

## **Proposed Revisions to the Rules of University Conduct:**

### **An Open Forum**

Friday, April 17, 2015, 4-6 p.m.

Morningside Campus, Havemeyer Hall, Room 309

#### **PANEL**

**Zila Acosta**, Senator (Student, Law); Co-Chair, Senate Student Affairs Committee

**Jared Odessky**, Senator (Student, Columbia College)

**Christopher Riano**, Chair, Senate Rules Committee; Attorney-at-Law; Lecturer-in-Law, Columbia University

*Christopher Riano*

...talk for a little bit about, from our end, what some of the proposed changes look like, kind of walk through the work that we've been doing. But we also definitely want to open up the floor for people to talk back with us. There's many other members of the Committee that are here. There's been senators that I see, especially student senators, who are here. So if – I think everybody has a copy of what the proposed changes look like.

You'll notice right at the beginning the affirmative statement is significantly different than what we had previously within the Rules, in an effort to move in the same ways that Princeton and Chicago and other universities of our sister institutions have moved recently in reaffirming basic core principles that deal with the right, obviously, of expression on

college campuses, which could be no more important than it is obviously here at Columbia.

So I think that that's in some ways self-explanatory. I don't know if one of you two wants to go in through definitions, jurisdiction, which look rather similar.

*Zila Acosta*

I feel like it's kind of hard to go through it that way.

00:01:16

So we're going to go through a brief presentation that kind of covers all the changes we're proposing. And then we'll take it however you guys want to go. If you want to go like line-by-line through the language of the Rules we're happy to do that. I think it's a little easier to go through the presentation to just discuss big picture what this looks like. So I guess...

00:02:05

*[Pause while the staff prepares to project a summary of proposed Rules changes on the screen at the front of the room]*

*Christopher Riano*

And I think everybody also has the presentation that was handed out today too.

00:02:18

All right, so as everybody can see, one of the things that became very apparent when we first started deliberating and discussing the Rules was the fact that because the Rules apply to everybody and they apply to every member of our campus equally, students, faculty, staff, etc. There seemed to be a lot of impetus within the Committee that there needed to be one procedure that everybody could use that would be fair for everybody, that would be representative of everybody. So, as we see here, that's essentially what we're proposing as a change and the change

would be. You can step through this obviously pretty simply from a complaint being filed with the Rules Administrator, one of the things that we felt was important was that even though currently anybody can file a complaint with the Rules Administrator, we want that process to be a little bit more open, because I think it's as important for any member of our community to be able to engage with this process as they see fit. Just like occurs now, most of the complaints that the Rules Administrator receives are adjudicated either informally, where a complaint is dismissed, or with the person who a complaint has been made about informally, as an informal resolution. If that's not possible obviously we go through an internal procedure where charges are filed, a University Judicial Board which would be representative of the entire community, five members would then decide whether an individual was responsible or not responsible. Sanctioning would then be done by a sanctioning officer, and then the Appeals Board, which would be three Deans essentially, would have the opportunity – if either respondent or the Rules Administrator decided to appeal – would have the opportunity to either uphold the sanctions, lower the sanctions, or dismiss the case and the charges. The Appeals Board would not have the power to upgrade sanctions or stiffen the sanctions.

00:04:22

The sanctions themselves are now gradated. We thought that that was important because of the way in which—we thought that was important because previously it was just not very open and it seemed up to too much interpretation, so we've gradated the sanctions and we've also expanded them greatly because previously there was only a few things that the sanctions could look like, and now it's a much broader range.

*Zila Acosta*

00:04:48

If you go to the next slide you'll see what the makeup of each of these would be. So the University Judicial Board, which would be the first initial hearing panel after charges have been filed. So this means that you couldn't come up – you couldn't come to an informal resolution, you couldn't come to an informal determination, and so you choose to move forward to the hearing. That goes before the UJB. That is at least one student, at least one faculty member, and at least one other from this list of people, so that's administration, research, libraries, or a member of the administrative staff. It's a five-person board and no group within this could be a majority. So, for instance, it couldn't be one faculty member, one student, three admins, or three students, one faculty, one admin. It can only be up to two of each constituency.

