**REPORT FROM THE HO PLAZA COMMITTEE**

Professor Richard Allmendinger, Earth and Atmospheric Sciences: “My fellow committee members are Margaret Washington from History and Bill Fry from Plant Pathology and Plant-Microbe Biology. I think I got selected because Allmendinger comes first in the alphabet. Either that or I drew the short straw.

As you can imagine, the three of us were thrilled to be appointed to this committee, and although we'd like to think that everybody will absolutely love the report that we prepared, perhaps a better sign of our success will be if everybody is to one degree or another unhappy with the report. So we'll see.

“So the charge to the committee from the faculty senate resolution, which I won't repeat here, was both more detailed and covered broader ground than was covered in the Mingle and Miller report. We believe that our report complements what I call the M&M report by providing more context and detail, as well as identifying specifically what ambiguities in the code of conduct led to the specific issues that were experienced on November 19th.

“Our committee interviewed face-to-face or received written statements from more than 20 people, 17 of whom were directly involved in the events. All of the people that we interviewed were actually extremely cooperative and helpful. Nobody declined to meet with our committee at all.

“All of the people we interviewed were told that our committee was not actually the appropriate avenue to register official complaints, and we could direct them towards the official university offices where they could register official complaints. And as far as we know, nobody did, although they were quite frank with us.

We also interviewed two faculty experts on academic freedom, the judicial administrator and the chair of the events manager planning team, for additional perspective on issues raised by the November 19th issue or events. So you should have before you the recommendations of the committee.

We didn't prepare any spiffy graphics, thus the blank screen behind me; but very briefly, the committee made five recommendations: First the need to clarify or eliminate the necessity to show your idea upon request, which is printed on the back of everybody's ID card. We emphasize "clarify or eliminate," because we are not sure what the original intent of that was.

Clearly, if one is to check out a book from the library, you should show your ID, just so we have a record of who has what book, but it's clear that requests for IDs from faculty members on particular on November 19th unnecessarily escalated the tension in the situation, regardless of the intent of the Cornell police, who were requesting the ID.

Secondly, we affirm the faculty's right to freedom of expression and peaceful assembly as taking precedence over their responsibility to act as, quote, agents of the institution. We realize that the same may not hold true for faculty who are occupying administrative posts.

Third, we affirm the existing wording of the code of conduct concerning peaceful assembly, recommend that it be further clarified in terms of the right to peaceful assembly in open areas of the campus, without need for a permit. We outline, as those of you who may have read the report realize that the use of amplified sound was one of the primary issues involved in the November 19th rallies. We outline in our recommendations two possible approaches to the issue of use of amplified sound, in part because neither we nor the two experts on academic freedom that we consulted were able to reach unanimity to make one recommendation to the faculty.

And finally, we highlight the need for more complete training of event managers effectively handling, so that they can effectively handle events such as those that occurred on November 19th. And training for event managers and police should include a component on guaranteeing freedom of expression.

Those are all the prepared remarks we have. We are just going to sit down here and answer any questions that you might have about the report and listen to the discussion.”

Speaker Beer: “Thanks very much. Are there any questions or comments? The gentleman on the aisle first.”

Professor Martin Hatch, Department of Music: “I just want to ask about the event manager side of things, and the question of giving of permits. Having been a part of the campus code of conduct revision, I'm very much aware that the code was designed to preserve these rights of free expression and free assembly, and I don't believe anywhere in the code that there's a significant discussion of events that are necessary to be monitored by event managers that pertain to freedom of expression or freedom of assembly; that those event manager events are usually for festivals, celebration, large-scale events to raise money of some sort or other and not for free expression of political views.

And so I'm curious as to how events managers got into the position of having to pass upon whether or not an event that involves freedom of expression of political views should be somehow decided upon by them. And I don't know what kind of counseling you could give them to be able to parse out which events require their judgment.”

Speaker Beer: “Would a member of the committee address Professor Hatch's question? At the podium, please, with the microphone.”

Professor Allmendinger: “I think it's probably fair to say that few faculty are aware of events, events managers, and that the university apparently has a group of mostly volunteer, nonacademic staff present intending to help and coordinate all events and public gatherings of any size in the institution.

