Student Relations Advisory Committee

January 31, 2003

12:00-1:30

Bates Room
Michigan Union
Approved February 10, 2003

Present: Pierce Beckham, Al Burdi, Damon Fairfield, Royster Harper, Jong-Jin Kim, Patricia King, Chair Barbara MacAdam, Karen Reiman-Sendi, Simone Himbeault-Taylor, Ed Willis, Beth Powell (Staff)

Absent: Frank Cianciola, Gary Faerber, Martin Gold, Dana Fair, Marita Inglehart, Kathy Irwin, Melissa Mercer, Phil Savage, Ian Scott

Guests: Andrew Block, Keith Elkin, Gwyn Hulswit, John Rothman

Approval of Minutes and Announcements
Minutes were approved unanimously without change.

Forum on the Statement of Student Rights Amendments: February 13, 2003 at 2 pm in the Michigan Union's Kunzel Room. This will be a time for students to discuss and ask questions about The Statement.

At the February 10th Meeting SRAC will discuss ideas and concerns about the amendments.

MSA Statement of Students Rights and Responsibilities Amendment Presentation
Andrew Block-Chair of the Students Rights commission for the MSA

The aim of this document is to display trends among peer institutions in regards to changes they made.

1. Gender Identity
They MSA is proposing to add gender identity in the statement
"Students have the right to be treated fairly and with dignity regardless of age, color, creed, disability, marital status, national origin or ancestry, race, religion, sex, GENDER IDENTITY, sexual orientation, or veteran status."

The intention behind adding this into the document is to make it more inclusive to those who feel left out of the statement because of their gender identity. The MSA wants to promote inclusiveness by officially putting this population in the statement.

CLB Chair Jonathan Rothman stated that CLB decided to support this amendment and agrees with MSA's rationale.

The concepts of sexual orientation and gender identity are different because gender identity goes deeper than who a person is attracted to. Gender Identity goes to the definition of a person's gender, not who that person is attracted to.

Vice President Royster Harper added that 'gender identity' has been used in different institutions By-Laws and that it is a general understanding that Sexual Orientation is not comprehensive enough on its own. Harper said that she would send SRAC URL's to that would demonstrate this to members. The University should also do an aggressive educational piece on the gender identity issue.

2. Violations within Ann Arbor, outside University Property
Current policy states that students who violate the statement on the University property or anywhere in Ann Arbor are treated in one manner but those who commit violations outside of Ann Arbor city limits can only experience ramifications if what they do is a serious crime.

What is being proposed is to change the limits to being University property and property directly adjacent to the University being under the jurisdiction of the code. Any violations that occur outside of that realm would only be under the code if it qualifies as a serious offence.

The rationale behind this is that Ann Arbor is not equal to University property. However those buildings that are directly linked to the University are a much closer relation to the University. An example of how this is already done is with DPS, there is an understanding that for altercations that happen directly on or close to campus, they respond, and example of this is the far end of South University Ave. However, if the altercation occurs further away Ann Arbor police department will respond.

Burdì asked if this includes Internet violations and Block responded saying that the intention of the wording is to include organized student events such as pep rallies. Internet Usage in and of itself is subject to an agreement with the ITC Condition of Use Statement and is listed in the paragraph below this one. However if the behavior on the Internet falls into the category of being a serious threat or crime it will still fall into the jurisdiction of this statement and can be addressed. Elkin added that this means that OSCR would then not have jurisdiction to address these issues.
Rothman commented that this discomforted the CLB because of the ability of Internet related violations that would not then get to be addressed by OSCR. Elkin suggested that MSA specify Internet violations and refer to what other Universities are doing. And possibly draft a statement that would include this. Block agreed to look at other schools and see what their policies are and to try to find a way to include Internet usage into the statement.

3. **Attorney Representation at Hearings**
Currently students accused of violating the statement can have an advisor accompany them to arbitrations but cannot have an advocate. For students who may have pending criminal charges this could compromise their rights in a criminal trial. The amendment to allow students to bring an attorney with them would only include students who could be facing criminal charges.