00:05:43

For the Appeals Board it would be a three-person board as well, and the people who are eligible to serve on that are the deans of schools or divisions. One of the steps that we've added is a conflicts check, so in reality the way it would work is, you say, I'm going forward to this hearing, there's an open versus closed, which we'll discuss in a minute, but you get a list of panelists and say these are the people who are on your panel. The people who are on the panel say you've been selected to adjudicate this complaint. Each of you files a conflicts of interest of paperwork to make sure that it's not a student who's actually in a student group with you, or that is your best friend, or an administrator who you have a very interpersonal relationship with, like your research advisor or something like that, to make sure it's more of an informal party.

00:06:39

In addition, every person who would be eligible for this would have already filled out a conflicts check, so in theory some of that would be

weeded out already. But that's just to ensure that whoever's on this panel is actually impartial.

00:06:51

If you go to the next slide.

*Jared Odessky*

00:06:56

So for the violations one thing that we did hear at the first two Town Halls back in the fall was that people were looking for more specific language. And actually in further conversations and in conversations in the Committee one thing that we did note is that broader language could actually be more beneficial in many cases for people going through the process, and it's actually serves as a protection. So if we said standing in front of, or blocking an entrance, for twenty seconds or thirty seconds constituted a very short period of time, once that limit was met then clearly you were in violation of the Rule.

00:07:32

So actually keeping language like that broader can be protective in that somebody's able to make a case for themselves as to what the definition of a short period of time is. But one thing we do do in this section – you'll see that this section is actually relatively similar with the exception of some added qualifying language, but still broad qualifying language, but we did cut the two sections at the end, which were simple and serious violations for aiding or abetting in a Rules violation, which we did believe could be used very broadly to sort of prosecute people that were not actually engaged in conduct. We wanted to make sure these Rules only applied to people that were expressly participating in protest demonstrations, rallies, picketing, etc.

*Zila Acosta*

00:08:20

We also reclassified #16, the violation that's actually for identifying yourself. So we removed the requirement that you produce an ID, and we also made it from a serious to a simple violation for not identifying yourself if a delegate approaches you at a protest. Next, if you go next, this is the wider range of sanctions. So these are the sanctions available under a simple violation, for repeated violations, and then for a serious violation. What's listed – I just want to make sure to note – what's listed under the serious and under the repeated is not the only sanctions. So essentially it's just added to this list. So even at the serious violation level all of the sanctions below it are available to the sanctioning officer. It's just to say that you couldn't receive some of these more extreme sanctions for a simple violation. And so that's just kind of been expanded—things like community service, private/public reprimands, no-contact orders. That would only be if the violation was physically harming someone at a protest. And defamation. Just to note that. I don't know if you have anything to add.

*Jared Odessky*

No.

*Zila Acosta*

00:09:34

And the next, can you go to the next slide?

*Christopher Riano*

00:09:40

Obviously there's other things that could happen if there was a problem. And so in the larger framework of things obviously there's always going to be the availability of counseling, appropriate education or training

related to violations, and obviously additional training materials for faculty, staff, and everybody else, students, and also the possibility of continued revision of the Rules. We do not pretend that we have magically in the last year gotten it exactly right. Quite the contrary. One of the things that we've decided that I think shows later is that because the Rules have not been changed in so long we felt that it was actually critical that at least – and I believe we came up with four years – that even though it can happen before that, there has to be at least be a dialogue and engagement regarding the Rules because obviously things can change over time, as we can see from where we were in '68 to where we are today.

*Zila Acosta*

00:10:38

So that translates into every four years the Rules Committee must hold an open Town Hall with a public record stating – open to the community to say, “Are these Rules working?” And they must engage with the community in this kind of very tangible way.

*Jared Odessky*

00:10:51

And the reasoning behind that number is these Rules have primarily been used against undergraduate students in the past. And this way every undergraduate student on a four-year track cycling through Columbia is touched by an open review of the Rules at least once during our time here.

*Zila Acosta*

00:11:06

So if you go to the next one, this is just high-level other things we've changed and I'll run through them and then open it up for questions. So if you want us to flip back we'll go through it.

