

**STUDENT SENATE CONSULTATIVE COMMITTEE (SSCC)**  
**February 18, 2016**  
**Minutes of the Meeting**

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

[**In these minutes:** Student Conduct Code Policy; Outdoor Space Policy; President Kaler Visit; SSCC/SCSA Joint meeting; Old Business]

**PRESENT:** Rob Stewart (chair), Patrick Duschane, Nicole Novitskaya, Thomas Keller, Colin Wray, Mariah Slocum

**REGRETS:** Janet Mwanyika, Mack Liebl

**ABSENT:** Gabbi Brandt

**GUESTS:** Megan Sweet, chief of staff, Office for Student Affairs (OSA); Laura Knudson, assistant vice provost, OSA; Jason Langworthy, board associate, Board of Regents (BOR); Marlo Welshons, assistant to the provost, Office of the Provost

**1. Student Conduct Code Policy:** Rob Stewart welcomed committee members and then 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 to discuss proposed changes to the Student Conduct Code. Welshons 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.

She said 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 what behaviors 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 and Welshons 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.
- 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.
- 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.
- 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

SSCC members had the following questions for the presenters:

- *Thomas Keller:* We do want to weigh the right to free speech with the ability to gather. Does administrative policy go through the same review?  
*Sweet:* Yes.
- *Stewart:* What is the retaliation clause?  
*Knudson:* It is a statement saying that an individual knows they have a certain level of protection and that the University will take seriously protection for any reporting party.
- *Stewart:* The language seems to be about retaliation within an employment power dynamic. I am interested more in retaliation from affiliated parties. So, for instance, I

have heard stories about fraternity brothers or teammates retaliating on behalf of someone from their group.

*Knudson:* If an individual is subject to retaliation from any other party, they should let the OSA office know. But, I think right now the retaliation is specific to employment, which lives in the Sexual Harassment policy, which focuses on that power differential.

*Welshons:* This could also be reinforced through education, so that people understand their responsibilities as a group, and that retaliation by these members would be a conduct code violation.

- *Stewart:* Is there any point in the procedure where retaliation is specifically mentioned?

*Knudson:* Yes, and sometimes this will be put in writing: that there should be no contact, including via a third party.

- *Stewart:* In regards to the Medical Amnesty educational follow-up, is that something that will be asked of students, or will it really be a requirement?

*Knudson:* It will probably be, essentially, required. The student's file would be marked with a "non-disciplinary incident." It is not something that would be found in a background check. However, if a student is going to the hospital and the University does not follow up in any way, that is not due diligence.

- *Stewart:* I do not have a problem with a strong suggestion, but the extra follow up moves it out of the realm of amnesty. When something becomes a requirement it deters the students that need help.

- *Patrick Duschane:* As an undergrad, if I made bad decisions and was required to do this follow up, I think that might be enough to prevent me from seeking help. I prefer the strong suggestion. It will turn drunk students away.

*Duschane:* What about the individual who reports? If someone calls 911 for another individual, then they, too, become subject to this requirement. Any potential barrier to calling for help will do more harm than good.

*Knudson:* I do not want it to be a barrier. How might we change the language to reflect this different role.

*Langworthy:* What if someone is calling for a friend four times, maybe "reserving the right to require" would be language that gives the University the ability to connect them with resources.

*Stewart:* Maybe it would be better to state that "Administrators are concerned for your safety," rather than require anything. If someone is really struggling, I cannot see how the University stepping in could help.

*Welshons:* We have heard you, and will work on finding the right balance.

- *Stewart:* How do different procedures on various system campuses affect the policy enforcement?

*Langworthy:* Any administrative policies have to adhere to the BOR policy.

Administrative policies often have procedures that implement both BOR and Administrative policies. Below administrative policies, each campus has their own set of policies and procedures, which have to align to both the BOR and Administrative policy.

