

**UNIVERSITY OF MICHIGAN  
STUDENT RELATIONS ADVISORY COMMITTEE  
MINUTES**

**Friday, December 14, 2018  
11:30 AM-1:00 PM  
Vandenberg (2<sup>nd</sup> Floor) – Michigan League**

**Present (eligible voters):** Anton Avancena, Judith Beck, Gina Cervetti, Jill Esau, Mariah Fiumara, Charlie Koopmann, David Potter, Olga Virakhovskaya

**Absent:** Selena Bazzi, Cindy Leung, Kyriaki Marti, Yolanda Marti, Jairam Menon, Maribel Okiye, Chitra Subramanian

**Guest(s):** Erik Wessel, Director, and Joe Zichi, Associate Director, Office of Student Conflict Resolution; Jack Bernard, Associate General Counsel, Office of the General Counsel; Amanda Kaplan, CSG Representative

**Ex-Officio:** Royster Harper, Simone Himbeault Taylor

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**1. Call to Order**

Chair Cervetti welcomed the committee. She then asked if there were any additions or changes to the agenda. No changes were suggested.

**2. Review / Approval of Minutes**

The committee was asked if there were any suggestions or changes to the distributed minutes. No changes were suggested. Chair Cervetti made a motion to approve the minutes as distributed and all eligible voters unanimously approved this motion.

**3. Continued Amendment Proposal and Deliberation**

**A. Vote on Consent Agenda**

Chair Cervetti noted that she had not received any feedback regarding the consent agenda items from the November 2018 meeting. She asked for a motion to vote on the Consent Agenda items. Potter made a motion to approve the items “as is”. Esau seconded. All eligible voters unanimously approved this motion.

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B. Amendments discussion w/ CSG Representative(s)

Amanda Kaplan, a representative of Central Student Government (CSG), was present to finalize the language for the Medical Amnesty proposal. She confirmed that the suggested changes to the language were correct.

- Previously Suggested Changes:
  - Change “minors” to “individuals”
  - Include “and/or controlled substance”
- Motion:
  - Potter made a motion to approve this proposal. Koopmann seconded.
- Vote:
  - All eligible voters unanimously approved this motion.

Kaplan then presented a new proposal regarding hazing, which will provide the definition for hazing within the current policy. The basis for the addition is that there is no easily accessible version currently available to students; you have to hyperlink to the University policy and then hyperlink to yet another policy to obtain the definition. CSG believes that this may pose a problem for the student population, as “hazing” is not explicitly defined. The goal is to make the definition transparent to students, ultimately providing them with a better understanding of their rights and responsibilities.

- Comments/Suggestions
  - Potter stated that CSG may want to replace “committed” with “inflicted”, as “inflicted is more of a conscious action. Avancena agreed.
  - Some committee members noted the use of rather extreme examples of hazing provided within the definition. Kaplan stated that the CSG Working Group, while developing this definition, were concerned with misconstruing various definitions of hazing. They opted to use the word “generally” to express that this definition is not all encompassing.
  - There was concern regarding benign hazing - the definition is too harsh. Erik Wessel, Director of OSCR, expressed to the committee that while there is differentiation between levels of hazing, hazing at even the lowest level, is destructive to the community. There is always the chance that someone may be harmed, mentally, emotionally or otherwise, and that needs to be taken into account.

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- Jack Bernard, Associate General Counsel, noted that if this proposal is approved by SRAC, the Office of the General Counsel may push for some changes, possibly using reasonable standard within emotional distress language.
- Due to amount of discussion concerning this proposal and the various opinions expressed about the definition, where the law may come into play, etc., Chair Cervetti asked Kaplan if she would like the opportunity to take SRAC's concerns back to CSG to amend the proposal. Kaplan stated that including "inflicted" is acceptable and she accepts that change, but would like the SRAC to move forward with voting as CSG worked all semester on the proposal. This proposal is solely for the sake of transparency; she recognizes the concerns raised and CSG would be willing to work further on this. She commented that if SRAC votes against the proposal, she would then like the opportunity to remedy the proposal and bring it back for review.
- Motion:
  - Potter made a motion to approve this proposal, amended to replace "committed" with "inflicted." Fiumara seconded.
- Vote:
  - Seven eligible votes were in favor while one was in opposition. The proposal passed.

**4. Review/Deliberation of Remaining Amendments**

**Proposal 6: Value Language**

- Continuing Comments/Suggestions:
  - Fairness and equality are similar – only need one of these words. Associate General Counsel Bernard mentioned that fairness is represented in several places.
  - Avancena raised the issue of equality and equity with Rackham Student Government (RSG) elected officials and they unanimously voted to keep equality and bring in equity.
- Motion:
  - Potter made a motion to approve this proposal. Koopmann seconded.
- Vote:
  - All eligible voters unanimously approved this motion.

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**Proposal 9: University Official – Reasonable Directives**

- Continuing Comments/Suggestions:
  - Addition of “authorized” to the language aids the intent of the proposal – authorized carries implications. While vague, it allows possibility.
  - It is important to make the distinction between identity and role. Ex. “... an individual in their authorized role.”
  - Who/what is authorized? Director Wessel stated that this comes from the policies/role of the person overseeing the space.
  - Vice President Royster Harper reminded the committee to think about our easily identifiable communities – does this language say more than we intend for it to say?
  - Potter suggested that using language referencing “reasonable and lawful standard.”
  - Bernard noted that the primary mover for proposing this was to find ways to negate contacting the police in some circumstances. This will give OSCR the opportunity to engage afterwards and have an educational conversation with the student(s) so we can avoid these situations in the future, and avoid involvement from law enforcement in the first place.
  - Suggested language: “Failing to leave University controlled premises when told to do so by police, security officer, or identified university official with reasonable cause.”
- Motion:
  - Potter made a motion to approve the proposal with the amended language. Avancena seconded.
- Vote:
  - All eligible voters unanimously approved this motion.

**Proposal 10: Threats of Harm**

- Comments/Suggestions
  - Important distinction - battery is actual harm being done while assault is the threat of harm.
  - Suggested language: “Physically harming and/or directly threatening harm of any other person or group in a manner which would cause a reasonable person to fear for physical safety.”
- Motion:
  - Avancena made a motion to approve this proposal with the suggested language. Koopmann seconded.

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- Vote:
  - All eligible voters unanimously approved this motion.

**Proposal 11: Evidentiary Standard**

- Comments/Suggestions:
  - Currently using “clear and convincing” – this standard is the least used in criminal and civil law; most institutions use the preponderance standard. The Association for Student Conduct Administration (ASCA) also recommends the preponderance standard.
  - SSRR is currently the outlier on campus as it is still using the “clear and convincing” standard while the rest of the University uses “preponderance.”
  - Wessel noted that in terms of scope, OSCR may deal with 2-3 cases per year where standard of evidence may come into play.
  - Bernard confirmed that students have used preponderance standards in deliberations and without coaching.
  - Avancena noted that he was the only student represented at the meeting and asked if it were possible to table this discussion until January. A temperature reading of the attendees was taken to gauge their decision on this proposal – 5 in favor, 2 opposed, 1 abstention.
- Motion:
  - Virakhavskaya made a motion to table this proposal until January 2019. Avancena seconded.
- Vote:
  - All eligible voters unanimously approved this motion.

5. Adjournment

Chair Cervetti adjourned the meeting by reminded attendees how important it is during these discussions to have a quorum, so attendance was appreciated in order to move through and vote on the numerous proposals presented.