00:11:15

Inclusion of a timeframe for the stages of the disciplinary process. We included in the language, it's in the language you received, basically just making sure this process doesn't get dragged out, making sure that there's a timeframe with which a decision must be reached, a timeframe with which sanctioning must be had, to keep it in a functioning process.

Greater notice for the respondent. Previously there weren't many stages at the process at which the respondent was required to receive notice, and the respondent would be the person going through the process who has had charges filed against them. And so we've added a number of instances where not only is notice required but confirmation of that is required in some instances, and things like that.

00:11:59

Internal disciplinary process with rights for the respondent that are not available under Dean's Discipline. So some of those things are access to any evidence against you, equal access to whatever evidence is being examined by the Rules Administrator to be used against you, so whether that means videotape, documents, whatever it is that is being used against you, you have the right to see it before your hearing and to evaluate it.

*Christopher Riano*

00:12:25

I throw in there the fact that we've made it possible for respondents to ask for an open hearing, especially considering that we're discussing free

speech, in some ways, and free expression, it made sense that a respondent should have the right, unless there's good cause shown to the Board why not, the respondent has the right to request that the hearing be open to the University community.

*Zila Acosta*

00:12:46

And that would happen right before the hearing is convened, so you would get the list of people who were on this panel that will adjudicate your hearing, and then at that point they would ask you, "Do you want your hearing to be open or closed?" If it is closed then you say, "I just want myself, the people in the process, and then whoever is listed as your advisor," which we defined very broadly. It can be a lawyer, it can be a lot of different people.

*Jared Odessky*

You can have multiple advisors.

*Zila Acosta*

00:13:12

Multiple advisors, obviously, but there are a long list of people you can bring in even for a closed hearing, and then you get a transcript at the end but it is not public record. And what you choose to do with that transcript is up to your volition, but the University will not release that to the public.

00:13:28

If you choose an open hearing then that means that you would want it to be a matter of public record and that you would want it to be something like this where the entire University could be invited and to have it be like kind of an open hearing in that way, with a public record. So that

would be up to you, like the respondent, to choose, and there's no approval needed. If you choose it, you get it.

*Jared Odessky*

00:13:50

Well, except right now as it stands the UJB, if they believe there is good cause, kind of by a majority vote, to keep it closed.

*Zila Acosta*

00:14:01

Like I mentioned already, the process for managing conflicts of interest, open and closed hearings, and then the public discussion of Rules every four years. So that's kind of an overview. Right now, putting this in the context of what the system was before, before you had the external and Dean's Discipline. Now it's completely one process. There is no external and there's also no offshoot to Dean's Discipline.

*Christopher Riano*

00:14:26

So there shouldn't be any pressure for people to pick one or the other based on...

*Zila Acosta*

00:14:31

So it's like one uniform process that everybody goes through. And Dean's Discipline, this is not an offshoot or there is no regress to that. So the Rules Administrator can't send you to your dean for discipline anymore under these Rules.

*Jared Odessky*

00:14:45

And I guess some of the reasoning behind that, I mean before, if you were not engaged in a serious violation you went straight to the Dean's Discipline process. And we heard resoundingly at the Town Halls in the fall that people felt that that process was opaque, they didn't have many rights. And so we've tried to build into a University-level internal process a system with many of the rights that the external process once had in place.

*Zila Acosta*

And that's also at no cost to the student.

*Chris Riano*

00:15:15

I mean there are other changes that have been made in the document but I think that's a lot of the highlights.

*Zila Acosta*

Any questions?

*Chris Riano*

So with that we're happy to open this up because....And just so you know, everything today is on the record on a transcript, so I just want to make sure – I know that's up there, but I just want to make sure everybody knows that. So if you could just state your name and then use one of the mikes so that we can...

*Michelle*

00:15:48

My name is Michelle. I work at the Teachers College [*inaudible*]. I'm also a shop steward for Local 2110 of the UAW.

My question is about the panel of five. How do you decide who's on this panel? What's the process for them to join the panel or be picked or whatever?

