

SENATE COMMITTEE ON STUDENT AFFAIRS (SCSA)

February 17, 2016

Minutes of the Meeting

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 represents the view of, nor are they binding on the Senate, the Administration, or the Board of Regents.

[In these minutes: Student Conduct Code Policy; University Sponsored Counseling and COGS Resolution]

PRESENT: Peter Haeg (chair), Kat Yushchenko, Thomas Bilder, Niitish Mittal, Megan Sweet, Lisa Erwin, Lin Liu, Kari Volkmann-Carlsen, Nicholas Goldsmith, Kendre Turonie, Kyle Kroll, Susan Mantell, Patricia Jones-Whyte, Michael Stebleton, Matthew Loomis, Jethro Land, Gabriele Schmiegel

REGRETS: Matthew Loomis, David Blank, Amy Thie, Rebecca Houske

ABSENT: Ellii Bipes, Cecelia Stevens

GUESTS: Danita Brown Young, vice provost for student affairs, Office for Student Affairs (OSA); Laura Knudson, assistant vice provost, OSA; Marlo Welshons, assistant to the provost, Office of the Provost; Jason Langworthy, board associate, Board of Regents; Jonathan Borowsky and Lauren Mitchell, Council of Graduate Students (COGS)

OTHERS: Carl Anderson, assistant vice provost; OSA; Dr. Glen Hirsch, director, Student Counseling Service; Dr. Gary Christenson, chief medical officer, Boynton Health Services; Robert Stewart, SSCC; Joelle Stangler, MSA; Gaby Schmiegel.

1. Student Conduct Code Policy: Peter Haeg, chair, began by welcoming the committee and inviting guests to discuss proposed changes to the Student Conduct Code. Danita Brown Young, provost, Office for Student Affairs (OSA), opened up by thanking the committee for having them, and turned the discussion over to Megan Sweet, chief of staff, Office for Student Affairs (OSA); Laura Knudson, assistant vice provost, OSA; Jason Langworthy, board associate, Board of Regents (BOR); and Marlo Welshons, assistant to the provost, Office of the Provost. Sweet stated that in addition to the changes the BOR specifically asked them to address - addition of definitions for sexual misconduct, a clear articulation of due process protections, and medical amnesty language parallel to the state statute – they have also sought input from various groups across the University.

Welshons added that the Faculty Consultative Committee had discussed the policy at a meeting a year ago, and that they were interested in making sure the policy addressed and struck the correct balance between protection of free expression and the safety of students. They wished to add a guiding principle around the right to assemble, a cross reference to the academic freedom policy that is supposed to protect staff and students, and also felt that a “frequently asked questions” section would help students understand behaviors that are okay and not okay; what behaviors might get them in trouble and what trouble looks like. Welshons added that they are engaged in

a lot of formal and informal consultations, and will then draft a revised policy. They hope to come back later this spring with the policy, and gain final Board approval in June.

Sweet provided the following list of proposed changes to the current policy:

- Due Process Protection: The University has a strong belief in due process, but the language of the current policy might not be as strong in articulating that philosophical commitment. They wish to strengthen that language to express that underlying commitment.

Kyle Kroll stated that due process is a foundational principle of the U.S. Constitution. He wondered if the University's due process is more comprehensive than what is required under the law. Sweet replied that they get guidance from the Office for Civil Rights, especially on Title IX cases. She reiterated that the process is not a legal process, the policy is broad, and the administrative procedures lay out the steps and processes for the accused student. Lisa Erwin added that the guidelines are not as many as those of the legal system.

Nicholas Goldsmith wondered if they were addressing concerns of retaliation that occur in retribution for filing a claim. Sweet replied that there is specific language in the policy about sexual assault harassment and stalking, but that they have not heard about retaliation concerns before. She confirmed that it is something they may need spend more time thinking about.

Kari Volkmann-Carlsen asked whether, when students receive notification of charges, there is information on where students can go for more information. Sweet confirmed that when an individual is notified, they are given a link to click on for more information in the email. The email also contains statements about options for assistance and additional information.

Professor Susan Mantell wanted clarification on the level of different policies. Langworthy explained that the BOR policies are umbrella policies overarching for the entire system. Nesting under the BOR policies, administrative policies implement Board policies and sometimes federal regulations, he said. In other words, they lay out how the administration is going to implement the BOR policies. Under administrative policies might reside college and departmental policies, but all policies must adhere to Board policies, he added.

Patricia Jones Whyte wanted to know where a new student could go to find out what it means to be a member of the community. She felt the language was somewhat negative and wondered if there may be more positive information on what it means to be a member of an academic community. Young replied that during Welcome Week students are taught to "Know the Code." The "Know the Code" [website](#), said Brown Young, has a lot of information about rights and responsibilities as a student. Lisa Erwin added that Duluth has a statement called a "Statement of Commitment" that is presented during orientation, and each student is provided a flash drive with the statement.

- Language regarding Medical Amnesty: There is a state statute for medical amnesty that addresses providing help for individuals under the age of 21 who have consumed too much alcohol. It states that in certain situations, an individual seeking help will not be charged with a crime. The state statute is fairly specific, said Sweet. The University's conduct code does not include any language about medical amnesty and they wish to make certain that University policies include at least the state minimum for amnesty, but they are open to additional changes, if feedback believes this is necessary. Welshons added that peer institution standards do provide inclusion of an educational process, to follow up with a student for educational purposes if deemed necessary. For instance, a meeting with a Boynton professional might be suggested. There would be no disciplinary procedure, but it would allow the administration to be certain a student gets the help they might need.