Now, I don't know what the size limit is. We don't know that. We did talk extensively with the chair of the events management team, who is an associate dean in the university, and she gives great confidence that they are sensitive to the issues. Nonetheless, it's clear from the events that we reviewed, the training of events managers is insufficient to share the task they have been asked with.

So it is not really up to us to tell the university -- us, meaning this committee of three people -- what the appropriate way of managing public events in open spaces on the campus is. We identify obvious shortcomings in the particular event, which led to some unfortunate incidents; but your question about whether it should be up to events managers to guarantee free speech, one other possibility could be to see whether we could get a sufficient number of faculty volunteers to monitor whether freedom of expression is being respected or not.

In my own administrative role in a previous life, I learned that getting faculty volunteers isn't always easy to do in many cases. Anyway, I think it's a question for open discussion, but if the university is going to use events managers, they should be better trained than they are.”

Speaker Beer: “The gentlewoman sort of in the middle.”

Professor Mackowski: “I have a question. Is it necessary to manage a protest, right of peaceable assembly? Is it upon those who are protesting to manage themselves as a group and protest peaceably?”

Speaker Beer: “Can a member of the committee take the general question; is it necessary to manage such affairs as took place in November.”

Professor Margaret Washington, History: “Well, I think again you are asking us a question that we can't really answer, but the fact is, there were event managers assigned to the demonstration, and that event manager gave out incorrect information that escalated the tensions that created what probably would have just been a peaceful rally of two groups that didn't agree with each other into one student being pushed down, one student being threatened with arrest and faculty being treated disrespectfully, to say the least.

So events managers do have a role, and it's not assigned by us. It was assigned by the administration; but still, they ought to be trained. The events manager did not know that the speaker was a student and the events manager did not know the campus code and transferred her lack of knowledge to the police. So whether we need events managers or not, that was not our charge.”

Speaker Beer: “Thank you. The gentlewoman in the turquoise top.”

Christine Shoemaker, The Joseph P. Ripley Professor of Civil and Environmental Engineering: “I've always thought of myself as being extremely liberal in terms of free speech and so forth, but I am surprised by this first recommendation that seems to prevent the police from asking for ID cards. Maybe this is because we're such a rural campus, but if you think, for example -- these recommendations are not just to apply to this one incident. It is to apply to future gatherings in the future. So the question, what are the principles that say the police really shouldn't be asking for ID cards?

What if people are coming from off-campus who have nothing to do with Cornell to participate in and maybe stir up rallies that are on campus? For example, you could think about an anti-fracking demonstration on campus and you get a lot of people from off-campus who are in favor of fracking because it maybe will provide some economic incentive. So how do we deal with that issue? I can't believe that an urban campus would have that kind of regulation, because they would expect they might be getting a lot of people on campus from off-campus.”

Speaker Beer: “Would a member of the committee care to comment on the question?”

Professor William Fry, Plant Pathology and Plant Microbe-Biology: “Our understanding is that in a public campus or public space, the police, institution or municipality would have to have some reason or cause to think of some suspicious behavior. And that seems to be a reasonable application here, where there was not that suspicion of unlawful behavior, to ask for somebody's ID.”

UNIDENTIFIED SPEAKER: “If someone comes on campus, they're not doing anything unlawful? It's okay if they're here? I mean, they certainly could be stirring things up. That's not necessarily unlawful.”

Professor Fry: “Our understanding was that unless somebody is suspected of doing something unlawful on a public campus -- this is a private one -- that the police cannot ask for ID, unless they are suspected of that.”

Speaker Beer: “Gentleman in the front. Do you care to come to this podium, because it's closer?”

Professor Carl Franck, Physics: “I'm here just to serve at this moment as a voice for Yuval Grossman, who you remember feels passionately on the subject. So I'm going to read a statement Yuval had. He's at a conference now.

“’I'm sorry I'm not in Ithaca today to personally make remarks about the report. I think this is a very important issue. And since the report has very significant inaccuracies, I would like to make the following remarks: The first remark is regarding the very first sentence in the report. It reads: CPAC arrived on the plaza to protest factions and recently involved in recent events in Gaza. This statement is not true. I, and I think all people from the CPAC side were there because of events in Israel, not events in Gaza. This is a very important issue. I do not understand why the committee decides to make this false statement.