*Chris Riano*

00:16:15

I think that's actually a great question. One of the things that was very – I don't want to say concerning, but one of the things that we really focused on—is because anybody, literally, from admin to staff to students to faculty, can be put through this process, we want that Board to look as broad as possible for the University community. So we heard because students are often involved and because faculty are often involved, we've reserved seats for, again, students, faculty and a staff member. The other two are open, and the reason that we left it open is because – so one of my Committee members, Candice [*Kail*], she's a librarian, she should be able to serve on a committee when she could be brought up on a charge. And because of that we wanted to keep that open. Now the way that we thought that this would function and the way that we kind of put this in place, it's very similar to how many other university-wide appointments are made by the Senate Executive Committee. The way that we see that operating is that the Student Affairs Caucus, the Faculty Caucus, the Research Officers Caucus, the librarians, any caucus can propose and should actively be able to propose from their constituencies people to serve on the Board. Now obviously one is going to be a student, and one is going to be a faculty member, but again, anybody should be able to propose people, and people can do that through senators and then the Senate Executive Committee would make the decision.

*Michelle*

00:17:40

So what's the actual process?

*Zila Acosta*

00:17:44

It sounds – it's essentially the way we've conceived it, feedback welcome, nominations from these different caucuses. So now the interesting question is, how the Student Affairs Committee decides to get those nominations is up to them. But we need a formal process body to nominate, so all the committees, like the Faculty Caucus of Senate, Student Affairs Committee, Research Officers, all these bodies, could nominate for then somewhat of a confirmation by this Executive Committee of Senate. And then you would be placed...

*Michelle*

00:18:18

Are the caucuses open to, you know, to people to see how they go about doing it, or is it like, you know, they get the nominations and then there's a private, closed-door...

*Zila Acosta*

00:18:28

Well, it has to be a public list of who's up being a delegate. I don't think we have it listed either way, but if you – what I'm hearing a little bit is saying public nomination and then public confirmation?

*Michelle*

00:18:41

Well, what I'm asking is, you know, is there transparency in the process of who gets picked? Like you said, you'll have groups that will, you know, you'll get the nominations, a list of people, and then they decide. I'm wondering if there's transparency in how they go about deciding. Is that a closed-door meeting where then they sit and decide, then they make their announcements to the world?

*Jared Odessky*

00:19:03

The final decisions are all made in private deliberations in the Senate Executive Committee. All meetings of the University Senate are automatically made private unless otherwise, which was passed in a 2011 resolution, which I disagree with. But I think that – I've – one worry for me on this part of the Rules is that, you know, students – the nominations are ultimately – there's input from faculty and administration on the student nominations, on the faculty nominations there's student input and students and administration approving the faculty nominations. But I do think that the overall process is better, but I would love feedback in that area too.

*Zila Acosta*

00:19:45

For instance, we haven't gotten into the nitty-gritty of how the Student Affairs Committee would make that nomination, so there could be language that says, "Student Affairs Committee must publicly put a list of who their nominees are," or that they must have an open e-mail to all students saying, "Anyone who wants to be nominated by our Committee..." You know, we haven't gotten into the nitty-gritty of how they would adjudicate that. We can, or the Student Affairs Committee

could make a decision about how they want to do that. Feedback on either.

*Chris Riano*

00:20:12

I think if I say – like the Committee would like to see this be transparency, so I definitely – this is something, again, something that I've emphasized since the beginning that I think you all have emphasized, we're talking about free speech and free expression. This should be one of the most open dialogues we could have which is why we've had these Town Halls, which is why we've engaged with the community, which is why we've, you know, had so many meetings ourselves with individuals and stuff. If there's anything behind this, and if there's anything that I think is contained especially in the first affirmative rights part of the document, it's that we want this to be open and transparent. Hence, open hearings, etc., etc.

*Marc Heinrich*

00:21:07

I'm Marc Heinrich, student senator from Columbia College, and incoming chair of the Student Affairs Committee. The Student Affairs Committee met and – first of all we really appreciate all the work you guys have done on this, we understand that this is obviously a very cumbersome process. But there were a number of things that we want to identify that gave us serious pause and that we were hoping the Committee would reconsider.

00:21:26

The first is the composition of the Judicial Board. We are concerned with the kind of lack of – I guess the lack of outlining who's on this committee, but specifically we think if a person is going before this committee, whatever constituency they come from should be more represented.