Kroll asked if there had been discussion regarding amnesty for larger groups. For instance, if there are five students gathered, would they fall outside the statute? Sweet said that yes, there are gaps in the state statute that need to be addressed, given our particular university environment.

- The current policy is specific to sexual assault and does not include sexual harassment, stalking, and other types of misconduct. They wish to amend, expand, and include these other types of misconduct into a new Sexual Misconduct policy, as is consistent with Office for Civil Rights standards. This policy would also address affirmative consent.
- Students' rights to free expression and dissent: They would like to add more specific language as to what students are allowed to do rather than what they cannot do. She said language has not yet been finalized but they do want the policy to include students' rights to assemble and to dissent on campus.

Kat Yushchenko felt that the language under subd. 18:, "disturbing the peace," was not very clear. She wondered, what would be classified as rioting or disturbing the peace? It could be more specific so that students know the limits, she thought.

- Suspension: They hope to incorporate an option for "deferred suspension," which would allow a student to stay on campus under very specific conditions, rather than endure a full suspension. For example, if a student has been cited multiple times for consumption, it would make more sense for them to stay on campus and receive treatment rather than be suspended. It is a rare exception but would provide an opportunity to administrators when it made sense.
- At the administrative policy level, they had a proposed change to procedures for student group conduct violations, specific to the Twin Cities campus. Due process is pretty much the same for both individuals and groups, but splitting the two out would allow clarity when a violation took place at a student group activity. They would also like to change the language to refer to a student "group" rather than "organization." This is because student organizations are called different things at different campuses.

2. University Sponsored Counseling and COGS Resolution: Jonathon Borowsky and Lauren Mitchell, Council of Graduate Student (COGS) clarified the requests of a COGS resolution passed at a meeting on February 8: They expressed concern for access to mental health services for graduate students and they wished the University to articulate what they believe is an appropriate standard of care for student mental health.

Borowsky said that COGS believes a student seeking help should be granted an appointment within nine days of initial contact at either Boynton Health Service or Student Counseling Services. He added that COGS understands OSA has been looking into students' concerns in this area and are attempting to assess it. They appreciate these efforts, he said, but feel the need to state what their concerns are.

Lauren Mitchell added that the resolution is the product of months of conversations. She stated that when she needed help, she was able to get high quality help and continue to take classes and teach. However, she added, she has heard stories of students who did not get that quick help and had to drop out.

Lisa asked if other campuses were included in the COGS assessment, to which Borowsky replied it was only COGS students, but they have heard of similar difficulties at system campuses as well.

Mantell asked if the University has the resources to provide for the requests of COGS, and that she has heard that there have been a lot of hires in this area. Dr. Gary Christenson, Chief Medical Officer at Boynton stated that currently no, they do not have enough staffing to meet the COGS standard. He added that they have seen increasing demands every year and have tried to address that need gradually, and then more aggressively. Over the last four years, they have increased FTE by over 60%. He stated that partly this reflects success, as they have worked to decrease the stigma associated with seeking mental health assistance.

Dr. Glenn Hirsch, director, Student Counseling Service, added that one of the difficulties is the times of peak demand throughout the year. It is difficult to find a group of therapists willing to work for eight weeks. They have found a few willing to work on a temporary basis, he said, but believes the University needs to look at what resources graduate students might be able to find on the light rail or elsewhere within easy access. He said that every mental health professional in the community wants to be able to do what the proposal asks for, but it is not possible. Christenson added that they are working on a draft of what is known about what is happening on our campus, and what is happening on other campuses regarding mental health, and try to find some options for resources.

Carl Anderson, assistant vice provost, OSA, voiced his support for the initiative and expressed interest in working with COGS and other student groups to provide information about the data they gather on mental health. He said the office wants to understand what the rising demand means and help define what the waiting list is made up of, to hopefully address some of the needs better. Borowsky replied that if the University has been chasing demand for twelve years, then they need to focus more attention on it, to address the problem so that as demand changes they have the ability to address the need.

Kari Volkmann-Carlsen asked if some students are not able to get in because available appointments do not work in to their class schedules. Borowsky replied that yes he has heard of students not able to take an appointment because they were worried about absences in class. Christenson added that it can get complicated with schedules because sometimes the counselor a student wants to see is not available and there is not much that can be done about that. But he said they work hard to offer opportunities to everyone on that (wait)list every day. He said the staff works very hard, and if there are cancellations they try to fill that slot.

When asked about the current wait period to get in, Christenson replied that it varies during the semester. As the semester progresses, more people come in, and as most need more than one session the wait increases. He said he does not know the actual average number of days, but the waitlist policy attempts to get them in at the frequency at which they need help. So someone later in the semester, a first visit, it might take three weeks. And scheduling may make it longer if they can not take the first available appointment.

Kat Yushchenko said that what she hears is that all agree this is a good idea but the resources are not there, and there is no way to reduce the wait to nine days. Christenson replied that they are trying to gather as much data as possible. They are trying to understand how long people wait, why they are coming in, if they requested a follow up visit, and if they made it to the follow up, among other things. He said it would be possible theoretically to get everyone in in nine days, but the cost of that would be prohibitive, or the length of sessions would deeply decrease.

Anderson added that the Provost's Committee for Student Mental Health would be a great committee for the students to talk to. He added that while he is aware they could do better, the University's system is a model that others emulate. Sweet added that OSA looks forward to continued conversation with student groups and Senate committees. She said they meet regularly with MSA and COGS and other student governments and always ask them to share with their initiatives. She said they received the list of priorities at the same time they received this resolution.

Mitchell and Joelle Stangler concluded the discussion by both stating that when they needed care, they received excellent care. Their concern was the administration's commitment to student mental health.

Having no further business, the meeting was adjourned.

Patricia Straub
University Senate Office