

Student Senate Consultative Committee (SSCC)

March 23, 2017

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 reflects the views of, nor are they binding on, the senate, the administration, or the Board of Regents.

[In these minutes: Updates from SSCC Members; Sexual Assault, Harassment, and Title IX Discussion; Approval of April Student Senate Docket; Spring Priorities Discussion]

PRESENT: Trish Palermo (chair), Runsheng Ma, Nick Ames, Taylor Cronen, John Freude, Katie Ledermann, Ellie Sjoquist, Fanda Yang

REGRETS: Lauren Mitchell, Patrick English, Maddie Schwartz

ABSENT: Mark Kanake, Zane Bloom

GUESTS: Tina Marisam, director and Title IX coordinator, Office of Equal Opportunity and Affirmative Action (EOAA); Katie Eichele, director, The Aurora Center; Abeer Syedah, president, Minnesota Student Association (MSA)

OTHERS: None.

Chair Trish Palermo welcomed the committee, and members introduced themselves.

1. Updates from SSCC members -

- Nick Ames reported that the Council of Graduate Students (COGS) was working on internal business, and beginning work on the change in cooperative daycare support from student fees on the Twin Cities campus, with the goal of restoring funding.
- Runsheng Ma noted that the Senate Committee on Student Affairs (SCSA) had recently discussed the Equity, Access, and Diversity Committee's resolution on the privacy of student counseling records, and recently co-signed the COGS resolution on system-wide mental health services.
- Ellie Lombardi said that the Crookston campus was still in the process of hiring a new chancellor, and that four candidates had been identified. Additionally, the Crookston Student Association (CSA) held a forum on March 7, 2017, which focused on creating better partnerships between the community and the campus. CSA will also be writing a letter to University Relations regarding Support the U Day, as members had some concerns, said Lombardi.
- Katie Ledermann reported that the Morris Campus Student Association (MCSA) was in the process of holding elections, and had recently passed a resolution on sustainable practices in dining services, as well as evaluating student mental health offerings on campus. MCSA is also planning on sending a letter to University Relations about Support the U Day, as they had a similar experience to that of CSA, she added.

- Taylor Cronen noted that the Rochester Student Association (RSA) elections were currently taking place, and they were looking forward to a visit from President Eric Kaler on April 21, 2017.

2. Sexual Assault, Harassment, and Title IX Discussion - Palermo welcomed Tina Marisam, director and Title IX coordinator, Office of Equal Opportunity and Affirmative Action (EOAA), and Katie Eichele, director, The Aurora Center. Marisam began by noting that when there is a report of an incident involving sexual assault, harassment, stalking, or relationship violence, EOAA reaches out to the impacted student, offers them resources and accommodations, and informs them that EOAA is available to investigate the incident. At this point, some students choose not to move forward in the process; in these cases, Marisam said, EOAA respects the wishes of the impacted student unless there is a threat to campus safety. If the student wants an investigation, EOAA will contact those involved, identify witnesses, and conduct interviews. Both parties are encouraged to have an advisor, noted Marisam, either the Aurora Center or the Student Conflict Resolution Center. EOAA's role is to determine if there was a University policy violation, using a "more likely than not" standard, as prescribed by the federal government. All those who conduct investigations are attorneys, noted Marisam, and once the initial report is completed, it is analyzed by EOAA, and then often more investigating will be done. Once completed, the report is sent to the Office of Student Conduct and Academic Integrity, who assigns sanctions; if students elect to have a hearing rather than accept the sanctions, one takes place. The final decision of the hearing can be appealed to the provost, and then to the State Court of Appeals if necessary. Marisam reported that the University of Minnesota offers more due process than any other institution in the Big 10, though the institution is always working to improve processes.

Marisam noted that if an incident is reported to both the University and to the police, separate investigations with different burdens of proof then take place; the University, in following federal guidelines surrounding Title IX, has a "more likely than not" burden of proof, while the police must prove "beyond a reasonable doubt." A University investigation may go forward even if a police investigation does not, since the University is required by federal law to do so.

There have been some updates to the University process surrounding sexual assault, harassment, stalking, and relationship violence cases, noted Marisam. Special panels have been created to deal with sexual misconduct. These panels require 20 hours of specialized training. This change allows hearings to be scheduled more quickly than in the past, she added. Currently, the University is working to move all disparate sexual misconduct policies into one.

John Freude asked if there were on-campus protections for victim-survivors during the investigation and hearing process. Marisam responded that yes, there are protections, including academic accommodations, moving residence hall rooms, counseling, and help for safety concerns (in partnership with The Aurora Center).

Runsheng Ma asked which has a higher evidentiary standard, state/federal cases, or the University? Marisam replied that the law has a higher standard, which is "beyond a reasonable

doubt,” while the University requires a preponderance of evidence (“more likely than not”), the same as in civil court. For example, there may not be a criminal violation, but there may be a violation of University policy in these cases, said Marisam.

Nick Ames brought up recent press coverage denouncing the lack of “due process” for those accused of a conduct violation. Are cross examination questions allowed in panels, either by individuals or through intermediaries, he asked? Marisam responded that the University has more protections for accused students than many institutions, allowing cross examinations in hearings, for example, and allowing students to use lawyers.

Ames reminded the committee that it had been 18 months since the rollout of the affirmative consent policy, and asked what the effect was on EOAA. Marisam replied that the University’s former policy was basically an affirmative consent policy, but the changes made 10 months ago made this clearer for students and more educational, though they did not greatly change the EOAA process. Ames asked if the affirmative consent policy put undue burden on the victim of sexual misconduct. The policy dictates, “Would a reasonable person have thought this was consensual?,” she replied, which includes verbal and physical cues.