“‘In particular, when I testified, I was very clear about this issue. The point is more severe as a question of mentioning Israel and/or Gaza is a political statement. The fact that the committee made a political statement is very wrong and should not have been done. I would like to understand why the committee decided to make this false statement.

“’The second remark has to do with the following statement: Everyone else stated that there was not any threat of violence. Well, the problem was that at least one woman from the SJP side came with dogs. The woman told my son, who is a student at Cornell, that I wish you were dead, while holding her dogs. This is a very clear threat of violence. I told this to the committee, but they decided to ignore it. I wish to ask why this issue was ignored.

“’The third point has to do with the destruction of the flag exhibition of CPAC. As part of the events, CPAC put flags in the arts quad, and they were destroyed. The committee decided to ignore this fact. I feel this is not okay. This was very much related to the event. I would like to ask why the committee chose to investigate some aspect of the event and not others.’”

Speaker Beer: “Would a member of the committee care to comment on the statement?”

Professor Allmendinger: “First of all, I should say that the committee tried very hard to be completely neutral on the political issues. I don't think -- in fact, I honestly don't know what my committee members' political standing is on the issues of Israel and Gaza.

“Secondly, if you read the CPAC Facebook posting, event posting meeting, in fact, Gaza is mentioned twice in that Facebook posting. So the particular rally on that particular day, certainly the events in Gaza, whether they were Hamas shooting missiles at Israel or Israel invading Gaza, Gaza was the catalyst for the events of that day.

“I frankly had forgotten about the issue with the dogs, and so on, and the remark. I will say we heard many remarks, some quite inflammatory. Most of them did not make it into the report for reasons of space, to preserve confidently where we could, and other issues, and so on. I will say that the majority of people that we spoke with, except for the campus police, perceived there to be no imminent threat of violence or danger, physical danger to people on campus and so on.

“I forget what the third point was. Oh, the flags. The flags, I think we just decided that that was outside of our charge. We were charged with investigating the university response to the rally on Ho Plaza specifically, rather than broader issues of defacing displays elsewhere on campus that were actually -- I forget the timing of the flags, but they weren't, you know, even exactly on the same day. They were apparently defaced overnight and so on.

“So all I can say is we interpret our charge to be mostly to focus on the university response to the protest on Ho Plaza and not many of the larger political issues raised by this event.”

Speaker Beer: “Thank you. Dean Burns.”

Dean Burns: “I would like to offer a motion to suspend the rules. As I said at the outset, the purpose of this motion is to consider a motion which would say the senate has received this report from its committee and is moving that report over to the UFC for consideration of what to do with these issues. This motion is not debatable, but it must be passed by two-thirds majority.”

UNIDENTIFIED SPEAKER: “The report has been presented -- the motion you might want to make, though it's not recommended, is for the report to be accepted. To vote on the report -- accepted means the committee subscribes to every fact in the report itself. I just want to make that point.”

Dean Burns: “He left, and we checked with him on this point as well.”

UNIDENTIFIED SPEAKER: “Well, he should have read Robert's Rules of Order.”

Dean Burns: “I read Robert's Rules of Order three hours ago too.”

Speaker Beer: “All right. It's my understanding that the dean is moving to suspend the rules for the purpose of offering a motion, a motion that will not have satisfied the one-week prior notice to the senate, and that is the purpose of his appearing before you a moment ago. Professor Howland, is that permissible in your opinion?”

Professor Howland: “Vote for motion, if it's -- we receive it.”

Speaker Beer: “Okay, let me ask first, is there unanimous consent to suspend the rules for the dean to offer a motion?

“Any objection?

“Okay, the rules are suspended. While we are in this mode, can we vote to suspend the rules to extend the time beyond our usual 6:00 p.m. adjournment, since there are just a few minutes left? Is there unanimous consent to suspend the rules for extending the meeting time by ten minutes?

