

Resolution on Judicial Procedures Involving Senior Administrators and Undergraduates

Preamble

Senior university administrators enjoy an immense advantage over students in terms of status, power, and authority. At Cornell, this immense advantage is aggravated in some instances by the way in which the judicial system is organized and operates. There are several serious issues that might fall under this heading. Posing these issues as questions, we might ask: (1) Should very senior officials in the central administration be permitted to prosecute students anonymously? (2) Should very senior administrative officials be able to simply “order” members of the Cornell community to comply with their wishes upon penalty of prosecution under closed judicial proceedings? (3) Should members of the Cornell community be subject to judicial punishment when no harm has ensued from their action? (4) Is there a place for “whistle-blowing” within the Cornell community? (5) Should senior University administrators be permitted to prosecute a member of the Cornell community in a “closed” hearing even when that member explicitly requests that the hearing be “public”? At least some of these questions go to the very heart of what we should want our community to be. Although that is the general context for our resolution, that resolution specifically addresses only the last of these questions.

The Resolution

Title: A Proposal for Partially Redressing an Imbalance in Judicial Proceedings Involving University Administrators and Students

Whereas there exists an immense discrepancy between the power, authority, and status of a senior University administrator and that of a student,

And whereas that discrepancy is exacerbated when a senior University administrator files a complaint against a student,

Resolved, the Faculty Senate requests that proceedings in which a senior administrator prosecutes a member of the Cornell community be open and public if the defendant requests that they be open and public.

Co-Sponsoring Senators

Richard Bensel (Government)

Matthew Evangelista (Government)

Robert Howarth (Ecology and Evolutionary Biology)

Bruce Levitt (Performing and Media Arts)