



## Student- and Employee-Elected Trustee Procedures for 2019-20

*(To be implemented on behalf of the Cornell University Committee for Campus-Constituency-Elected Trustees (“CCCET”))*

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### I. GENERAL DESCRIPTION OF CAMPUS-CONSTITUENCY-ELECTED TRUSTEES

- 1) **Student-elected Trustees:** Each year, one Cornell University (“Cornell”) student is elected to serve a two-year term on the Cornell University Board of Trustees (each, a “Trustee” and, collectively, the “Board”), alternating between an undergraduate student one year and a graduate or professional student the next year. For terms beginning in odd-numbered years, the elected student is enrolled in one of Cornell’s undergraduate colleges; for terms beginning in even-numbered years, the elected student is enrolled in one of Cornell’s Graduate or Professional Schools. The procedures set forth herein (these “Procedures”) shall govern each election for the student-elected Trustees.
- 2) **Employee-elected Trustees:** Every four years, one Cornell employee is elected to serve a four-year term on the Board, pursuant to these Procedures.

### II. SOLICITATION FOR CANDIDATES FOR STUDENT- AND EMPLOYEE-ELECTED TRUSTEES BY THE CCCET

- 1) At the beginning of each fall semester and in consultation with the Office of the Assemblies (the “OA”), the CCCET will adopt and post a calendar (the “Election Calendar”) for fall semester events, the petitions / nominations process, Spring campaigning, and elections (which may provide for different election dates for the student and employee elections). Consideration shall be given to any religious holidays that may fall during the election period.
- 2) At the beginning of each fall semester, the CCCET will arrange for information sessions on the roles of student- and (when relevant) employee-elected Trustees, tailored to the positions open for election the following spring.
- 3) At the beginning of each spring semester, the CCCET will arrange for the OA to widely distribute a “call for candidates” for available student- or employee-elected Board positions, including by use of mailings, emails, social media, advertisements, and personal outreach to various groups around campus.

### III. ELIGIBILITY OF CANDIDATES FOR STUDENT- AND EMPLOYEE-ELECTED TRUSTEES

- 1) All candidates must meet each of the relevant eligibility requirements set forth below as of the Petition Deadline, as defined below.
- 2) Based on these Procedures, the OA shall determine whether each potential candidate for an office is eligible for such office and shall notify any person whom it has determined is ineligible. In assessing eligibility for student- or employee-elected Trustee candidacy, the OA may seek guidance from the University Counsel, the Dean of Students, and/or the Vice President of Human Resources, as appropriate.

- 3) Any person who has been deemed ineligible to be a candidate for the student- or employee-elected Trustee position may appeal the OA's decision to the CCCET. Such appeal must (a) be in writing, (b) be signed by the challenger, (c) state the basis for the objection, and (d) be received by the CCCET within 48 hours of the notification by the OA to the challenger of their ineligibility. Any such appeal will be reviewed by the CCCET, which shall issue and publicly post its decision within a reasonable time period in order to permit the challenger to participate in the petitioning process in the upcoming election in the event that the CCCET decides in the challenger's favor. The CCCET's decision with respect to any such appeal is final.
- 4) Student-elected Trustee Candidates: Eligibility
  - (a) For terms beginning in odd-numbered years, the candidates must be enrolled full-time in one of the undergraduate colleges. For terms beginning in even-numbered years, the candidates must be enrolled full-time in one of the Graduate or Professional Schools.
  - (b) Candidates must not be on disciplinary probation or suspension.
  - (c) Candidates must be, and expect to remain, registered in good-standing in their current college or school (and in residence at the Ithaca, Geneva, or Cornell Tech NYC campuses) through the end of the two-year term.
- 5) Employee-elected Trustee Candidates: Eligibility
  - (a) Candidates must be regular, full-time employees of Cornell in non-exempt, exempt, or academic non-professorial staff categories (*i.e.*, excluding all members of the University Faculty permitted to vote for a faculty-elected Trustee pursuant to the first paragraph of Article XIII, Section 1 of the Cornell By-laws) who are employed at the Ithaca, Geneva, or Cornell Tech NYC campuses.
  - (b) Candidates must confirm with their supervisors that their employment at Cornell extends through the end of the proposed four-year term, either because (a) they are "at-will" employees or (b) their contract has an end-date beyond such term. Candidates must also confirm with their supervisors that, should they be elected, their work obligations will be sufficiently flexible to allow them to fulfill their Trustee obligations.
  - (c) The following categories of employees are not eligible to be candidates:
    - any person who is concurrently petitioning for candidacy for any other Cornell Trustee position;
    - staff of the OA;
    - any person whose work responsibilities include the exercise of legal, law enforcement, or campus-wide authority at Cornell (*e.g.*, members of the Cornell Police; staff of the Office of the Judicial Administrator; staff of the Office of University Counsel; the Title IX coordinators, investigators, and related staff; or the University Ombudsman);
    - Cornell's senior leadership (*e.g.*, deans, vice presidents, and vice provosts); and/or
    - any person whose activities outside of Cornell (*e.g.*, non-Cornell employment, independent contracting, volunteering, or research) would (or would be reasonably likely to) result in a conflict with the fiduciary duties owed by members of the Board.