Because right now the language is kind of vague about, well, no group can have a majority on the Board, but we think it should be outlined that, let's say, if a student goes before there are two students, if a faculty goes before it there are two members of the faculty, and if an administrator or staffer goes before it there are two members from their constituency.

00:21:59

A second concern we have is with how sanctioning is decided. The University Judicial Board represents all components of the community, and we think it's really important that they have the ultimate say in what sanction is being levied upon a student. We do think there's an important role for the sanctioning officer there to help advise, based on prior cases. However, we think that that should be more of an advisory role with the University Judicial Board ultimately deciding the sanction.

00:22:27

The last major thing we discussed, and this had come up in the last plenary, was kind of a press carve-out. In the recent protests members of the press were given warnings. We don't think this should be a blanket carve-out. We understand obviously [if] a member of the press is participating and is violating the Rules of University Conduct, but we do think this needs to be considered and explicitly stated that this is a consideration for both the Rules Administrator and the University Judicial Board.

Thanks.

*Zila Acosta*

Thank you.

*Christopher Riano*

00:22:58

I will say one thing. We did put language in there not as a specific press carve-out, but I think now we sort of live in an age where everybody is press in some ways, and so we did put some language in there on that particular point, that we had a large debate about, about how that looks. So that's definitely something that we've considered, but I absolutely see the point that's been made.

*Pete Cerneka*

00:23:23

Hi, I'm Pete Cerneka and I work in the Office of Student Engagement. And I came in late so I apologize if you already went over this.

*Zila Acosta*

Did you get the handouts?

*Pete Cerneka*

Yeah, I got something.

00:23:34

So my question is around – so this is a process that would sort of cover a particular type of infraction, I suspect, so it's not getting rid of Dean's Discipline across the board, just in this particular instance. So my question is, What happens when there's confusion around whether or not an incident should fall into this category or into, you know, Dean's Discipline? Let's say there's some sort of action that happens out on Low Plaza, and a student claims that it was, you know, something to do with free speech, and someone else says, "No, you were just, you know, assaulting me," or something like that? Is that a role for the Rules Administrator? Can you give clarification?

*Zila Acosta*

00:24:20

The way it's structured now – obviously this hasn't been enacted so I don't know how it would actually function – but the way it's been envisioned now is that you couldn't go through Dean's Discipline with the Dean citing these Rules as the reason for that discipline. So if you're violating Columbia College policy, for instance, or like Law School has specific conduct policies – I'm a law student, so I know them better – but if there are certain things that I can't do because of Columbia Law School policy about what I can and can't do in a classroom, so if I'm participating in a protest and my behavior violates both those rules, I could be brought up on charges under both because I'm violating two sets of rules. But, if my behavior only falls under the category of Rules of University Conduct, then my Dean can't bring me under discipline citing these Rules, because he hasn't – well, she – has no jurisdiction here. If that makes sense.

00:25:20

So in theory you could create – so we can't – we have no authority to regulate what happens under Dean's Discipline. What we – was within our control was to make sure that these Rules don't shoot you to Dean's Discipline. So that's what we chose to do, if that helps.

*Alex*

00:25:41

Hi, my name's Alex. I had – sorry – I had a question about the sanctioning officer, but I guess I also want some clarification about the last thing you were just talking about. So this semester there was an incident where deans sent out disciplinary warnings to students who were protesting and cited the Rules of Conduct. And it turned out that like the – I'm sorry, I forget his name, the administrator in charge of this....

*Zila Acosta*

*[Vice Provost Stephen] Rittenberg?*

*Alex*

Yeah, Rittenberg didn't even know that this had happened. It was kind of this really messy and weird situation where they weren't like technically supposed to be doing that, or they went about it in the wrong way because they cited these Rules even though they were the deans. So how can we make sure that doesn't happen in the future, I guess would be my first question.

*Christopher Riano*

00:26:31

So actually that's in here.

*Alex*

Cool.

*Christopher Riano*

00:26:35

So actually because – especially as a faculty member who teaches and I know what can go in somebody's file and how that can follow you to law school, dental school – I don't know how I put dental school – you know, med school. The only way that you can even have a written warning that cites these Rules you have to go through the procedure. Nothing else can go into a student's file. So if you're citing to these Rules it has to be through the procedure.

