

SENATE COMMITTEE ON STUDENT AFFAIRS  
MINUTES OF MEETING  
OCTOBER 4, 2006

[In these minutes: Committee Charge, Agenda Items for 2006 – 2007, Student Code of Conduct]

[These minutes reflect discussion and debate at a meeting of a committee of the University Senate; none of the comments, conclusions, or actions reported in these minutes represent the view of, nor are they binding on the Senate, the Administration, or the Board of Regents.]

PRESENT: Maria McRae, chair, Nathan Pelzer, Jon Ruzek, Kendre Turonie, Amelious Whyte, Jean-Marie Del-Santo, Jennifer Engler, Carolyn Nayematsu, Kim Roufs, Catherine Solheim, Ian McConnell, Jeffrey Wencil, Caroline Younts

REGRETS: Jenn Funke, Hilary Ploeckelmann

OTHERS: Tina Falkner, Pam Holsinger-Fuchs, Vice Chancellor Sandra Olson-Loy, Gabriele Schmiegel, Kathy Skelton

GUEST: Vice Provost of Student Affairs Jerry Rinehart

I). Maria McRae call the meeting to order, welcomed all those present and requested members go around the room and introduce themselves.

II). Copies of the committee's charge were distributed to members. Ms. McRae asked members to take a few minutes to review the charge. She asked if members had questions or comments regarding the committee's membership or responsibilities. A member commented that the process for recruiting student members should be started earlier in the year so that there are not so many student vacancies on the committee, particularly in the beginning of the year.

III). Next, the committee spent time brainstorming possible agenda items for the 2006 – 2007 academic year. The following ideas were generated:

- Campus safety issues. This issue should be looked at on a systemwide basis.
- Invite a representative from Parking and Transportation to explain how they determine parking rates.
- Learn about international student issues. Invite someone from International Student Services (ISS) to speak to these issues.
- Learn more about the discussions that are taking place around possibly extending student service hours on the Twin Cities campus. A group was charged by Vice Provost Rinehart to explore the implications of doing this.
- Hear from a representative(s) from the group that is looking into student communication parameters e.g. what is the most effective way to communicate with students, what is an appropriate amount of communication, etc.

- Discuss electronic community opportunities as a means for promoting comradery among student groups e.g. international students, etc. A member mentioned that myU Portal has a venue (<https://www.myu.umn.edu/metadot/index.pl>)Portal) for students to communicate with each other. Also, Orientation and First Year Programs, and Billie Wahlstrom, who heads up the myU Portal project, may be aware of other venues/resources.
- How can the University better communicate with its students about handling life situations that require excused absences or other accommodations? Both students and faculty need to be able to communicate with each other in a respectful and consistent manner around handling difficult and/or unexpected situations. Amelious Whyte, chief of staff, Office of Student Affairs, reported that his office is looking into creating a policy/policies that would address bereavement and other situations encountered by students needing excused absences or other type of accommodations. He added that his office is also looking into how the University remembers students that die. Mr. Whyte volunteered to report back in the spring on the progress his office has made in this area. Members noted that any policy/policies that are developed need to be both consistent and reasonable. Tina Falkner referred members to a Senate policy, Makeup Work for Legitimate Absences (<http://www.fpd.finop.umn.edu/groups/senate/documents/policy/makeupexam.html>), which she suggested may be expanded to include bereavement.
- Discuss impediments to graduation from a student's perspective. What resources does the University have in place to facilitate a timely graduation? What infrastructure elements are missing that could help students graduate in four years? The committee spent a few minutes throwing out ideas as to why it might not be possible for students to graduate in four years. It was decided that a more in depth discussion of this issue would be brought back at a future meeting.

IV). Vice Provost for Student Affairs Jerry Rinehart thanked the committee for inviting him to consult with them on the proposed revisions to the Student Conduct Code. He noted that he would be consulting with numerous student groups during October and early November before bringing the proposed revisions to the Board of Regents in November for their review. Then, in December, the Board will vote on whether or not to approve the proposed revisions.

Vice Provost Rinehart began by noting that Student Conduct Codes are not the same as legal codes in communities. Students come to institutions of higher education voluntarily with the expectation that they will be participating in a learning environment. The Code, therefore, is designed to support student development as opposed to being punitive.

This review of the Student Conduct Code is part of an on-going review of all the Board of Regents policies. The last time the Code was reviewed was in the aftermath of the 2003 hockey riot. Following this review, changes were made to the Student Conduct Code, and a new administrative policy on anti-riot behavior was adopted. Many of the proposed changes related to the current review to the Code are non-substantive noted Vice Provost Rinehart; examples cited included formatting changes, and incorporation of

both the riot policy and the anti-hazing policy into the Code. No changes were made to the Code in terms of hearing procedures, due process protections or opportunities for appeals.