The definition of what would constitute being a criminal charge is vague maybe OSCR has a list of what would fall into this category. This is a right that students at other schools have, and the amendment was drafter with the help of a law student who understood the implication of not having an attorney present to protect the rights of the accused. MSA legal counsel believes that having an attorney present would also make the process more efficient and directed.

The person making the allegation would not have an attorney. The role that the attorney would have played is being fulfilled by the resolution coordinator who does the fact finding research to justify (or not) the plaintiff’s case. Burdi asked about peer institutions policies that are not supportive of this policy. Block responded and said that the institutions not included. They do not have clear policies or do not have policies at all.

Rothman clarified that this policy would change the ability for the person who accused brings to the trial from being an advisor to an advocate. Block added that if there are serious consequences for the student an attorney would give the student the best possible opportunity. The attorney would come at the cost of the student but there are opportunities for students to receive lower cost or free representation. In any case this policy would give the opportunity for the students to have a better chance than they would without it. One question posed is what implications the presence of legal counsel would affect the educational nature of proceedings. The proceedings within the court are only available to the court if they are subpoenaed and that subpoena is approved by the general counsel. Otherwise they are considered confidential under FERPA.

4. **Rights of the Accused to an Open Hearing**
The general counsel was concerned by this amendment because it gave the accused student a right without taking into consideration the concerns of the plaintiff. The accused student will have the opportunity to choose to have an open hearing except for in examples A, B, C the main concern is to protect the witnesses.

The amendment is being changed to include the clause that if it is a student who is
accusing a student then both students have to agree for an open trial for it to be implemented. If the student is accused by a member of the faculty then it is the sole discretion of the student whether or not to open the trial. MacAdam included that we are not going to consider the amendment as in this document but as it will be revised.

5. **Standard of Proof**
This amendment is a clarification of the existing policy.

6. **Timeline for Appeals**
Currently it is not clear when the 10 says starts for a student to file an appeal. This amendment is clarifying the start date of the 10 day appeal to start when the Dean of Students makes his final decision.

7. **Appointment of Panelists to vacant seats**
Currently the student governments from the home schools and colleges appoint these panelists. This becomes a problem because some schools have problems getting enough people to appoint to these seats. It is proposing to solve this by having MSA fill these seats.

It is feasible for MSA to find enough candidates to appoint because they have been able to do so thus far. Before they take over the appointing procedures they will work to remind schools of upcoming deadlines to promote their involvement. After the deadline is passed, MSA will take over the appointment procedure. MSA will attempt to ensure proportional representation. If, in the middle of the year a student is unable to fulfill their role, the seat will remain vacant because it is not equitable for OSCR to train someone in the middle of the year. There is a pool of 60 candidates and only 5 are needed at one time, there have been no instances of there being a lack of candidates available.

MSA has decided not to involve the Dean of Students to make the appointments because MSA has in place a system to appoint students from a wide range of committees. There is also a concern with involving the administration because it takes control away from the students and the MSA. The MSA has proposed a random selection method to fill these seats but it was rejected by the President.

King suggested putting in place a link of student governments and the dean for the dean to remind the students of the upcoming deadlines. OSCR is currently actively talking to deans and students to promote involvement. There have been schools that have not sent representatives for years.

This amendment was suggested because MSA noticed that there was no formalized manner for this to be processed and want to ensure that there would be enough panelists. There could be language added saying that the MSA would appoint someone from the defaulting school, or would attempt to appoint someone from the defaulting school.

**Other Business**
MacAdam asked for further questions and proposed that the February 10th meeting be
devoted to discussing the amendments and this would be an opportunity for there to be a
determination of SRACs views.

The February meeting overlaps with a conference for judicial affairs professionals, so
they will not be able to attend.

Any formal changes that MSA makes will be sent to SRAC before the 10th. On the 10th
SRAC could accept or propose changes to these amendments. We want to move forward
with input from MSA in order to believe that we understand their true intent. SRAC
commits to tell the MSA a sense of when they will hear from SRAC.

Himbeault-Taylor expressed that Blocks presentation demonstrated how well MSA
worked with OSCR on this process.

Chair MacAdam thanked Block for presenting and adjourned the meeting at 1:45 pm

Minutes Respectfully Submitted
Beth Powell
SACUA Support Staff