SRAC Meeting Minutes  
November 20, 2009

Present: Chair Charles Koopmann, Royster Harper, Donna Hayward, Shake Ketefian, Janine Maddock, Ian Margolis, Leo McAfee, Richard Nye, Gina Poe, David Potter, Susan Pritzel, Mark Tucker, Karin Teske (Student Support).

The meeting was opened at 12:07pm

Chair Remarks:

For the in-state tuition issue, it would be appropriate to invite the Regents to discuss with the committee, but no liberalization of the policies would occur; we can separate the process of user friendliness and policies as separate issues and possibly tackle the former. Efforts to streamline the process.

Approval of Nov 6th minutes: if no objections by the end of meeting (None; Minutes Approved).

VPSA Remarks:

Work on recreational sports; facilities, club sports, and intramural; real scholar athletes are those participating in intramural and club sports- create more opportunity for that.

New NCRC (Pfizer property): 600 students can participate b/c of extra field space.

Other business: student life facilities in general; 2nd phase of res life initiative: Couzen and Alice Lloyd to be refurbished; west quad and east quad could be refurbished; north quad will open fall 2010; hoping that towards end of term we could tour that facility; Rennovations of Stockwell are superb.

In addition to residence halls-- league, Pierpont, and union. Want to improve these as community centers for the university; infrastructure cost of those $53 mil alone.

Campus smoking issue: explore Ken Warner’s schedule for Jan/Feb.

Statement of Student Rights and Responsibilities Discourse:

Student introductions as well as Sue Kaufmann and Beth Sullivan- center for the education of women

Proposal 5:

(Student): standard of evidence change pg 15: proposal is to change the standard of evidence required to find a student accountable for violation of the statement; the proposed change is from clear and convincing evidence to a preponderance of evidence: defined by: more likely than not the facts demonstrate a violation has occurred; do not have to be convinced per se.
Office of institutional equity; faculty and staff are held to the preponderance of evidence standard; student on student deals with the statement - currently uses clear and convincing; this is not equitable to what faculty and staff are held to.

Removal of tenure does require clear and convincing; expulsion is clear and convincing - stronger evidence needed b/c it’s a serious offense.

Student: purpose is to prevent sexual assault: if most of what OSCR deals with towards formal complaint is alcohol drugs, etc its pretty clear. In this case, its difficult to amount clear and convincing evidence for sexual assault;

The problem is it can be applied to all offenses; why would students be in support of such a change to not require convincing evidence before an expulsion would occur.

Depends on the person in the office and their judgment; would have power to be 51% evidence to kick people out.

It is the students choice to go in to the adaptable resolution pathway of conflict resolution; but what if student says I didn’t do it; with the preponderance would only need 51% to be found accountable. Especially problematic with more serious offenses.

Sexual assault-hard consequence so clear and convincing is appropriate to use as we use with faculty under 5.9

(Student)- multiple safeguards put in place against that- student has option to do adaptable resolution; very rarely are students suspended through formal complaint resolution.

what we’re looking at is a serious offence, the standard should be appropriate; what you’re doing is trivializing a sexual assault charge

when DPS was created, one of the agreements was to make standard of evidence against a student clear and convincing; students wanted that b/c they feared under a police state situation they would be unnecessarily thrown out with very little evidence; in the big protest surrounding creating of DPS this was an important piece of the bargaining table; we need to involve all students and faculty in such a consideration (and lawyers)

if we try to bring all parties to be represented: MSA represents the students, the SACUA and execute office represent the administration and faculty respectively; in theory all three parties should be represented through one of those groups; bringing everyone- the regents have defined the amendment process; anyone else who wanted to come should have been here.

Student: Pg 15. List of organizations that have contributed, or formally endorsed the issue

what are the stats among other institutions for the use of preponderance instead of clear and convincing?
Student: author of proposal is in the room: preponderance of evidence is for all complaints; they also use it for serious complaints. It is recommended by the association that represents student code.

- appears to be a best practice, not a compilation of data. I worry about the excepts but also the more common case and how much harm.

Civil procedure- preponderance for the majority of offenses; clear and convincing for serious offenses

whoever is in charge can say clear and convincing regardless of severity;

in cases where suspension can be a result: maybe use clear and convincing instead of preponderance

severity of the case also concern: sanctions of the outcome then use clear and convincing should be the case; if dealing with preponderance will these cases be less severe to go along with less severe punishment; b/c if results will be less severe b/c of less evidence, we won’t be doing what we want. As a student, to be expelled based on preponderance of evidence, is harsh.

Jennifer: not an administrator that would administer standard; only in a hearing; only when goes to a hearing will that term be operationalized; it is administered by the community in the voice of the panel which it is administrated, not a dictator. As the statement is written, the community does not decide what the sanction will be until it is determined if a violation has occurred; therefore it would be impossible to evaluate the consequence.

it is possible to make different standards of evidence for different levels of accusations; but the SANCTION can’t drive change in evidentiary standard.