#### IV. NOMINATION OF CANDIDATES (THE “PETITION” PROCESS)

- 1) In order to be nominated as a candidate for election to the Board, each person meeting the eligibility requirements described in Section III above must submit to the OA the official petition form(s) that are issued by the OA by the deadline stated in the Election Calendar (the “Petition Deadline”), including the number and type of signatures described below for each elected position.
- 2) Specific Guidelines for the Student-elected Trustee Position Only
  - (a) As part of the official petition form(s) described above, each petitioner seeking to be a candidate for the student-elected Trustee must submit to the OA 300 valid, distinct signatures of persons eligible to vote for the student-elected Trustee in the upcoming election (as such electorate is described more fully in Section VI(1) below) by the Petition Deadline. The OA recommends that each petitioner collect more than 300 signatures in the event that some cannot be validated. Note that:
    - any registered Cornell student may sign a petition (even if such student is not eligible to run for student-elected Trustee);
    - because all registered students (undergraduates, graduates and professional students) are eligible to vote in each year’s election – regardless of whether their constituency is being elected that year – any registered student’s signature will be considered valid for both an undergraduate and/or a professional/graduate student petitioner’s petition; and
    - any registered Cornell student may sign more than one petitioner’s petition for candidacy.
  - (b) No petitioner may knowingly, directly or indirectly, solicit nomination petition signatures from students in a class for which they are a Teaching Assistant (TA) or grader, regardless of whether such solicitation happens in the classroom.
  - (c) No petitioner may knowingly, directly or indirectly, solicit nomination petition signatures from students residing in a residence hall where they are a Resident Advisor (RA), Graduate Residential Fellow (GRF), or acts in a substantially similar fashion with supervision, oversight, or authority over students’ residential lives, regardless of whether such solicitation happens in the residence hall.
- 3) Specific Guidelines for the Employee-elected Trustee Position Only
  - (a) As part of the official petition form(s) described above, each petitioner seeking to be a candidate for the employee-elected Trustee must submit to the OA 100 valid, distinct signatures of persons eligible to vote for the employee-elected Trustee in the upcoming election (as such electorate is described more fully in Section VI(1) below) by the Petition Deadline. The OA recommends that each petitioner collect more than 100 signatures in the event that some cannot be validated. Note that:
    - any employee of Cornell may sign a petition (even if such employee is not eligible to run for employee-elected Trustee); and
    - any employee of Cornell may sign more than one petitioner’s petition for candidacy

- 4) The OA shall determine the validity of each petition it receives by the Petition Deadline, and will publicly post the names of all qualified petitioners (as well as disqualified petitioners, based on a rejection of a petition) in accordance with the Election Calendar.
- 5) Any person whose petition has been rejected by the OA (and has thus been disqualified from being a candidate) may appeal the OA's decision to the CCCET. Such appeal must (a) be in writing, (b) be signed by the challenger, (c) state the basis for the objection, and (d) be received by the CCCET within 48 hours of the public posting by the OA of the disqualification. Any such appeal will be reviewed by the CCCET, which shall issue and publicly post its decision within a reasonable time period in order to permit the challenger to compete as a candidate in the upcoming election in the event that the CCCET decides in the challenger's favor. The CCCET's decision with respect to any such appeal is final.

