Student Relations Advisory Committee

Friday, January 26, 2007

Bates Room - Michigan Union

12:00 - 1:30 p.m.

Present:  C. Koopman (Chair), C. Benamou, Y. Eliav, K. Federhofer, L. McAfee, D. Potter, Undergraduate representative in place of Zachary Yost; L. Carr (SACUA Support), E. B. Dorn (SACUA Support)

Guests:  Simone Himbeault-Taylor (VPSA Office); Jennifer Schrage, Director, Office of Student Conflict Resolution; Maya Kibersy, Assistant General Counsel (sitting in for Donica Varner)

Chair Koopman convened the meeting at 11:50 a.m.

Discussion of Proposed Amendments to the Statement of Student Rights and Responsibilities

Proposed Amendment 9

General discussion of OSCR’s response


Dr. Potter: It seems that this is just a definition of 24 hours as a business day.

Ms. Schrage: OSCR's commentary means that they do not want a student to have to be held to 24 hours, though they can do so in practice. The right to an advisor is in writing, but not a 24-hour limit.

Chair Koopman: Why it is the 24-hour limit not in writing?

Ms. Schrage: 24 hours seems arbitrary. It can be written into OSCR's practices, but it should not be included in the SSRR.

Chair Koopman: The current policy allows 48 hours, but writing it in would make it too tight.
Dr. Federhofer: How would this affect the complainant? This is fine the way it is, and we should not limit the time.

Dr. McAfee: Could a student ask for five days?

Ms. Schrage: He or she could.

Dr. McAfee: Then every student should be made aware that he or she has a flexible amount of time.

Ms. Schrage: It might be good to have a values statement, and instead of specifying an amount of time in the SSRR it could be included in the values statement.

Ms. Kibersy: The term 'without prejudice' is there because they want to be able to consider if student is taking the time limit seriously.

Dr. Potter: A time limit can be useful. We don’t want to allow students to 'fool around' with the process.

Ms. Kibersy: But this is about withdrawing. We allow people to withdraw but there is no formal time period set.

Dr. Eliav: We seem to be discussing two different issues here. Can we vote separately on each?

Chair Koopman: Yes.

Ms. Schrage: Again, it reflects in our practice. OSCR does not think it is necessary to codify it in the statement.

Ms. Himbeault-Taylor: Maybe Ms. Schrage can discuss OSCR's plans to have a frequently-asked-questions web page explaining the procedure in detail. This would help to keep the statement at a high level and not be overly prescriptive.

Ms. Schrage: Yes, we will launch a new website in February of 2007. It will provide more transparency, information, and accountability to the public in terms of OSCR’s practices.

There was a general discussion about gendered language in public documents and how to recommend that they fix this language in the statement.

Dr. Eliav: We should solicit recommendations from our student board members.

Undergraduate representative: There are a lot of emotional concerns for an accused student. It is important that students are aware of their rights. While practice may dictate
one thing, information is not a bad thing, and I imagine that the MSA had this in mind when they wrote this proposal.

A vote was called on whether to approve the portion of the MSA's proposal that includes the language, "a student may consult with his or her advisor before accepting responsibility": For: 4; Opposed: 1; Abstain: 1.

A vote was called on whether to approve the portion of the MSA's proposal that includes a 24-hour minimum time period for retracting acceptance or denial of responsibility. The vote, however, did not occur because of continued discussion over language "at least 24 hours." This means that there is eternal time for student to retract accepting or denying responsibility.

Ms. Schrage: OSCR does not want to arbitrarily put a time limit at 24 hours. We should put it under the signature line on the acceptance or denial of responsibility form that the student has x amount of time to reverse his or her decision.

Dr. Himbeault-Taylor: We should consider how much SRAC wants to "bake" procedure into statement, rather than informing OSCR that it recommends taking particular approaches or procedural changes without altering SSRR into becoming a procedural document.

Ms. Schrage: In terms of a checks OSCR's power, consider the hypothetical case of a student who wants to retract an admission of responsibility but is not allowed to. That student can challenge the decision by going to MSA, the ombuds, or even the media.

Dr. Potter: There are some unreasonable people in administration that a student might have to deal with. There should be something in the document to restrain bad behavior.

A vote was called on the First Paragraph: For: 4; Opposed: 1; Abstain: 1

and on the Second Paragraph: For: 1; Opposed: 5.

**Proposed Amendment 10**

Accountability for abuse of discretion already written into other documents.

Ms. Kibersy: Ms. Varner opposes this proposal on the basis that what it discusses is already happening in practice.

Ms. Schrage: OSCR is developing a good, healthy relationship with students and does not believe that these changes are necessary.

Dr. Himbeault-Taylor: There was nothing wrong before, so why include the new language?
Dr. Eliav: There must have been situations in the past where an administrator did not act in good faith. It is difficult for this committee to evaluate the proposal when it does not have all of the information, particularly if there have been cases in which power was abused.