NEXT PROPOSAL

Proposition: intimate partner violence

domestic violence/abuse/dating violence; can include behaviors such as physical sexual, verbal emotional and economic abuse; some are listed but not all are listed. Violations A, B, C, are listed; things not listed include verbal, emotions, psychological, economic abuse- also associated with intimate partner violence; we would want to include D E and F; we want to protect students who have experienced intimate partner violence; want students to know it is something in the statement that can be acted on;

Has been outlined by the university but we want to include it in the statement.

pdf file calls it domestic; are we allowed to define it as intimate partner?

(guest) : the University has just written interpretive guidelines to address domestic violence which is also known as intimate partner violence; we are trying to cross list that we are talking about the same thing despite the different language. 1st years education uses term intimate partner violence.

Jennifer: references to policy on sexual harassment in the violation;
Guidelines will be posted with the policy

   when we list every offense, if its there it should be covered; can you go to a document to see where it fits instead of adding another letter (laundry list on the statement).

   at least add extra letter just to get it over with; a future revision, going back and looking at category of sexual offense, violent activity, list of substances, etc. condense these items.

   we’ve heard some concerns; sounds like concern may have been addressed short term by adding term; is the committee going to ask for a revision of the wording or is it alright?

(Student)Not all things are listed; we want to add to the listing

Intimate and domestic violence are interchangeable: or they will be?
Yes, interchangeable; reason for language shift- on a college campus most are not co-dwelling but are in a relationship; whatever the document defines it as is what this refers to

If there is a definition of domestic violence used for this document, link to the document

Meaning is the same for both terms; the definition of intimate partner violence must be the definition of domestic violence; as defined by this document, these must be aligned in order for this to be considered for approval

If there is a difference, use both sets of language; might end up undoing what you’re trying to do;

Domestic is a subset of intimate partner

One significant difference: university domestic violence policy in accordance with the law refers to current and former relationships.

That is a problem

In the statement as written, it includes only current event

Do we want to revisit as worded, or bring in referred to policy; we need to see the policy.

NEXT PROPOSAL: 7(?)

Existing language is extremely vague;

Only difference: one includes any student can propose an amendment; other does not allow any student at large to propose amendments

   an amendment can come from senate assembly, execute office, or MSA: you want to add that any student can add something; this may not be consistent with regental bylaws. If its not consistent with regental bylaws then this is a problem. Any student can bring it through MSA; now saying any student can bring it without going through MSA;
intent is that the government body for the student would be the MSA channel; intent to empower MSA; actually honor and acknowledge their campus role and responsibility; adding “any student” diminishes that role.

were there amendment proposals from students at large this time around; no.

Version 2 is different from version 1; version 2 omits “any student”

Move to version 2- that is what is on the table.

NEXT PROPOSAL:

1: update nondiscrimination policy on pg. 4

Change statement to be aligned with new university nondiscrimination policy;

supports principle, but why not consider other physical factors; change to something more broad- physical characteristics.

changes reflect current universities policies and practice; simply making this aligned with the university; physical characteristics seems better.

What do we define as physical characteristics? May be addressed by nondiscrimination policy;

More than physical- there are personal and physical characteristics; the change is that height and weight and perhaps color would move under physical characteristics. Keep race as a separate category.

race, color and creed; we may be looking at color in a narrow way; lets double check that;

New version of the statement: new policy will be on the back; the language now is embedded in the statement in the introduction; on the back is the university nondiscrimination clause.

May be better to be consistent with the university; let the university deal with the change in height and weight, and then realign the SSR after the university also changes it.

maybe they think of things we haven’t thought of but we should talk to them and bring it back.

NEXT PROPOSAL:

Proposal to realign language to be gender neutral: not inclusive of all students- those who do not identify as male or female. Use “they and their” instead of he/she. Generic standard of what the student is.

Other version : use “the student”

Consent calendar “the student”
NEXT PROPOSAL:

Realign statement language with education mission:

As an educational institution, some of the language of the statement is punitive; change language to be along the lines of educational measure; “The respondent” instead of “accused student”

   problem with changing sanctions to educational measures; continuum of approaches dealing with resolutions; but at times it really is a sanction, not an educational mission. Changes for toning down earlier threats- some things are not as serious- just a problem; tone it down to make approachable for remediation; but they are sanctions; education will always be part of the process

   why not state sanctions and/or educational measures

Student- more often than not, when dealing with the statement, go to OSCR, being forced to resolve conflict is not a sanction; resolve conflict, promote learning;

Preponderance of evidence, but an educational review? Sounds inconsistent.

   education still comes as part of the process even if no sanction.

University housing transfer or removal is not an education measure, it’s a sanction.

