

Committee for Civil Rights and Liberties

Meeting Date: October 24 and 29, 2019
Time: 1:00 p.m. (Oct. 24) and 9:00 a.m. (Oct. 29)
Location: 1060 Fleming Administration Building (FAB, Oct. 24) and 6039 FAB

Present: Irina Aristarkhova, Barry Belmont (Chair), Jennifer Matthews, David Moran, Dinesh Pal, Samuel Rubinstein (Graduate Student Representative) Kate Saylor, Heather Walline
Absent: Edmund Graham, Rachael Kohl, Herman Love, Debby Mitchell, Deridre Spencer (SACUA Liaison), Matthew Zimmer

Agenda items

1. Call to order, approval of agenda and minutes
2. Announcements
 - a. A brief moment for John Conyers (May 16, 1929 – October 27, 2019)
 - b. A brief moment for Elijah Cummings (January 18, 1951 – October 17, 2019)
3. Interim student sexual misconduct policy
 - a. We have drafted a Senate Assembly Resolution which can be found here: https://drive.google.com/open?id=1lb0qIRQIQstXKFYKWXcyI98_P6o-p6aU
 - b. University has drafted changes to its Student Sexual Misconduct, now “Sexual Misconduct Umbrella Policy”
 - i. Announcement: <https://president.umich.edu/news-communications/letters-to-the-community/u-m-seeks-input-on-comprehensive-sexual-misconduct-policy-aau-survey-results-shared/>
 - ii. Draft policy: <https://sexualmisconduct.umich.edu/umbrella-policy/>
 - iii. Survey: https://umich.qualtrics.com/jfe/form/SV_3HJEkTfXI4gZIH (input requested by November 22, 2019)
 - iv. “The final form of the policy is expected to be implemented in early 2020.”
 - v. April announcement: <https://president.umich.edu/news-communications/letters-to-the-community/an-update-from-president-schlissel-on-u-ms-work-to-prevent-and-address-sexual-misconduct/>
 - vi. Student procedures https://sexualmisconduct.umich.edu/wp-content/uploads/2019/10/Studentprocedures_10.4.19_FINAL.pdf (page 18)
 - vii. Survey: https://publicaffairs.vpcomm.umich.edu/wp-content/uploads/sites/19/2019/10/University-of-Michigan_Report-and-Appendices-1-6_09-25-19.pdf
 - c. How/Should we proceed with our Senate Assembly Resolution?
 - i. Resolution: *Resolved*, that the Senate Assembly urges the University to

1. rescind the Interim Policy and replace it with a policy complying with due process and strengthening the fact-finding mission of the University;
 2. prevent an individual reported to have committed Prohibited Conduct from directly questioning an individual reported to have experienced Prohibited Conduct;
 3. adopt a policy that includes cross-examination by a representative;
 4. view cross-examination of witnesses as serving the goal of reaching legitimate and fair decisions;
 5. protect alleged victims from further harm or harassment, as might be caused by cross-examination by the accused;
 6. create a forum where cross-examination of accused and accuser may be conducted by a representative trained in the appropriate scope and manner of cross-examination;
 7. recognize that fear of having to confront, and discuss in detail, a sexual assault with the very individual accused of having committed the assault may well lead alleged victims not to report cases in the first instance; and
 8. commit to eliminating, preventing, and addressing the effects of sexual and gender-based misconduct; to fostering an environment where all individuals are supported and well-informed; and to providing a fair and impartial process for all parties.
- ii. Does the Umbrella Policy include this?
- d. Proposing Faculty Senate Resolutions
- i. **Who may propose**
 1. “Items may be placed on the agenda by the President, by the Senate Assembly, by SACUA, by standing or special committees of the University Senate, or by any member of the Senate provided that the motion or resolution be supported by two other members of the Senate.”
 - ii. **Form of proposal**
 1. “all motions or resolutions, in order to be included on the agenda, proposing University Senate action, must be in writing”
 2. “A motion or resolution introduced by a special or standing committee of the Senate must be certified by the chair of the committee involved”
 - iii. **Time of submission and distribution**
 1. “All motions or resolutions, in order to be included on the agenda, must be submitted to the Secretary of the Senate, at

least fourteen days before the meeting at which they are to be introduced. They must be delivered by the Secretary to the Campus Mail Room for distribution to all members of the Senate at least ten days before they are to be voted on.”

2. **Fall 2019**

- a. November 18, 2019 (Michigan League, Hussey Room); due **November 3, 2019.**
- b. December 16, 2019 (Palmer Commons, Great Lakes Central Room); due **December 1, 2019.**

iv. **Voting**

1. “Only members of the University Senate as defined in Article I, Sec. 1 shall be entitled to vote at Senate meetings.”
 2. “all questions put to the University Senate shall be decided by majority vote of those voting”
- e. Michigan ACLU’s open letter regarding the policy:
<https://www.aclumich.org/en/press-releases/aclu-calls-university-michigan-change-its-student-sexual-misconduct-policy>
- f. Points for Sexual Misconduct Interim Policy:
- i. No longer “interim” policy
 - ii. Policy should not allow direct cross-examination
 - iii. Legal representatives
 - iv. Office of the General Counsel
 - v. Is this a requirement of the Department of Education?
4. SPG 601.38 (“Required Disclosure of Felony Charges and/or Felony Convictions”)
- a. <https://spg.umich.edu/policy/601.38>
 - b. Created a set of talking points last year:
<https://docs.google.com/document/d/17lj7Q4EgPQjTp-2R0evCPZlgSOl9Bi5GrrORXo8UWXg/>
 - c. I propose we draft a resolution regarding the felony charge disclosure policy currently in place.
5. Other issues?
- a. Transgender rights/protections here at home taken to the Supreme Court
 - i. R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission
 - ii. <https://www.oyez.org/cases/2019/18-107>
 - iii. Transcript:
https://www.supremecourt.gov/oral_arguments/argument_transcripts/2019/18-107_c18e.pdf

- iv. Docket:
 - <https://www.supremecourt.gov/docket/docketfiles/html/public/18-107.html>
 - v. Sixth Circuit decision: <https://casetext.com/case/equal-employment-opportunity-commn-v-rg-gr-harris-funeral-homes-inc-5?ref=SblqfMcx2>
 - b. A genuine dilemma of the Chair's
 - c. Facial recognition policy on campus
 - d. DNA collection from migrants at the border
 - e. Election support
 - f. Put together an event?
6. New business
7. Adjournment
8. Next meeting
- a. Date: Early December
 - b. Time: TBD
 - c. Location: TBD