Student Relations Advisory Committee

Friday, November 12, 2004
Bates Room- Michigan Union
12:00-1:30


Absent: T. Mann, C. Davidson, L. McAfee, P. Teicher, M. Ward, M. Rosenthal

Guests: Mr. Keith Elkin, Director, Office of Student Conflict and Resolution; Mr. Andrew Block, Representative, Michigan Student Assembly; Ms. Lyric Chen, Representative, Michigan Student Assembly

- Meeting called to order 12:09

- October Meeting Minutes approved

Agenda Item: Review of Student Statement Timeline- Mr. Elkin

Elkin reviewed the Statement Timeline and informed/invited the committee to participate in the student open forums re: the Statement Proposed Amendments

- Open Forums on Wed, Nov 16, and Dec 8, 4-6pm

- Akerlof: What should we expect at the forum?

  § Elkin: There is no set agenda or format, the forums are informal. The purpose of the forums is for SRAC and OSCR to receive direct feedback re: the amendments from students

- OSCR will give feedback to SRAC on the amendments on behalf of the Division of Student Affairs

- Amendment Processes: By a majority vote, SRAC decides to support/not support each amendment, with an opportunity for a strong minority position to be stated; voting will occur at the January meeting; by December, OSCR's feedback will be available

Agenda Item: Presentation of Amendments by MSA representatives (Block and Chen)[1]
- please refer to the handout provided by MSA

- members of MSA have been working closely with OSCR to author amendments and have undertaken a community-wide effort to solicit feedback on the proposed amendments

- the presentation to and meeting with SRAC are done in order to get initial feedback on the Amendments and to clarify any questions re: the Amendments

- Amendments may still be revised if needed

- Block and Chen extended their thanks to OSCR and Mr. Elkin for their cooperation

**Codification of Existing Procedures and Minor Procedural Changes**

- Proposals 1, 2, 4, 7, 5, 6, 8, 9, 10, 13

- these amendments would ensure that all procedures are officially codified and would stay consistent if OSCR leadership changes

- Gold: at certain points in the amendments, interviews with OSCR leadership are cited re: procedures, were these representations of the procedures confirmed with OSCR leadership to ensure that the "essence" of the procedure/policy was fairly represented?

  § Chen: no, the interview information re: OSCR procedures was not confirmed as to content

**Offense Definitions and Sanctioning**

Proposals 11, 12, 15

- some terms in the statement need further clarification in order to make the document easier to understand for students

- "Sexual Harassment" definition would be used from University-approved language (Standard Practice Guide 201.89)

  § proposal has been endorsed by Kelly Cichy, Director, SAPAC

  § Gunnell: should the actual definition be included in the Statement, instead of just referencing it?
· Block: the SPG definition is 2 pages long and the concern was that quoting just a section of it may change the meaning and make it out of context

· Chen: the SPG is readily available on the website

§ Benamou: is there a similar definition on hazing in the Statement or elsewhere?

· Eklund: there is a MI state law and there is work being done now to ensure that the UM policies/definitions are aligned with the MI state definitions

· Harper: the guiding principal here is that is there is an existing definition in MI law or UM policy, then we should make it clear in the Statement that the existing definition is being used

o "Conduct Motivated by Bias"

§ in cultivating this amendment, MSA consulted several ethnic and multicultural student groups

§ this amendments speaks to the espoused values that the Statement establishes and promotes

§ conduct motivated by bias clearly violates these values and so the bias should be taken into consideration when determining sanctions

§ bias would not be a violation in itself, and existing violation would have to have occurred

Statement Administration

Proposals 12, 16, 17, 18

o these amendments concern making records of proceedings public and available on the internet (would still follow privacy rights and policies)

o amendment 18 would provide that the president release a statement as to why a particular amendment was approved or not approved

Representation in Expulsion Cases

Proposal 3
for most cases, prohibiting representation is an important part of ensuring that the dispute resolution remains an education experience.

For expulsion, the experience can still be educational; however, expulsion is the one punishment that has a serious impact on a student's life beyond college – at this point the process becomes primarily punitive.

MSA wants to ensure that a student's best case is presented (some students may have difficulty expressing themselves).

Every precaution must be made to ensure that a student is not unjustly expelled.

Students do not have to be represented by an attorney, and would have the opportunity to find someone within the community to represent them and their case.