Jennifer: ironically, for past 2 years, we’ve incorporated educational measures into this; to reincorporate sanction is moving back from where we are headed; Everything we do; whether it is for suspension or a reflective paper, these are education measures;

   hopefully you can educate with each case; but terminology should include education and sanction

Jennifer: or use “intervention” parents conversation-in pain, seek justice; but also align that the purpose of the document is never to achieve justice that is occurring through courts; the purpose of THIS POLICY is education

   knifes a student- education? No. sanctions. What is educational about that

   conflict resolution- teach alternatives- that is an educational mission

   so it’s a combination.

   the word intervention; neutral does not prejudge.

   intervention could be used in all areas

Part of education process is acceptance of responsibility; if on other side, acceptance of responsibility on both parties is important; ; don’t replace acceptance of responsibility with “enter into an agreement”

   issues: we want to have intervention replace sanction/and or education
Concern about getting rid of acceptance of responsibility: we want to keep that.

OSCR uses: entering into an agreement: we want to be consistent: use terms: accept responsibility and enter into an agreement.

accept responsibility: one path; do not accept; another path;

Some students don’t accept responsibility but enter into an agreement

Jennifer: help students going through the process to understand what is going on; informal phase; entering into an agreement with the community and with the other party. Use both accepting responsibility and entering into an agreement.

Taking responsibility is internal; agreement is external

NEXT PROPOSAL:

Inclusion of adaptable conflict resolution (ACR)

At the time of the last revision process OSCR had not made adaptable option formalized; now a student has the option of entering into an adaptable conflict resolution for alcohol and other drugs; chose educational pathway; we want to change statement to reflect this so students are aware of this option for an adaptive conflict resolution

Two options; mediation OR adaptable conflict resolution

mediation is one of the adaptable conflict pathways; initially introduced so that people understand that adaptable conflict resolution comes from mediation; throughout.

Not clear; in 1: mediation or other

2: took out mediation; use ACR process; make arrangements for ACR leaves out mediation

Confusing where mediation fits in; mediation or do I have option for ACR.

Initiating response process: from student perspective: what is conflict resolution; I’ve never been in it before; explains somewhere in the beginning, our policy or philosophy is to work with all parties; one way of doing this it to enter into a range of types of interventions; give student an idea of what conflict resolution does.

Anyone with a complaint can complain; I don’t have a conflict resolution; keep beginning where it says complaint may be submitted to initiate all of this. THEN talk about conflict resolution

We are trying to deconstruct socialization around the formal process; students want to file a complaint; if we get that on paper- it locks in to formal resolution; part of the intake process it to request service first, hear the options, then decide to file a complaint, or use other pathways for resolution.
If a student comes with written document, and presents it is it now inappropriate to suggest to the student to hold off on the formal filing?

Jennifer: often students will come in with something, that complaint doesn’t become part of the conversation; student wants to tell story, and today is about hearing all the options; even if they come with it, they might say, ok, let me think about it and engage the mediation process without filing a complaint.

Problem is submitting complaint;

How about: concern of violation should contact resolution coordinator and schedule meeting; instead of submitting a complaint; say, if you think someone has violated, come to the office to get statement started; then do conflict resolution

Jennifer: going offline to think about clarity; we do our own work to fix the concern

Document of SSR does not encompass all the work that the office does; the purpose of the document is to give freshman their rights; and to know options; this document is for information about where to go

Jennifer: students experience conflict on campus: may or may not use the term harassment for what they are experiencing; students do not know if they are experiencing a violation; do not want “violation” to be access point to the process

first sentence: any student faculty, staff, may submit a complaint alleging violation. Any student fac/ staff. Member may also initiate conflict resolution (broader definition). Take out work “submitting a complaint” once on paper can be dangerous; if a concern for violation, come see us. Not a complaint, but a concern. (wording). Keep a little more vague, but keep focused on document.

And/or submit a complaint of a violation: reverse the order: broad to narrow rather than narrow to broad.

ask to think about clarity of language; assume people don’t know- freshman, etc.

Separate out philosophy- how we do it, process, even if we need to link to process, but don’t try to comingle; run risk of not being clear. May need to create a cheat sheet or explanation sheet to get our intent; how can we make clear what is going on (not a philosophical issue) we want to make clear how to go about accessing the process. The philosophy is fine.

May need more tools than just this brochure. Don’t need to list everything that is offered in a single booklet.

Multiple stakeholders
Change language here- proposers responsibility;

**Procedure:** they will go back and make changes; present to group as well. Could they throw them at a subgroup; email; move forward to this notion of a consent agenda;

Fix language of 1 and 2; 3 should be straightforward; put on consent agenda; 7 also;

We may come back to language on 4; consider issues under 5.

Aim for a consent agenda for the items before December meeting; use same electronic format; move forward from there; survey tool again.

VPSA Harper; thanks to our guests;

Engage stakeholders in dialogue:

Adjourned at 2:03pm

Respectfully submitted by: Karin Teske