## V. CAMPAIGNING AND ETHICAL BEHAVIOR

- 1) The CCCET will hold a mandatory education session for the candidates who have been qualified for an upcoming election. All candidates must attend this session, as well as any other educational, campaigning, debate, or other meeting or informational session announced as "mandatory" by the CCCET. If a candidate is unable to attend any such mandatory session, they may send a proxy on their behalf, provided that such proxy identifies the candidate whom they represent when attendance is taken.
- 2) Each candidate must complete the online candidate informational questions and statement through forms provided to the candidates by the OA. The OA will take photographs of candidates (or request a photograph from each candidate, subject to size/resolution restrictions), and post the photograph and other candidate information in campus publications, on the web and, if possible, on the ballots.
- 3) The OA shall organize at least one public "Candidate Forum" for each upcoming election, wherein each candidate for that election may present position statements and respond to questions from audience members or forum moderators. The OA shall use its best efforts to host recorded Candidate Forums on its website throughout the campaigning period.
- 4) Until campaigning officially begins (as set forth in the Election Calendar), candidates must, and must direct their supporters to, refrain from any of the following campaign activities, including:
  - (a) disseminating printed or electronic campaign materials;
  - (b) advertising candidacy by chalk, poster, social media, electronic, or other means; and/or
  - (c) making speeches or statements about their candidacy to any press, student organizations, employee organizations, campus organizations, university departments, or classes
- 5) Throughout both the petition process and the campaigning process, each petitioner/candidate shall not – and shall not direct or permit any of their supporters to – create a coercive or intimidating environment for other candidates, students, or employees. Examples of coercive or intimidating behavior include, but are not limited to, (a) interfering or interacting with persons clearly in the process of voting; (b) offering any promise, item, or service in exchange for any vote; (c) conditioning membership in any group, or the receipt of any item or service, on a person's vote; and/or (d) requesting or requiring proof from any person evidencing the candidate for whom they voted.
- 6) To support the fair and equitable treatment of all student and employee candidates, throughout both the petition process and the campaigning process, no Cornell (non-student) employee should