Ames asked if there was a disparate effect on racial communities. Marisam responded that this concern has been raised, and EOAA was looking into the data. She said that anecdotally, she did not think that EOAA received a disproportionate number of reports from these communities.

Palermo asked about training for the disciplinary panel, and asked if those on the panel were trained by the same individuals that later conducted student behavior hearings. Marisam responded that EOAA does some training for the disciplinary panel, as does the Office of the General Counsel, the Office of Student Conduct and Academic Integrity, the Student Conflict Resolution Center, The Aurora Center, and other stakeholders.

Ames asked what would happen in an instance where two students were intoxicated to the point of being incapacitated and misconduct was alleged to have taken place. Marisam replied that EOAA has not had this type of case, and that there is a high bar for being considered incapacitated, including the inability to control one’s body, walk, or communicate, confusion about one’s surroundings or company, stumbling, etc.

Eichele reported that The Aurora Center is nationally recognized, and currently serves the Twin Cities Campus and Augsburg College. The Aurora Center offers a 24-hour help line, medical advocacy (including sending trained student advocates to rape kit appointments), help with filing orders of protection, attending criminal or civil court with clients, and support groups. The center focuses on positive prevention as well, noted Eichele, including empowerment, masculinity, consent, and bystander prevention. This fall, she said, The Aurora Center launched a campaign called the Power of Respect, which helped to educate students that sexual violence comes from a place of power and control.

The Aurora Center helps to develop leaders, with over 100 student volunteers who receive

extensive training, reported Eichele. Cases the center deals with are usually student-on-student, though they may occasionally receive cases that involve others (family members, for example).

Eichele noted that prevention and response work together, and that the campus has worked hard to improve policies and resources for students, constantly moving toward a stronger response. Equity and accountability can feel to some like oppression, said Eichele. Prevention of these incidents is becoming a national focus. Examples of ways that The Aurora Center has worked to increase its prevention efforts includes working with the School of Public Health to offer a one credit online Human Sexuality course, and creating an online module for students that is now required. Eichele reported that students want help to build conflict resolution skills, resulting in peer-to-peer accountability; it is helpful to encourage early intervention with supervisors, undergraduates, and graduates.

Ames asked about the new men's engagement director, and how The Aurora Center does outreach for male victims of sexual misconduct. Eichele responded that support for male victim-survivors had increased, and that the center had seen increased numbers of those reporting these incidents. Much of the focus of the center is on outreach and prevention, said Eichele, with the goal to increase bystander intervention. The number of male volunteers has risen as well, she added. Eichele noted that she was interested in figuring out tools and behavior skills for students, including effective peer-to-peer confrontation skills.

Ames brought up a concern with the center's "Cycle of Violence" brochure, which is not gender neutral. Eichele said that she was aware of this issue, and that she would like to change it, though that specific pamphlet is subject to copyright and not editable. She noted the center would look into how to best update these materials. Ames also expressed concern about the domestic violence section of The Aurora Center website, saying that the statistics presented there were not corroborated by evidence, which leaks into support groups for male survivors, making them feel unsupported.

Ma asked about the ratio of same sex sexual misconduct. Eichele said that approximately 50% of queer and transgender students experience sexual assault, and that the trauma manifests itself similarly to that of opposite sex misconduct. There have been reports of transgender students reporting their assaults to the police and being laughed at, which is concerning, she said, and the center works with police in order to give feedback on how to best support victims.

Palermo said that she recently became aware that the Aurora Center has had a structural imbalance for the past five years, and asked Eichele what was needed. Eichele replied that the center receives its funding from student fees and from general O&M. While student service fees have helped with the imbalance, she said, the center is working at capacity and therefore unable to do additional programming of value to students. Currently, there are only two advocates for all of the students the center serves, she noted, and as need has grown, staff has not grown. The addition of two FTE advocates will likely be necessary in the near future, she said. Ames asked if additional funds for these needs would come from grants or from O&M. Eichele responded that The Aurora Center was in the process of applying for a foundation grant, and that the Office

for Student Affairs (OSA) was looking into a University of Minnesota Foundation initiative. Budgets are tight, she noted, and so it is difficult to say where funding can be identified.

Abeer Syedah, president, Minnesota Student Association (MSA), said that The Aurora Center is the “face” the University uses to address issues of sexual misconduct. OSA has gotten some pushback from the University of Minnesota Foundation on the idea of creating a campaign for the center or adding a development officer to oversee fundraising efforts, though many students have expressed interest in fundraising, reported Syedah. In response to this structural imbalance, MSA will be launching “Fund Aurora Days,” from April 9-10, 2017, where student groups will partner to bring attention to this issue and show that there would be interest in a campaign for The Aurora Center at the University of Minnesota Foundation, said Syedah.

3. Spring priorities discussion - Palermo reported that several issues had been brought forth for spring semester, including system-wide Title IX issues, and a proposal for a \$15 per hour minimum wage for student workers. She asked members to comment on these issues and suggest any additional items of interest for the spring semester.

Ames noted that committee members should be careful about the \$15 per hour minimum wage discussion relating to graduate student appointments, as these students would not benefit from the increased minimum wage, though often work more time than is reported. He suggested looking at a cost-of-living adjustment for these students in addition to the wage increase for student workers. Ledermann said that MCA would be interested in exploring the increased minimum wage, though would likely have concerns about the impact to the University’s budget. Cronen echoed these concerns on behalf of RSA.

Hearing no further business, the meeting was adjourned.

Barbara Irish
University Senate Office