*Zila Acosta*

00:26:59

And if it were to occur, regardless of the Rules, it would be – you would go directly to the Rules Administrator with an appeal to the Rules Administrator saying this is happening. Because there’s an online complaint form, that would be initially. So that won’t initiate this process, but you can complain about any part of the process.

*Alex*

00:27:15

Okay.

And then my second question – sorry, I came in late so I’m not sure if this was addressed already. I guess I had some questions about the Sanctioning Officer and how this person would be chosen, and kind of like if there are guidelines for the severity of the punishments, just like knowing more about what this position would look like, I guess, and the process by which they’ll be chosen and like who it might be.

*Zila Acosta*

00:27:41

So we actually haven’t specified how they would be chosen except that the Provost’s Office would do because they’re the person who appoints the Rules Administrator. So in theory this person could be anyone appointed by the Provost’s Office. But if you think we should have specific language saying actually only this type of person can be appointed to this position, you know, this person must be there for X number of years, whatever, we haven’t included that but...

*Christopher Riano*

00:28:05

And I could say this. One of the reasons why we felt that it's important to keep this in the Provost's Office is because – I mean people in this room, most people don't even know Dr. Rittenberg, right? I think that it's been removed and I think that's a good thing in some ways because it's not somebody who everybody's always engaging with, et cetera., et cetera. And on the flip side also, only really a Provost has the right to sanction a faculty member and sanction, you know, anybody at the University, so that's why we felt it was important to keep it within the Provost's Office.

*Alex*

00:28:35

Okay, so it's in the Provost's Office in the case that a non-student would be going through the process?

*Jared Odessky*

For anyone.

*Christopher Riano*

For anyone.

*Zila Acosta*

00:28:45

In the way the Rules are currently written, the same person would sanction everyone. So that's what he was talking about, like if a professor or a faculty member is going through the process, they're sanctioned by the same person who would sanction a student.

*Alex*

Okay. Thank you for clarifying that.

*Christopher Riano*

You're welcome.

*Jared Odessky*

00:29:00

I will say that the reason the Sanctioning Officer was also created was previously the Rules Administrator was the individual who was sort of acting in both a charging and policing capacity. And so we wanted to split roles up. But I think I've heard concerns from students in the past few days that both of those appointments being within the Provost's Office could create – could not solve the issue of conflict of interest there. So if you have feedback on that.

*Daniela*

00:29:30

Hi, I'm Daniela. And I was just wondering about some of the priorities expressed by the violations. Because, for example, a simple violation like conduct that placed another in danger or words threatening bodily harm or where there's clear danger of such harm seems like it could be on par or like worse than one of the serious violations like unauthorized occupation of a CU facility after it's been closed. So it just seems like I'm not really clear on how violations were determined to be simple or serious. And I would also appreciate some elaboration maybe on like what kind of serious violation would lead to an expulsion or a revocation of a degree. And maybe that's detailed somewhere else that I haven't read, but I think there could be like more strict description of how that would be reached, because there's a very wide range of violations for such a serious consequence.

*Jared Odessky*

00:30:27

I mean one thing that was built into here was that if you are – if you commit a simple violation, we now have the protection that you can not be suspended or expelled. If you commit multiple simple violations you cannot be expelled – and also revoking of degree. And if you commit a serious violation the full range of sanctions is allowed. I was supportive of that measure because under the old process if you committed a serious violation and went external you were limited to suspension and expulsion. So now there's more latitude in the types of sanctions that can be offered.

00:31:01

I think that in terms of the simple versus serious actual breakdown, that's something that we'd like to hear feedback about because we wanted to keep the broad language, as I already explained, because we think that people can use that to make a case for themselves. But the way that simple and serious was broken down was, you know, we talked about different types of violations. So blocking an entrance is one type of violation, but then we split that into simple and serious. So are you doing this for a short period of time or are you doing this for a continued period of time? And that defined the simple versus serious violation.

00:31:32

But I think one thing we may have overlooked is are all the simple violations on par with each other in terms of being simple, are all of them on par in terms of being serious?

