

**Minutes
Student Life Committee
April 25, 2002**

Members present: Houston Dougharty (for Kris Bartanen), Betsy Gast, Duane Hulbert, Diane Kelley, Carrie Washburn, Peter Wimberger

Members absent: Darrel Frost, Ben Shelton, Ryan Sweeney

Diane Kelley called the meeting to order at 2:12 PM. The minutes of the April 11 meeting were approved as is.

Kelley presented a draft of the SLC's Final Report to the Faculty Senate for discussion. The committee approved Kelley's summary of progress on the two official charges for the year as well as input given on the Conspiracy of Hope project. Suggestions were made to change wording of suggested charges for next year.

The committee continued a close reading and discussion of the Student Bill of Rights and Responsibilities, specifically examining Articles 10 – 15. General suggestions are that the writers of the document need to clean up points of ambiguity (both in language and by consulting with specific offices and documents that are already standing) and increase the ratio of responsibilities to rights to bring more balance to the document.

ARTICLE 10 Students have the right to reasonable and timely maintenance of their University-owned residence.

Comments: Would it be appropriate to also indicate that students have a responsibility to respectfully use and maintain their University-owned residence? (One of the "responsibilities" that perhaps should be mentioned in this document?) Did the drafting committee consult with Residence and Facilities staff about existing policies?

What do you mean by "reasonable" and "timely?"

Have you consulted the Residence Contract that every student signs before living in the residence halls? Students do have a right to what is guaranteed in this document.

ARTICLE 11 Students have the right to privacy of their persons and University-owned residence, subject to the establishment of probable cause in accordance with University's responsibility to enforce its rules of conduct and to ensure the resident's physical safety.

Comments: The SLC suggests the drafters consult the Residence Contract and also Residence Life and Facilities regarding standards regarding, for example, search and seizure, right to privacy etc, that have already been established.

Is the concern here that the Residence Contract is overly broad?

The Committee questioned the use of the phrase "establishment of probable cause" and suggest that the drafters examine what this might mean legally. For example, if there is fire and smoke coming from under a door, is this legally "probable cause?"

ARTICLE 12 Students have the responsibility, whether residing on or off-campus, to uphold the laws of the city and state in which they reside.

Comments: To clarify: When on campus, students need also abide by University policy. Clarify that when on-campus students need not abide only by city and state law. (We are assuming that by “uphold” you mean “abide by.”)

ARTICLE 13 Students have the right, while off-campus and not participating in a University-organized activity, to be free from the University’s jurisdiction. When activities of University of Puget Sound students result in violation of civil law and students incur civil penalties, institutional authorities shall not duplicate the function of civil laws.

Comments: This article goes completely against Trustee policy as printed in the Logger. The SLC would not be able to recommend passage to the Senate if this Article stays in. We foresee that the SBRR will go no further if it does remain. Some reasons for this are as follows:

The Board of Trustees has affirmed that the University reserves the right to respond to serious student behavior issues in the neighborhood surrounding the campus.

Three years ago, a problem arose which necessitated the review of campus policy regarding matters treated in this Article. We suggest the drafting committee both confer with Student Affairs staff to learn about this, as well as consult the new section of the Logger (pp 134-137) entitled “Response to Neighbor Complaints” which addresses chronic and egregious behavior.

The University conduct system, as constituted by the Student Integrity Code, is not a civil or criminal process. The standard of evidence used is preponderance of evidence (i.e., are allegations more likely true than not true?). Educational standards and sanctions are not duplicative of civil or criminal law. For example, a fine for Minor in Possession is different from requirement of an alcohol education program. For a University community to call for particular standards of behavior for that community does not create “double jeopardy” with respect to civil or criminal law. For example, if a student committed a heinous crime off campus, the student would be expelled. The expulsion would not duplicate punishment by the law.

Recent case law has given responsibility for student conduct off-campus to the university with which they are affiliated.

Why, in a campus community where preparation for democratic citizenship is valued, are student leaders reticent to stand up for standards of behavior that respect their on- and off-campus neighbors? The “responsibility” aspect is missing from this Article. Students have a responsibility to neighbors, their community and other students, even if they live off-campus.

ARTICLE 14 Students have the right, in the event of any alleged Integrity Code violation, to choose their adjudicating body, which shall decide the merit of allegations and determine appropriate sanctions.

Have the drafters reviewed the 2001-2002 provisions of the Integrity Code, Standard V and Implementation Procedures, that the Student Life Committee reviewed and revised last year? The SLC also recommended clarifications on when Honor Court or ICB are not available.

According to the established guidelines in the Logger, do students indeed have the right to choose their own adjudicating body?

At present students do not choose the adjudicating body.

The Integrity Code allows for two decision-makers in conduct cases: the Dean of Students/designee or Honor Court. When the Integrity Code Board was introduced, the Integrity Code was not amended to give that body decision-making power; instead, ICBs recommend to the Associate Dean. Thus, this article as written stands in conflict with the Integrity Code. Does

the committee plan to recommend an amendment to the Integrity Code? If so, this is fine, but this Article cannot stand without changing the Integrity Code.

ARTICLE 15 Students charged with an Integrity Code violation shall have the following judicial rights:

- A. To have a hearing;
- B. To be given notice in writing of the specific charge(s);
- C. To be given adequate time in which to prepare a defense to such a charge;
- D. To appear alone or with a parent or other immediate family member or a member of the UPS faculty or staff of the student's choice to advise or assist during the hearing. Such an advisor cannot be an attorney and may not participate in or address the court;
- E. To refuse to testify or to answer any questions if such testimony or answers would tend to incriminate the student;
- F. To be confronted with the evidence against the student;
- G. To present evidence and call witnesses in one's own behalf;
- H. To have reasonable cross-examination of the witnesses appearing against one;
- I. To have a copy of the proceedings provided, if they are taken at one's own expense;
- J. To have sanctions imposed that are commensurate with the violation charged.

Comments: Have the drafters reviewed the 2001-2002 provisions of the Integrity Code, which the SLC spent a great deal of time clarifying last year? The list of judicial rights A-J in this Article needs some work. The Committee suggests that the drafters refer to the Integrity Code rather than list the rights here. If they see a need to change what is in the Integrity Code, the changes should be done to that document and not listed here.

Some notes on Article 15:

Item D. The Student Integrity Code allows for a student support person; the Bill of Rights does not. Is that what people intend? Why does the Bill of Rights put greater emphasis on parent or family member involvement?

Item I. Provisions for tape recordings, records, access to files, etc. are outlined in the Student Integrity Code. Students are notified in writing of the outcome of a case, and of any appeal. What is the rationale for providing copies of proceedings?

Generally: It would be confusing to have two documents covering conduct matters. Which would take precedence for a conduct officer to follow? Does the drafting committee intend to consult with the administrative officers who handle the conduct processes?

The committee regretted the absence of student input at this final meeting as we adjourned for the year.

Respectfully submitted,

Betsy Gast