- *Stewart:* Following the *Whose Diversity?* incident, a group of leaders from PSG and other graduate student leaders met to talk about issues that arose during that incident. One thing that came out was that it did not seem a range of possible sanctions was as broad as it could be. There was no mechanism for a restorative justice approach. The

response we heard was that restorative justice was not in the policy. Is this something that's going to be considered?

*Sweet:* They are considering this on the Twin Cities campus, but I do not know how it will work system-wide. I do not know if an assessment has been done to see if all campuses have the resources to facilitate restorative justice.

*Knudson:* It would not fit into the sanction options because at that point, a student would have had to accept responsibility for the charge.

- *Stewart:* I understand there is broad consultation for this policy review, but have you had formal student inclusion in this review? I think students should be engaged in the entire process, from beginning to end, as it affects them most. Could you talk about student involvement?

*Welshons:* The process is to listen, have someone produce a draft based on what has been heard, then share that further. I am not sure how else we could involve students.

*Sweet:* We are trying to speak with as many students as possible and hopefully student representatives are representing their constituents.

- *Stewart:* The Campus Committee on Student Behaviors (CCSB) procedures require that only a majority of the members find that it is more likely than not (“a preponderance of evidence”) that the student committed the violation to return a finding of responsibility. So, on a committee of seven, if four people believe that it is slightly more likely than not that the individual committed the violation, but three fully believe the individual did not commit the violation, then the student would be found responsible. That sounds like a low standard of proof.

*Welshons:* This is out of the scope of our policy. Becky Hippert would be the individual to ask about this.

- *Duschane:* How does mental health get included in these documents?

*Knudson:* We try to separate mental health conditions from conduct code violations as possible, through the Behavioral Consultation team, where people can bring behaviors of concern by another individual. The Behavioral Consultation team has established that mental health is not an excuse for a behavior, but if an incident can be handled by a student getting help for mental health conditions they try. However, there are times they have to engage the Conduct Code for the safety of the community.

**2. Outdoor Space Policy:** Welshons said that the Outdoor Space Policy is an administrative policy due for its regularly scheduled, comprehensive review. She said that her team sought feedback from University Services, Student Affairs, the Professional & Administrative Consultative Committee, the Civil Service Consultative Committee, and the Senate Committee on Finance and Planning. Feedback included confusion about when a permit is required, confusion about procedures, and concern about sound amplification restrictions.

Their first draft, she said, started with the same policy language, but rewritten to lead with what types of outdoor space usage is allowed without a permit. The draft also included an appendix on policy procedures. Welshons said that feedback on this draft was positive.

She added that noise complaints are almost always about music, so they decided that perhaps there is no need to worry about requiring permits for assemblies, but only retain the permit requirement for other outdoor events. Keller stated that the new policy was a lot easier to

understand. He noted that the appendix defines the overnight hours as 10:00 p.m. to 7:00 a.m. and wondered if that was going to stay in the revised policy. Welshons replied that she thought that was to be changed to 8:00 a.m.

Keller then asked about the procedures document. He said it provides instructions for university departments and registered student groups, but what about non-University affiliated groups? Welshons said that non-University groups would fall under the guidelines for the Real Estate Policy, and perhaps they could be more explicit about that.

**3. President Kaler Visit:** Stewart informed the committee that President Kaler would attend the March SSCC meeting and asked for ideas about what they might want Kaler to address. He added that this is the one opportunity that the committee has with Kaler. The committee agreed that it would be a good idea to solicit questions from student senators. Stewart added that SSCC will have an additional meeting on March 3rd to review submitted questions.

**4. SSCC / SCSA Joint Meeting:** Stewart informed the committee that SSCC was invited to attend the March 24 meeting of the Senate Committee on Student Affairs to talk about Campus Climate issues. He said that Lamar Hylton from OSA, Shakeer Abdullah from Office for Equity and Diversity, and Krista Soria from Institutional Research will all share information and be available for questions.

**5. Old Business:** Duschane reminded the committee that they need to revise the bylaws to separate COGS and PSG representation on SSCC.

Hearing no further business, the meeting was adjourned.

Patricia Straub  
University Senate Office