*Zila Acosta*

00:31:44

And it seems like you were suggesting that maybe the simple violation of physical threat and like harm without actual physical harm, but the threat of it should be serious instead of simple.

*Daniela*

00:31:56

I'm not sure if I'd ever be in favor of moving a simple to a serious, but I just don't think that placing someone else in danger should be held less seriously than disrupting a CU event for a long time.

Thank you.

*Christopher Riano*

Thank you.

*Abby Abrams*

00:32:16

Hi, I'm Abby Abrams. I wanted to echo Marc's comments earlier about his concern about the lack of press language in the Rules. And I know that earlier you said that you think everyone is Press, but that's honestly not a particularly helpful comment with regards to this. So I was wondering if you all had clarification about what language you see in here as I guess separating Press from actual – the people participating in protests or if you see any part of this as separating that. Because the only part that I see in here doing that makes me more concerned, and that would be the Section like 444C, and that has the Rules Delegate able to create a separate location for protesters that would be in violation and reporters that would not be in violation. So to me that would mean that reporters could not be reporting on the protesters that were actually doing the protesting and potentially violating a rule. And so that would mean that if a reporter was in the area that had been designated as violating the Rules that reporter could also be charged with the violation.

*Zila Acosta*

00:33:26

Yeah. So the only two places where Press are mentioned in the current proposal is in 444C, and then in the affirmative statement, in the first paragraph. So one of the questions – you don't have to answer, I'm just saying for the questions do you think there's a better way to clearly identify who is Press and who is protester at an event? Like instead of creating a physical area, like is there another method to do that? Because I've had a lot of suggestions come up, like for instance, you know, like having press credentials, like wearing them or something like that. But then others say like when how do you determine who is defined as Press? So we've gotten feedback on both sides. But if you have opinions, please, or other suggestions.

*Abby*

00:34:11

I mean certainly press credentials in some instances can be a fine solution. Campus media organizations all have the ability to give their reporters press credentials. But I also think it's just about having some sort of language in here that marks that there is a difference between being able to have like students report on things going on on campus without being charged for that, because obviously we need – this university has a lot of ideas about free speech and if you're going to have student reporters be charged for violations that's going to put a really chilling effect on them. And as Marc mentioned this semester we actually had that, we had two first-year reporters go to a protest and they were given letters of warning for violation. And so it just made us really reconsider whether administrators are using this to try and intimidate reporters. And without that language in here it's basically asking us to trust whoever the new Rules Administrator is going to be that they wouldn't do that again.

*Zila Acosta*

So thank you.

*Christopher Riano*

Thank you.

*Dan*

00:35:19

Hi, I'm Dan, I'm a junior in CC. My question is about the section on the hearings, 448, and it's under the Additional Hearing Rules. So for prior conduct violations this isn't particularly covered in the previous Rules, but here it says, "The hearing panel will not consider the respondent's prior conduct violations unless the information is provided because – so naturally if the respondent was previously found to be responsible," but – "or the previous incident was substantial similar to the present allegations and/or the information indicates a pattern of behavior by the respondent." Who decides whether this information is substantially similar or indicates a pattern? That seems to me to be an important consideration for the, you know, for the panel because if you can just throw sort of any sort of charges under here because you've declared them to be substantially similar you can have someone who's racked up a number of charges which are baseless but still considered by the Hearing Panel. So who decides that?

*Zila Acosta*

00:36:28

It's the UJB itself. That's my understanding of the way we've written it. If it's not clear...

*Dan*

00:36:34

So the panel decides whether or not the panel is going to consider the information?

*Zila Acosta*

00:36:36

The panel hears the evidence. I think the reasoning behind that was more that if the Rules Administrator is the person who makes that determination it's a conflict of interest because they're the person bringing the charges. Do you know what I mean? So if I'm deciding what evidence is admissible but I've also clearly already made a determination to some extent about – because I filed charges, that's a conflict of interest. So we put it under the UJB to see all the information, because they would have – would see the information of previous proceedings against you under these Rules and things like that. So how they choose to consider it, we wanted explicit language in there saying they should really consider most heavily if you've been found in violation and guilty under these Rules previously. But do you think – it sounds like you don't like that either. Would you consider like a third party?