The two parts of the Code where substantive changes are being proposed have to do with jurisdiction and sanctions. In the case of jurisdiction, the University has found itself in situations, on occasion, where it was unable to intervene in critical situations. Examples the Vice Provost Rinehart shared were:

- Off-campus sexual violence between two students, particularly when the two students share a common program or course(s).
- Students committing egregious or repeated violent assaults against non-students off-campus.
- Faculty members who have been stalked or threatened off-campus by disgruntled students.

Vice Provost Rinehart read from the Code and highlighted the language that is being proposed for inclusion into the Code:

“The Student Conduct Code shall apply to student conduct that occurs on University premises or at University-sponsored activities. In addition, at the discretion of the president or delegate, the University may apply the Code to off-campus student conduct when the conduct, as alleged, adversely affects a ***substantial University interest*** and either:

- a. Constitutes a criminal offense as defined by state or federal law, regardless of the existence or outcome of any criminal proceeding; or
- b. Indicates that the student may present a danger or threat to the health or safety of the student or others.”

According to Vice Provost Rinehart the inclusion of ***substantial University interest*** is necessary and appropriately vague. This language allows the president or his delegate to decide if the Code should be applied when a situation impacts the University’s overall interest. With this said, the language does not force the University to intervene when it is not appropriate. He added that protecting the health and safety of students, faculty and staff is a “substantive University interest”.

Questions around inclusion of this language have arisen concerning to what extent will/should each campus interpret “substantive University interest” differently stated Vice Provost Rinehart. Obviously, the Crookston campus is different from the Twin Cities campus, etc. On the other hand, the President’s Office does not want there to be a wide variation in Code interpretations from campus to campus. While campus differences need to be taken into account when interpreting the Code, the University needs to be viewed as a single enterprise.

The second substantive change to the Code has to do with proposed additions to the list of possible sanctions. Currently, the list of possible sanctions includes:

- Warning and admonition
- Required compliance

- Confiscation
- Probation
- Suspension or expulsion

Additional proposed sanctions include:

- Restitution
- Restriction of privileges (e.g. access to transcript)
- University housing suspension/expulsion
- Withholding of diploma or degree
- Revoking admission or degree

From Vice Provost Rinehart's perspective, the proposed changes to the Code allow the University to address issues that need to be dealt with in order to have a healthy and safe academic community.

Questions/comments from members included:

- Would the clause "substantive University interest" be invoked if a student living in a residence hall tried to commit suicide? Would the president or his/her delegate evict that person from the residence hall and the University? Vice Provost Rinehart stated that there are examples of institutions nationwide that have chosen to evict students following such occurrences. Based on conversations Vice Provost Rinehart has been involved in, he believes the University would take the position that the student's safety is paramount, and that the institution would do whatever it could to get the student the assistance he/she needed. While there are instances where other institutions have chosen to protect themselves from harm versus protecting the student, there is nothing at the University that would lead Vice Provost Rinehart to believe that this is the direction the University would take; however, there is no way to guarantee this could not happen.
- Is there language in the due process section of the Code that distinguishes between mental health and criminal Code violations? Amelious Whyte stated that the Code contains due process protections and these protections are applied without distinction based on the violation. He added that in his opinion this language, when appropriate, allows the University to have leverage in helping students get the assistance they need.
- While having language in the Code such as "substantial University interest" that keeps the Code vague can be helpful, it assumes that those at the helm are reasonable, which, fortunately, is currently the case. The broadness of the language, which treats students with criminal charges the same as students with mental health issues is of a concern. Also, what constitutes "substantial University interest"? Vice Provost Rinehart stated that it is important to remember that the "substantial University interest" language is only used in evaluating off-campus events. On-campus events are handled differently. Mr. Whyte added that the proposed jurisdictional change to the University's Code is much less restrictive than that of other institutions.

- It is important to note that the old Code covers students participating in service learning programs such as Study Abroad because these are official University programs.
- Will the proposed jurisdictional change to the Code help the neighborhoods adjacent to the University? According to Vice Provost Rinehart it is doubtful the neighborhoods will view the proposed changes to the Code as going far enough to help them deal with the typical annoyances associated with living in a student environment.
- The Duluth campus struggles with being a "dry campus", and there is a perception in its neighborhoods that students are being encouraged to go into the neighborhoods to drink. In reality, faculty and staff are working hard to teach students to be good, responsible citizens beyond the physical borders of the campus.

Vice Provost Rinehart thanked members for their time, and stated if questions regarding the proposed changes to the Student Conduct Code arise to contact him at ([grine@umn.edu](mailto:grine@umn.edu)). He encouraged the committee to share these proposed changes with members of their community and to gather input, which he would welcome receiving.

Before voting on a motion to support the proposed changes to Student Conduct Code that were presented today, members wanted time to think about the proposed changes and discuss it within their communities. Since Student Affairs meets before this item goes before the Board of Regents for review, the committee decided to wait to take action until its November 1<sup>st</sup> meeting.

V). Hearing no further business, Maria McRae adjourned the meeting.

Renee Dempsey  
University Senate