

Minutes*

Senate Consultative Committee
Thursday, April 3, 2003
3:00 – 4:00
Room 238A Morrill Hall

Present: Dan Feeney (chair), Judy Berning, Susan Brorson, Tom Clayton, Gary Davis, Arthur Erdman, Marti Hope Gonzales, Mary Jo Kane, Candace Kruttschnitt, Kari Lindeman, Judith Martin, Jeff Ratliff-Crain, Martin Sampson, Charles Speaks, Teresa Wallace

Absent: John Amble, Muriel Bebeau, Nick Cecconi, Kelsi Holland, Ryan Osero, Nathan Saete, Eric Steinhoff, Thomas Walsh

Guests: Professor John S. Anderson, Vice President Kathryn Brown, Ms. Betty Hackett (Student Judicial Affairs)

Others: Katie Stuckert (Office of the Vice President and Chief of Staff)

[In these minutes: (1) bylaws and policy changes; (2) student conduct code

1. Bylaw/Policy Changes

Professor Feeney convened the meeting at 3:00 and asked Committee members to review five proposed bylaw/policy changes that were routine in nature. The Committee approved the changes unanimously.

2. Student Conduct Code

Professor Feeney then welcomed Professor Anderson, Vice President Brown, and Ms. Hackett to the meeting to discuss how to respond to the motion adopted at the Senate calling for further study of the jurisdictional and free speech issues associated with the revised Student Conduct Code.

Professor Anderson said he was pleased the Senate had approved the Code and sent it to the Board of Regents for consideration. He said he understood that there are people concerned with issues dealt with in the code; as an individual, he said, he believed they could have committee meetings forever and not come up with a document that everyone would support. There were a number of arguments made on the Senate floor that this or that point could be changed but there were no arguments that the entire Code was off base.

Vice President Brown noted that she was on the committee that revised the Code; there was nothing in the Senate discussion that had not been the subject of discussion by the committee. The First Amendment issue was discussed with the Student Senate; she dryly assured the Committee that it need not worry that the Code would trump the First Amendment. The Code was never intended to interfere

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with First Amendment rights; the University is a strong SUPPORTER of the exercise of First Amendment rights. If another group is convened in the future to look at the Code, she said she would make comments on this subject to it. She commended Professor Anderson for the work he did in revising the Code.

Professor Feeney said that it is sometimes helpful to bring foes of a project into the process of working on it. Ms. Hackett responded that there were divisions of opinion on the committee that revised the Code so that some "foes" have already been involved; she said it is also important to respect the work that has already been done.

If a group is appointed to take another look at the Code, what then, Ms. Brown asked? The Board of Regents will take up the Code in April and is likely to approve it. The Board would not be eager to take it up again in another month or so.

Professor Speaks said he agreed and made a motion to refer the Code to a committee and take it up again next fall. He later accepted a friendly amendment changing the date to fall, 2004, so there would be time to build up experience with the new language of the Code. In no event should anything be done before the Board acts in April.

Ms. Berning said that all the same questions had also been raised by the Student Senate Consultative Committee; she said she would prefer that any review wait and that there not be a new document that might have new interpretations. This policy is in place and the precedents known.

Professor Ratliff-Crain noted that the Committee had had a discussion of the issues and was satisfied after it worked through them. He supported identifying a time in the future when the questions could be raised but agreed it was not necessary to tweak the Code now; it seems, he said, that everyone must go through the explanatory process in order to understand the changes. Any change made now could be dangerous in terms of how the Code would work down the road.

Vice President Brown agreed that explanation helps for people who do not work with the Code on a daily basis, but the students are not troubled that it applies to them. There are also several safeguards in the Code that protect students against inappropriate charges. She surmised that those safeguards were not discussed when the Senate took up the Code. Professor Martin suggested that many who expressed concern did not understand the context within which the Code operates or the safeguards it contains. Most people are reassured when they learn about the safeguards, Ms. Brown said; the Code is written for students, provides opportunities to challenge proceedings and findings, and provides more due process than most schools.

What he found distressing, Professor Speaks related, was that students favored the code and faculty opposed it, and he was disillusioned by the statement that if the Code is appropriate for students, it will next be adopted for faculty and staff.

Professor Erdman rephrased Professor Speaks's motion: Based on the fact that the Regents are taking up the Student Conduct Code at their April meeting, that it is the end of the academic year, and to allow some history to develop, this Committee should receive a report in fall, 2004, and decide then whether to charge a new group to look at the Code. The Committee approved unanimously the motion.

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Professor Feeney thanked Professor Anderson, Vice President Brown, and Ms. Hackett for their work, and adjourned the meeting at 3:30.

-- Gary Engstrand

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