- (a) volunteer for any petitioning process or campaign for student-elected Trustee (but Cornell employees may volunteer for the petitioning process or a campaign for employee-elected Trustee), (b) make any endorsement of any student candidate or potential candidate (but Cornell employees may, in their personal capacity, endorse an employee candidate or potential candidate), or (c) in their professional capacity as a Cornell employee, give any favorable treatment or access to any student or employee candidate or potential candidate for purposes of that person's nomination or campaign.
- 7) Candidates may not, directly or indirectly, solicit, accept, or advertise endorsements or favorable treatment from official Cornell organizations, including athletic teams, residence halls, departments, schools, colleges, or other units.
  - 8) Other than campus-wide communications not directed at specific persons, no candidate may direct their campaigning directly towards any individuals who report to that candidate, or over whom the candidate exercises any official employment supervisory authority.
  - 9) Candidates shall not, and shall direct their supporters not to, use any Cornell utilities or resources for campaigning purposes, including, but not limited to: Campus Mail (other than Cornell email), Cornell email listservs or distribution lists, Cornell newsletters, or Cornell-hosted websites.
  - 10) Candidates may not campaign via electronic "push" technologies (*i.e.*, unsolicited electronic messages that use peer-to-peer transmission protocols, such as AirDrop).
  - 11) Candidates must, and must direct their supporters to, be aware of all applicable campus policies and conduct codes, including but not limited to the Campus Code of Conduct; the University Postering & Chalking Policy; the Campus Life Policy for Posting in Residence Halls; and Dining Hall policies, including a prohibition on distributing printed campaign materials in dining halls without permission from authorized staff. Any violation of the foregoing policies and conduct codes may result in disciplinary referral by officials responsible for their enforcement. In addition to any sanctions available to such officials under the terms of such policies and codes, repeated and intentional (or otherwise egregious) violations of such policies may result in disqualification from candidacy by the CCCET in accordance with Section VIII hereof.
  - 12) Each candidate (together with any supporters acting on their behalf) may not exceed \$50 for out-of-pocket spending and value of donations of materials and professional services (excluding any services donated by current Cornell students for student-elected Trustee campaigns, or by current Cornell employees for employee-elected Trustee campaigns). Campaign spending in excess of this \$50 limit shall be deemed a violation of these Procedures. Candidates must submit a Candidate Expenditure Statement Form along with any receipts and proof of fair market value to the OA by the deadline specified in the Election Calendar.
  - 13) Candidates may be reimbursed for up to the full \$50 of allowable, pre-approved campaign expenses (typically including chalk, photocopies, domain name fees, and web hosting fees); provided that such expenses (a) are properly submitted on the Candidate Expenditure Statement Form, and (b) were not incurred for the creation of any materials to promote candidates for any office other than the student- or employee-elected Trustee, as applicable. Failure to obtain pre-approval shall not be considered a violation of these Procedures, but may disqualify a candidate from receiving full or partial reimbursement.
  - 14) Specific Guidelines for the Student-elected Trustee Position Only
    - (a) Candidates may not campaign in or to any classrooms (including through the use of class listservs or distribution lists), regardless of whether the instructor of such class has permitted such campaigning.

- (b) Candidates may campaign in residence halls, including those where they serve as RAs or GRFs.

## **VI. ELECTION PROCEDURES**

- 1) The Cornell Bylaws currently defines the constituencies for student- and employee-elected Trustee elections in Article II, Section 5 (pasted below); this definition of the constituencies shall control unless and until the Cornell Bylaws are changed, at which point such new version of the Bylaws shall control:

*Election of Trustees by Other Constituencies: The election of trustees by any [...] student or employee constituency shall be conducted in accordance with election regulations adopted by the Board of Trustees from time to time. For the purposes of such elections [...] (ii) the student body of the University at Ithaca shall consist of those persons registered as students in one of the academic divisions of the University at Ithaca and possessing a currently valid student identification card indicating such registration; and (iii) the employees of the University shall consist of those persons employed at Ithaca and Geneva (including both nonacademic and nonprofessorial academic employees) who are not members of the University Faculty as defined in Article XII of these Bylaws and who are not students as defined in (ii) above.*

- 2) The method and tabulation of voting will be in accordance with the standards set forth on the OA's website in the Fall semester of any election year. Generally speaking, it is expected that eligible members of the respective constituencies will vote for their chosen candidates online in ranked-choice voting, and the OA will tabulate votes using the "Hare" ranked-choice voting method.
- 3) Barring no challenges (as described below) are received prior to the end of the voting period, the OA will post preliminary results as soon as possible following the election, and no later than 30 hours following the end of the voting period. In the event a challenge is received prior to the end of the voting period, the OA will post preliminary results as soon as possible following the CCCET's ruling on such challenge.

## **VII. VIOLATIONS**

- 1) The foregoing rules are designed to provide for an election process that is respectful and fair. Candidates must follow (and must direct their supporters to follow) all rules outlined in these Procedures. Failure to do so may result in penalties up to and including disqualification of candidates.
- 2) Candidates are expected to consult the CCCET or OA regarding any concerns about interpretation of the rules outlined in these Procedures.
- 3) Candidates must notify the OA of any potential violations immediately after learning that they occurred or reasonably likely may have occurred.
- 4) Candidates shall rectify any potential violations to the best of their ability upon knowledge of, or notification by the CCCET or OA regarding, such potential violations.