§ Gold: clarification on how the adjudication process works. Attorneys may be present at the adjudications, but they may be present to advise. In the past academic year, there have been no hearings necessary, all cases have been settled outside of hearings.

§ Elkin: there are between 1 and 9 hearing a year.

**Agenda Item: Discussion of Amendments**

- **Regarding proposal #6: if mediation fails, what happens?**
  
  - Elkin: the accused could accept responsibility or opt for a hearing.
  
  - Proposed amendment 6 would codify this procedure.
  
  - Elkin: the preference is to resolve complaints informally, but this should not bar someone from pursuing other formal processes.

Block: we recognize that few arbitration hearings occur, but it is important for students to understand that hearings are an option.

- **Regarding Proposal #3 (Representation in Expulsion Cases)**
  
  - Block: we recognize that attorneys/advisors may be present and advise the accused at a hearing, but there is a concern is a student cannot "represent" themselves well.
  
  - Elkin: panelists can only recommend expulsion to the Dean of Students, there are safeguards in place for the process.
Zorn: number of expulsions in the past decade

Elkin: none since 2000, but certainly students have left or been suspended before expulsion occurs

Harper: students have also opted to withdraw from the University for a number of reasons, some including to avoid expulsion

Block: there is a perception that a student "passes on" the responsibility by having representation, but the consequences of expulsion are so severe, that the accused maintains ownership

Eklund: there is a concern of balance, what about representation for the complainant?

Block: we looked into that option, but MSA felt that the complainant "side" of the case is represented by the resolution coordinator, who is representing the University's values

Koopman: it may be a case of the University's values, but it may concern the safety of the complainant

Himle: if the complainant is called upon to answer questions by the representing advisor or attorney, it may become a case of "he said she said," this imbalance is cause for the amendment to be reconsidered

Eklund: the most vivid case of a perceived imbalance would be in the case of sexual assault

Cianciola: has MSA considered the implications of the boundaries between law and higher education?

Block: MSA isn't trying to "legalize" the process

Elkin: clarification of terms, resolution coordinator presents procedural history but does not present "a case"

Gold: clarification, current procedures provide that both sides have advisors, ensuring that a balance exists; to maintain and achieve balance, one representation warrants another

Block: initial decision not to include representation on behalf of the complainant is because we feel that the complainant/University's interests are well accounted for
§ Elkin: if both parties have equal legal representation, do we need to involve the General Counsel

§ Eklund: student concerns are warranted, expulsion cases are the most serious, but balance is worth maintaining

§ Akerlof: I would hate to see this becoming a situation where there would be an imbalance in resources/representation

· Block: this is a concern still with different "levels" of advisors

§ Elkin: if we are talking about expulsion, then we are probably talking about a crime, most likely the accused has been through the whole OSCR system and perhaps the criminal system

§ Gold: if a student is faced with proceedings in court, then a student may delay in OSCR

· Elkin: the student may ask, but it is not guaranteed

§ Benamou: re: representation, do we offer sources to tell a student how to secure representation

· Elkin: any time a student meets with OSCR, a variety of resources are reviewed

§ Harper: we are proactively pursuing the use and availability of different sources of representation for students, including Student Legal Services

· Eklund: Student Legal Services does not take student v. student cases (it is considered conflict of interest); we are in the beginning of stages of looking at other sources of representation (outsourcing, otherwise) for both/either parties

· Koopman: the faculty have looked at the JAG model for faculty grievance

Regarding Proposal 11, 12 (Definitions)

o Akerlof: concern with definitions in the Statement that rest on footnotes, the statement should be self-contained
Block: we will examine how to best communicate definitions, perhaps in appendices, etc.

Regarding Proposal 18 (Presidential Statements)

o Gunnell: perhaps use language that is sensitive to how the president gives recommendations

Regarding Process

o Taylor: given today's discussion, will MSA revisit any of the proposed amendments

§ Block: we will discuss responses with the committee

Agenda Item: Call for Agenda Items

- RLI presentation to be moved
- Harper: take time to think about the amendments and responses to each one
- Taylor: previous committees have had "working ad hoc meetings" to further discuss amendments

The Committee thanked and congratulated Block and Chen on their work with Mr. Elkin on the proposed amendments to the Student Statement.

Next Meeting: Friday, December 3, 2004

Meeting adjourned 1:20