

April 20, 2010

Dear Fellow Members of the University Assembly:

I apologize for my inability to be in attendance while the attached resolution is presented to you. So that you may still benefit from a complete and accurate account of the resolution and its legislative origins, however, I offer you the following narrative of the development of the proposed changes to the Campus Code of Conduct.

These changes were first presented to the Codes and Judicial Committee by the the Judicial Administrator, Mary Beth Grant. These changes were then debated and voted upon. All proposed changes currently before you were approved unanimously when voted upon.

The first change will amend the language in the Code that deals with hazing at Cornell. As the JA explained in her proposal of this change, "Last year, the CJC tabled for further discussion the request from Tim Marchell, Director of Mental Health Initiatives at Gannett, that the hazing section be amended to be more consistent with nationally recognized best practices." This proposal was uncontroversial. After a minor grammatical change was made, the proposal was quickly and unanimously adopted.

The second change will amend the limitations period for violations of the Code that involve fraud. The JA presented a proposal to the CJC to allow the statute of limitations in fraud cases to extend to one year following the discovery of alleged fraud (but not to exceed the maximum cap already set of three years after the alleged fraud occurred). She said that this change was necessary because fraud cases typically require "an investigation (typically by the Audit Office) and the involvement of a number of different university offices before it is referred to the judicial system." As a result, it is often extremely difficult or even impossible for the JA's Office to complete an independent investigation and still meet the statute of limitations. Because the root of the problem lays with the large amount of time such cases take to even make it into the campus judicial system, the CJC unanimously decided to cast a wide net and to allow a three year limitations period for cases that involve fraud. It adopted the language now presented to you.

The third change before you will amend the terms of office for members of the University Hearing and Review Boards pool. This change is related to the fourth change, which will codify in the Code the UA Executive Committee's authority to make emergency appointments as necessary. The JA explained that it has been difficult in the past to ensure that enough members of the pool are available over the summer. Allowing terms to begin before the summer will help ensure the availability of Board members if a Board must be impaneled over the summer.

Further, in the event of a shortage of available members, such as has often been the problem during the summer, the UA Executive Committee has previously made emergency appointments.

The fourth change codifies this practice should it be needed again in the future. These changes were adopted unanimously by the CJC.

I apologize again for my absence from the meeting when you will be considering these changes to the Code.

Sincerely,

John Cetta
Liaison to and Convener of Codes and Judicial Committee