Student Relations Advisory Committee

February 18, 2000

Attendance


Guests: Anna Clark, Paul W. Edwards, Bram Elias, Silva Goncalves, Josh Khouri, Philip Margolis, Abe Rafi.

Opening Remarks

Professor Burdi opened the meeting at noon sharp with welcomes to several invited guests including Professor Philip Margolis (Chair of Civil Liberties Board), Paul W. Edwards (Office of General Counsel), Silva Goncalves, (Interim Director, Office of Student Conflict Resolution) and Bram Elias, Josh Khouri and Abe Rafi (MSA leadership). After some discussion and with committee approval, Anna Clark (Michigan Daily staff reporter) was invited to sit in on the meeting.

Review and Approval of Minutes

The draft minutes of the January 21, 2000 meeting were distributed prior to the meeting through campus mail for committee review and approval. Given the limited time available at the meeting, Professor Burdi invited the committee to review the minutes more thoroughly after the meeting, and then contact either him or Grace Wu for any suggested revisions. Should there be recommendations for substantive changes, then the minutes would be brought back to the committee in March. Should there be no revisions of substance suggested, the drafted minutes distributed at the February meeting will be considered approved. The committee concurred with this process.

Updates from Committee Chair

Professor Burdi briefly noted that he and Interim Vice-President Royster Harper have sent out several updates through e-mail between the two meetings as a measure to keep SRAC advised on activities between its monthly meetings. It was noted that Code amendment proposals from CLB and MSA were distributed through campus mail in campus mail on February 14, 2000, along with a suggested work plan for the February 18 SRAC meeting.
Focus/Action items:

Professor Burdi next focused the committee on the task at hand, i.e., continuing review and discussion of the CLB and MSA Code amendments. Prior to introducing our first resource person, he did offer a very positive note recognizing the kinds of collegial and constructive discussions he has had with the leadership of the CLB and MSA on matters dealing with the Code, in general, and with the specific recommendations for change in their separate proposals.

In the context of providing SRAC with as much background information or perspectives on the two proposals, invited guest Silva Goncalves summarized views on the two proposals from the perspective of OSCR using a handout. He did emphasize that students are very important, and the Code is there for the students, and only students. The Code should not apply to faculty members, and should have jurisdiction beyond the geographic bounds of the University. In some cases, he added, the Code serves a most useful purpose in sustaining values and properties so important to the university community, when the importance of such values and properties may not be as highly prioritized in the arena of civil law.

Following a brief discussion, attention was next given the MSA proposal with Abe Rafi taking the lead as spokesperson for the MSA proposal. The key elements presented included MSA view points that (1) if the Code should apply only to students, then only students should bring charges and be charged. (2) the Code currently states that if charged, students should accept automatic suspension; however, MSA views an automatic suspension in such cases as inappropriate in that students should be innocent until proven guilty of an allegation. Similarly, if a higher or civil court judges a student innocent of all allegations, then the student’s status under the Code and within the university should be likewise.(3) Mr. Rafi opined that students being “tried” under the Code should have access to an advocate and/or legal counsel. (4) should the Code continue with its current focus on students, then students should be “empowered” to manage and apply the tenets of the Code. And (5) the Code should have, in keeping with the values and missions of the University, an educational rather than its current punitive thrust. A brief discussion of the MSA presentation ensued.

The Chair next welcomed Philip Margolis, M.D., (Chair, Civil Liberties Board) to highlight key elements of the CLB proposal. A leading change to the current Code dealt with the rationale for changing the current Code’s name from “Code of Student Conduct” to the “Statement of Students’ Rights and Responsibilities”. The spirit of this recommended name change was viewed as consistent and supportive of the university’s central value to support and maintain a scholarly “community” (with an emphasis on “community”). In response to an MSA viewpoint, the CLB proposes that any such code should apply to all members of the university community, i.e., faculty, staff and students. Such an inclusionary process would underscore the fact that the University has important policies on how the members in the community have come to agreement on patterns of behavior which may or may not be in parallel with civil law. Professor Margolis showed CLB support for the MSA position that students are innocent until proven guilty.
Professor Burdi thanked each of the presenters for their general commentary and specific position statements on Code amendments. The meeting was then opened for discussion. Bram Elias (MSA president) opened the discussion with some support of the CLB name change proposal, and commented on the importance of any such document to define just what are “student rights” and in what ways will the rights of students and the values espoused by students be protected by any code or statement of rights. Phyllis Valentine pointed out that in the spirit of “community” faculty members as well as students should have a responsibility to point out things that need re-working, and that faculty should be comfortable to interact with faculty and students alike. Addressing the questions of openness and confidentiality of code application, some comments were made about the good possibility of going public prematurely with either the allegation of a specific code infraction or adjudication. Julia Klein opined that such prematurity could do a lot of damage to not just individuals charged, but to their families and friends. Don Heller indicated that there is a big difference between beyond a reasonable doubt and criminal proceeding; application of a process may not be as important to a student or whomever as what happens after the process comes to a closure. Several discussants saw that tension between public openness would always be present. It was noted that any such code or statement of conduct should have an educational thrust, and that all parties covered by such procedures should be informed as to the consequences of their actions. The committee and guests, in agreeing on the educational thrust for the Code or similar document, then briefly shared ideas on how the education should take place. As the discussion drew to a close, Professor Burdi asked if there was a consensus of approval of the CLB name change proposal to: “Statement of Student Rights and Responsibilities”. There was an informal expression of approval for the change.

Even with such a consensus, Professor Burdi underscored the fact that SRAC still has much work to do in framing its recommendations to the president on the two Code amendment proposals. At that juncture, the chair offered the suggestion to the two proposing groups (i.e., MSA and CLB) to consider the merits of the two groups coming in with a single proposal, especially since there appeared to be mutual support between a number of elements in each of the two proposals. Burdi invited CLB and MSA to take this suggestion only as a suggestion, and let him know within the week of their pleasure, i.e., separate proposals or a combined proposal. In closing this portion of the meeting, the chair indicated to the SRAC members that a work plan and timeline for their explicit recommendations on each of the proposed Code change would be forthcoming from him.

Adjournment

Thanking all for their candid and insightful discussion, Professor Burdi formally closed the meeting at 2:05 PM, with a reminder that the next SRAC meeting will be on Friday, March 17, 2000 with business beginning sharply at Noon and most likely go to 2pm.

Minutes respectfully drafted and submitted by Grace Wu.