live. Thank you.

>> JONATHAN OCHSHORN: Thank you for your patience and attention. So we are adjourned.