Dr. Potter: In that case, the measures in this proposed amendment should be procedural and not included in the SSRR itself.

Dr. Eliav: Agreed. We should wait to confer with Mitch Holzrichter about why MSA included this proposal.

General discussion about why Mr. Holzrichter was not present at the meeting, and why it is important to seek out MSA's concerns and opinions. There was general agreement that the committee should ask Mr. Holzrichter for a very specific example of when an OSCR representative did not act in good faith.

Dr. Himbeault-Taylor: I know from experiences that no student has ever come forth complaining of an OSCR employee not acting in good faith. I think it is injurious to have language that suggests past wrongdoing on the part of OSCR without any evidence of it.

Chair Koopman: I recommend that we vote on waiting to talk to Mr. Holzrichter before deciding on this proposal.

Dr. Eliav: I move to wait to decide on this until we talk to Mr. Holzrichter. It is the most important point on whether to approve or reject students' proposal.

Dr. Potter: I second the motion.

Dr. McAfee: It is not a useful proposal, regardless of whether it is based on previous incidents. There are no 'teeth' to it. I do not think that we should table it.

Ms. Schrage: 'Teeth' to maintain good faith are written into the SSRR in the section regarding the appeals process.

Undergraduate Representative: I was an OSCR panelist. I cannot provide specific examples but know of students who left process frustrated because they felt like OSCR's representatives did not act in good faith. I recall one specific incident in which the student believed an that OSCR representative behaved in way that it was not allowed in SSRR.

Dr. Federhofer: This message is befuddled. If we were to vote on the proposal now, I would vote against it.

A vote was called to table Proposed Amendment 5 until the next meeting, and to ask Mr. Holzrichter for further information: For: 4; Opposed: 1; Abstain: 1
**Proposed Amendment 11**

Regards random selection of panelists.

Chair Koopman: Student opinion is that OSCR mis-characterizes this proposed amendment as an attempt to shift responsibility to administration, when all it intends to do is create random system for selection of panelists.

Ms. Schrage: Allow me to clarify OSCR's commentary. We do not reject the spirit of the idea but believe that student government should still endorse random selection process.

Chair Koopman: It seems that the vice president already must use a method approved by MSA.

Ms. Schrage: But they do not have to approve the final results of who will serve.

Undergraduate representative: In the past, student government approved or disapproved of committee members, but the approval went through only one person who may or may not have used good discretion. I think using random selection would make the process more fair.

Ms. Schrage: OSCR works with the administration to provide tools 'behind the scenes'.

Dr. Eliav: Where would that come into play? I believe the students want it to be explicitly stated.

Ms. Schrage: Perhaps the committee can propose alternative language.

Chair Koopman: SRAC must vote up or down on the proposed amendment, but can then advise to OSCR or MSA that they use new language.

Dr. Himbeault-Taylor: Is there a way to 'harvest' panelists from those who are willing to do it, without skewing the pool?

Drs. Potter and Eliav: We cannot eliminate the need to have the consent of the person serving on the committee, but a process of random selection would help.

Dr. Himbeault-Taylor: It could be good that if a student is called to serve, he or she should serve barring a compelling reason not to.

Mr. Eliav: Then we would have to come up with criteria for what a ‘compelling’ excuse would be, and it would hurt the University's culture of volunteerism. We should not force people to serve.

SRAC will recommend the following alternate wording to MSA [alternate language in italics]: "The VPSA or designee will generate a random list of potential student panelists
using a method approved by the MSA. The students will be contacted and asked if they will serve as panelists for the following year, subject to MSA or designees' approval and other respective student government bodies, until the designated number of student panelists has been appointed which is expected to encourage a diverse pool of students."

Ms. Schrage: I recommend not striking language about approval.

Chair Koopman: The MSA struck that language for a reason – because they wanted to replace it.

There was a general discussion about methods for selection. Ms. Schrage wants to include bringing lists to other colleges, not only the MSA.

Dr. Eliav: I think we should add that list will be approved not only by the MSA but also various colleges' student bodies.

The committee revised the alternate language they will send to the MSA so that it now reads [alternate language in italics]: "The VPSA or designee will generate a random list of potential student panelists using a method approved by the MSA. The students will be contacted and asked if they will serve as panelists for the following year, final list to be approved by the MSA or the appropriate respective student government, until the designated number of student panelists has been appointed."

Dr. Himbeault-Taylor: Discussion about the nature of the MSA and how well the MSA represents the student body as a whole. In practice some groups are not as engaged in the MSA as others. Some college student governments are more active than others. It would be good to have a process that includes the MSA as the "uber" student government but allows for independent student governments.

Dr. Federhofer: We should not include college governments. We should just let the MSA decide.