“Objection? Okay. So seeing no objection, the rules are suspended and Dean Burns may offer his -- here is the motion prepared by and offered by the dean. Would you kindly speak to it?”

UNIDENTIFIED SPEAKER: “I will speak in much less than two minutes. Basically these people have done a yeoman's job, and I think that their report should be received, absent Howie's point. I did not see that in my reading of Robert's Rules. And then if the report is received, then it should be considered.

“They have five recommendations. We ought to do something with those recommendations. It seems like the best place to put those recommendations is to the UFC, for the UFC to do something with them. So that's the purpose of this motion.”

Speaker Beer: “Okay, so the motion's on the floor. Is there debate on this motion? The gentleman on the wall, if he could receive a microphone.”

Associate Professor Michael Thompson, Materials Science and Engineering: “If we proceed with this, will these recommendations come back to the senate before they are implemented?”

Speaker Beer: “Dean Burns?”

Dean Burns: “I would assume so. The UFC can act on behalf of the senate, and it is the last meeting -- in many cases, the statements of recommendations at the end talk about -- policy. That's something under the jurisdiction of the University senate, so UFC's reaction would be to move that over there. Something about whether we should have the -- on the back of our ID's, we don't have control over that.”

Speaker Beer: “Okay, any other comments or debate on the motion?”

UNIDENTIFIED SPEAKER: “May I ask if it's possible the UFC would consult with the process of doing the deliberations about what they want to do, the codes and judicial committee, University Assembly, so they could be apprised of the -- it makes some sense, because they spent two months to -- discussing this question.”

Speaker Beer: “Use the microphone, please.”

UNIDENTIFIED SPEAKER: “Having gone to some of those meetings, I'm quite aware of that, Martin. This report has been sent to the University Assembly and to the CJC, so we are in consultation with them, and I am a member of the University Assembly.”

Speaker Beer: “The gentleman on the aisle, halfway back.”

UNIDENTIFIED SPEAKER: “There's an open question in the report about whether -- if there's an application to have an amplified outdoor rally, that means there can't be a simultaneous amplified rally. It seems to me that is very worrisome interference with the lively and ongoing debate that's rightly celebrated by the committee in its report. I would hope that that would not be regarded as a point to be left open for the University Assembly.

“I think it's an invitation, if we take that route, of applications that are meant to stifle protests in response to very recent events, which are the basic stimulus for the most productive outdoor rallies. So I'd invite the UFC, and I hope the dean will agree to make this a point on which the faculty senate is invited to speak and to speak early in the fall, as these decisions are being made by the University Assembly.”

Speaker Beer: “The speaker is unclear about your point. Are you suggesting that the matter be considered by the University Assembly rather than the university faculty?”

UNIDENTIFIED SPEAKER: “No, but I think the University Assembly will, of course, be interested in what we have to say, both our ad hoc committee and the faculty senate. So there may well be points, as the dean has suggested, in which the UFC will simply regard something as a UA decision, not to be brought to the senate for its views.

I think on this matter, we can only have views, but I think we should be invited to express them as the senate, given the importance of lively expression on vital interests of the day that the committee rightly saw as something that it would appropriately celebrate and support. I think there's a question here left open that should be resolved by an expression of the senate's views, rather than simply being left to the university assembly.

Speaker Beer: “Any other speakers?

Professor Cheyfitz: “I want to second what Dick Miller was saying. There's an ambiguity about use of amplification in the report, and the senate should have a chance to clear that ambiguity up before it goes to the university assembly. I believe that's what Dick was angling at.

“Okay. So that's, I think the point. We should clear that particular ambiguity up. How do we want to do the sound business. I mean, for me, there are two ways to clear it up: That you could have no sound at these demonstrations whatsoever, or the sound could be restricted to just handheld sound; in other words, not stationary sound systems, but we should make that decision how we want to work that out, and then send it to the University Assembly, so they are not left to make that decision about that ambiguity. That's, I think, the point.”

Speaker Beer: “The speaker views the resolution as recommending that the committee consider all matters in the report further.”