## **VIII. CHALLENGES, DECISIONS, PENALTIES, AND APPEALS PROCESSES**

- 1) Any member of the Cornell community may challenge the election result with respect to any candidate or election.
- 2) Challenges must be in writing, signed by the challenger, and accompanied by all of the following documentation:

- the challenger’s name;
  - the challenged candidate’s name (unless the challenger is challenging a decision regarding their own candidacy);
  - the date of challenge;
  - the reason for challenge (*e.g.*, an alleged violation of which rule(s) set forth in these Procedures); and
  - the supporting evidence for such claim.
- 3) Any challenge must be submitted to the OA within the earlier of (a) 72 hours of the challenger learning of the alleged violation and (b) 24 hours following the end of the voting period specified in the Election Calendar, regardless of whether such alleged violation was known or knowable at that time.
  - 4) Promptly following submission of the challenge, the OA shall post the challenge publicly on the OA’s website.
  - 5) The challenged candidate shall be notified and provided with a copy of the challenge as soon as practicable, and shall have 48 hours from receipt of the challenge to submit a response to the OA in writing.
  - 6) The OA shall promptly direct all challenges and responses to the CCCET. In consultation with the Office of University Counsel, the CCCET will meet in closed session to decide on the merit of the challenge. For each challenge, the CCCET will determine, based on a preponderance of the evidence, whether a candidate has committed a violation of the rules set forth in these Procedures serious enough to have potentially altered the result of the election.
  - 7) A candidate may only be disqualified from the election for a campaign violation upon a two-thirds majority vote of CCCET members present. Regardless of the outcome of such vote, alleged or potential campaign violations that appear to be violations of the Campus Code of Conduct or other relevant Cornell policy may result in referral to the Judicial Administrator (in the case of student candidates) or referral to the Vice President of Human Resources (in the case of employee candidates).
  - 8) The CCCET will report its decisions with respect to any challenge in a public document, to be posted on the OA’s website.
  - 9) Any appeal to any CCCET decision must be in writing and conveyed via email by the appealing party to the Secretary of the Corporation for the University within 48 hours of the public posting of the CCCET’s decision. The Secretary shall direct such appeal to the Board of Trustee’s Committee on Board Composition and Governance (“CBCG”).
  - 10) In consultation with the Office of University Counsel and Secretary, the CBCG will meet in closed session to decide on the merits of the appeal and report its decisions with respect to such in a public document, to be posted on the OA’s website. The CBCG’s decision with respect to such appeal is final.

## IX. SPECIAL ELECTION PROCEDURES

1. The CCCET shall declare a student-elected Trustee position “vacant” and declare a “Special Election” to fill the position for the remainder of the vacated term in the event that, during their 2-year term on the Board, a duly elected student Trustee:
  - resigns from such position;
  - is (or will shortly be) no longer a registered student at Cornell for any reason;
  - is (or will shortly be) no longer resident on the Ithaca or Geneva, or Cornell Tech NYC campuses (*e.g.*, as a result of studying abroad); or
  - is (or will shortly be) no longer in “good standing” at Cornell as a result of disciplinary probation or suspension
  
2. The CCCET shall declare an employee-elected Trustee position “vacant” and declare a “Special Election” to fill the position for the remainder of the vacated term in the event that, during their 4-year term on the Board, a duly elected employee Trustee:
  - resigns from such position;
  - is (or will shortly be) no longer a Cornell employee of the type described in Section III(5) above for any reason;
  - becomes (or will shortly be) a Cornell employee with a contract that has an end-date that predates the end of such 4-year term; or
  - undertakes (or is expected to undertake) new professional obligations that are not sufficiently flexible to allow him or her to fulfill their Trustee obligations
  
3. If the CCCET declares a Special Election, it will work with the OA to schedule such election on terms substantially similar to those set forth herein. The calendar and any other information (including any changes to the processes or procedures described in these Procedures, if any) with respect to any Special Election will be published on the OA’s website. Except as otherwise set forth in such published information, the rules set forth in these Procedures shall apply to all petitioners and candidates in such Special Election.