Undergraduate Representative: Technically, all colleges and programs are represented in the MSA. If a student representative does not participate in the MSA, that is his or her fault.

Chair Koopman: Then the alternate language will say "MSA" on the first line and "MSA and respective colleges" on the last line. That is what we will send to the MSA and the discussion is closed.

**Proposed Amendment 12**

General discussion on why OSCR opposes this proposal and the language change it entails.
Ms. Schrage: OSCR believes that the language change is unnecessary. It should be the default action not to change a policy unless it is broken. We do not need to cap the number of representatives selected. For example, I would like to use trained students to work in other OSCR functions.

General discussion on possible outcomes of reducing the minimum number of students required to twenty.

A vote was called on whether to approve proposed amendment the reducing the minimum number of from 60 panelists to twenty: For: 3; Opposed: 2.

Suggestion to MSA: Selection must be in keeping with language given in #11.

There was a general discussion about how to appoint people to panels. Committee decided to send the proposal back to the MSA stating that SRAC agrees with reducing the minimum number of panelists to 20, but wants to change language so that it is consistent with Proposed Amendment 11.

Dr. Himbeault-Taylor: I am concerned about how to maintain diversity among panelists. I recommend maintaining language that speaks to commitment to diversity of students. If we then shrink the pool down to 20, there is a serious risk of having non-diverse panels.

Dr. McAfee: What exactly do panelists do?

Ms. Schrage: They are arbiters.

Dr. McAfee: How many are on each panel?

Ms. Schrage: Five or six. But we have to work with the schedules of various panelists and other participants in each case. So if the pool shrinks, OSCR will have fewer people to select from, and the panel will not be diverse. There are usually about three cases per year that require panelists.

Dr. McAfee: So twenty should be enough.

Dr. Eliav: Not enough to do all the things that Ms. Schrage would like for them to do. Also, the diversity issue is problematic.

Dr. Benamou: Randomly selecting 60 will, in theory, ensure diversity.

Dr. Eliav: One way or another, we have to find a way to maintain diversity.

Dr. McAfee: Is the idea of a "jury of peers" part of the dispute resolution process?
Chair Koopman: Neither random selection nor non-random selection of panelists ensures or prevents diversity. Ultimately, the student body will decide what will be best.

Ms. Kibersy: We want to include a commitment to diversity in the SSRR. A lack of such a statement would be noticed, particularly in today’s climate.

Dr. Eliav: We can maintain the clause that appreciates and encourages diversity.

Dr. Benamou: It is valuable to have people trained even if they do not serve. They should be informed, however, that there is a chance that they will not serve on a panel.

Dr. Eliav: We have already voted on this matter.

Dr. McAfee: Can a student going through the OSCR process say anything about who is on the panel?

Ms. Schrage: A student can challenge the decision if he or she believes that the panelists were biased.

Dr. McAfee: Does this definition of ‘bias’ extent to lack of diversity?

Ms. Schrage: I defer to legal counsel on this question.

Ms. Kibersy: The student can show a link between lack of diversity and bias, or he or she can challenge the entire process in court as discriminatory.

Ms. Himbeault-Taylor: I recommend that SRAC tell the MSA that they would be willing to entertain this proposal in two more years, but are currently aware of some initiatives that might require more than twenty students to be trained in conflict resolution.

Chair Koopman: This proposed amendment does not stop OSCR from training more than twenty students. It is merely reducing the required minimum number of trained students.

Dr. McAfee: OSCR can have more than twenty students trained if need be.

Ms. Schrage: This sends the message to me that the university community feels that twenty students are enough.

**Proposed Amendment 13**

Ms. Kibersy: The General Counsel's office has no legal concerns, but Ms. Varner noted that it might be more of a procedural issue.

Dr. Benamou: It is not clear to me how this proposal would accomplish what the MSA seems to be addressing.
Discussion about how to regulate who serves on which panel and not have to pinpoint person to serve in every individual case. Should not be in statement as it is a procedural matter.

Dr. McAfee: It would be easy to implement.

Chair Koopman: Is there any part that the OSCR sees as reasonable, or would it prefer to strike the whole thing.

Ms. Schrage: Perhaps we can change the proposal it just so there is no alternate status, just two representatives per case.

A vote was called on whether to approve the proposed amendment: For: 0; Opposed: 3; Abstain: 2.

General discussion about striking the portion of the proposal regarding alternates and returning the altered proposal to the MSA for review.

**General discussion about when to hold the next meeting.** Possible dates are Wednesday, January 31st, 2007 and Friday, February 2nd, 2007. Linda Carr will poll SRAC members to find out when would be most convenient. Chair Koopman noted that he would not be available for either time and that someone else would therefore need to chair the meeting.

The meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Linda Carr and E. Brennan Dorn

SACUA Support Staff