Professor Cheyfitz: “Right, but then it will come back to the senate. Hopefully, once the UFC has decided about the recommendations, I think the sense of the senate is those recommendations, if the UFC says -- because the UFC will have to talk about the sound business. It should come back to the senate for consideration before it goes to the University Assembly.

“So here's the process: It goes to the UFC. They make their determinations. It comes back to the senate, so we can discuss those determinations, and then it goes to the University Assembly, so that they have the senate's sense of the recommendations that the committee -- the ad hoc committee made. I also want to commend the committee for the report, by the way.”

Speaker Beer: “Dean Burns, perhaps you can clarify the questions that are being raised.”

Dean Burns: “It would certainly be my attention to bring this to the UFC and rely on the UFC's advice. That said, I do not think that the UA will rely on our advice. No. I'm talking about the University Assembly's. At the University -- let me finish, please.

“At the University Assembly's meeting, their last meeting of the term, I went to them and pleaded with them, please wait for this report to come out. That vote -- the discussion that was very, very heated, and the vote to table this was held, again, very heated discussion. And the final vote was 6-6, to wait for the entire report.

“So for me to stand up there and say well, let's wait until we report out in September, and that surely will convince the UA, I think you're dreaming, but I don't know. I'm happy to do it. You see what I'm saying? It eventually was tabled by the vote of the chairwoman of the University Assembly.

“Yes, but it's going -- I bet it will be considered by the UA before it comes here.”

Speaker Beer: “Let's move on. The gentleman in the rear, please.”

Associate Professor Ronald Booker, Neurobiology and Behavior: “I'm on the UA and I think the concern for the UA, if you listen to different constituencies on campus, for instance, Ho Plaza is shared space. It's carefully managed space. And for many of the activities on Ho Plaza, there's a permitting process.

“And what they're concerned about partly -- this is one of the issues -- is if you have a prior permit and someone interferes with your ability to hold an event when you have a prior permit, those individuals are infringing on your free speech activities that may have cost you money, time, scheduling. That can happen in Ho Plaza.

“So I think that's one of the issues that the UA has to consider. So what we are talking about here is really a very small sort of piece of a very complex puzzle. We're talking about two groups that interacted on one particular day, but the management of some space on campus is actually an intricate process, and we have to keep that in mind as we discuss this issue.

“So I think that's the challenge for the UA is how do you actually make sure that someone that's trying to build trusses at Ho Plaza, if a group of 2,000 shows up, blocks their stand, their ability to get their project done, is that okay. That's really what the issue, is, I think for the UA.

“And I know that this is a serious issue, but we have to think about this. There's probably 200 days a year that Ho Plaza has scheduled events, most of which are permitted. And what we are trying to see is how do you have un-permitted events in the context of these other ongoing permitted events. And I don't think it's also clear -- we have to understand there's -- if I want to protest something because I'm passionate about it, I could care less if there's a permit or not.”

Speaker Beer: “Thank you very much. I would remind the senator that we vote by clicking. There is a resolution on the floor. Clickers are up here, if you failed to get one, and we should be voting in two or three minutes. So please make sure you have a clicker. Professor Franck. You can use this microphone.”

Professor Franck: “I very much appreciate the efforts of the committee. I particularly like the tone of the report; careful, balanced, insightful and wise. The only thing that I'm left lingering about in looking over the issues is the role of the plain-clothed policeman.

“I do feel that it would be a very positive thing at this time to support the resolution. I think this is a good way of moving it ahead, and I really like the idea that good ideas get farmed out in the right way. So I think this is a good way of moving ahead with the good efforts of the committee.”

Speaker Beer: “Okay. That being said, I think it's time to vote on the resolution. And let me remind you, first thing you do is turn on your clicker. And if you're in favor of the resolution as stated on the screen, then you click A. If you are opposed, you click B. If you refrain or abstain from voting, click C. So please click, and we'll give you about 25 seconds to get your clicks in.

“Here you see the vote. 89% of the clickers have voted in favor of the resolution, 2% opposed, 9% have abstained. Therefore, the resolution clearly carries. And we have now reached the end of our agenda, so I declare the May meeting of the Faculty Senate and the last meeting of the University Faculty Senate for 2013 closed.”

(MEETING ADJOURNED.)