*Dan*

00:37:29

I don't know. I think the entire thing is a conflict of interest because, you know, everyone's under the University and, you know, by removing the external process the only way in which you can have people tried through a process which is not sort of – I don't want to say subservient but sort of, you know, covered by University powers, you've removed any possibility to sort of escape from the conflict of interest. And yes, not having the Dean from the same school is great, but ultimately it's – you're drawing lines in the sand where there are none because all the

Deans and everyone in the University is under the same institution and, you know, dedicated to preserving that institution. So I don't know if this even matters at all, but I appreciate the streamlined internal process, but by removing the external process you have removed the only avenue for students to escape conflict of interest.

Thanks.

*Abby*

00:38:26

Hi, I'm Abby, I'm a sophomore in CC. I have a few questions. The first is with regards to the Hearing Panel. So there's a lot of faculty that also serve as administrators, so theoretically there could be – so there's a student, a faculty member and an administrator. Theoretically there could also be two other – like a student and then a faculty member who also serves as – sorry, a faculty member and then an administrator, but that faculty member also serves as administrator, that effectively places three administrators on the Hearing Panel. So I was wondering, my first question is how that would be resolved. Would it be explicit that faculty members who aren't administrators are the only people who can act as faculty members on that panel?

*Zila Acosta*

00:39:09

I think they would be – so the way it's structured now they would be appointed as a certain type of delegate because the appointments are coming from certain bodies. So if someone is – so it's essentially if they're nominated and appointed as a faculty delegate then that's how they get on that – then that's the role that they would serve. So I think you're saying like they would still be an administrator, but they're in that capacity. So I think one potential solution I can think of is to say – to put protections on how the determination is made. So if you're listed as a

faculty delegate then you have to exclusively be faculty, something like that. We don't have language in there but that would be I think something you could add that would just say, specify, when they're appointed they have to be listed as what category and these are the requirements of each category.

*Abby*

00:39:58

So saying then that faculty members who are also – have a dual role as administrator would not be able to, would be primarily administrators ...

*Jared Odessky*

Would only be in the administrative role.

*Zila Acosta*

Do you think...would you want that?

*Abby*

Yes.

*John Mutter*

[inaudible]

*Christopher Riano*

00:40:42

I see what you're saying, I totally understand, because you're thinking if you're, you know, Dean Awn, you're a professor and you're also a dean, right? So what you're saying is you wouldn't want to see people appointed so that a panel would be majority anything.

*Abby*

00:40:59

Right. I think the allowance of there are also a lot of faculty members who aren't in any administrative role. Making sure that when there's a faculty member on the panel they are strictly a faculty member and that they're not, you know, don't hold any administrative role.

00:41:16

Yeah. So my second question is about the attorney advisor. Is there any way that either the Senate could facilitate this, or the Rules Committee could facilitate putting students in contact with these attorney advisors? Or if not, is there any way that they would support an outside program where students could – students coming back – for examples students in the law school or any other pro bono attorneys in New York. So just to bring that up.

00:41:41

And then also a second thing to bring up with that is that there's a system currently at Georgetown that has a student advocacy project where students who are able to act as advocate for other students, students who have kind of learned the rules process, the ins and outs of it, are able to sit in the room as a silent observer in the room and then advocate for students in kind of conversations with them outside of the room to help them navigate through the process. Would that be something that...

*Zila Acosta*

00:42:14

Currently you can bring like a really wide, like it's kind of inclusive of everyone. So right now under the Rules they could totally be in the room. In a closed hearing they can only be in the room if the respondent wants them there. So as long as the respondent wants them there they can be there.

*Christopher Riano*

But the idea was definitely you should be allowed to have who you want.

*Jared Odessky*

00:42:29

We did push in the Rules to get this line: “If a respondent desires to have an attorney serve as their advisor the University will arrange for a volunteer attorney advisor if the respondent so requests.” Obviously there’s no program behind that yet, and I think that definitely needs enforcement. But we have that line in there. If there’s additional language you think we should be pushing at this moment, please let us know.

*Abby*

I have one more question.

00:42:57

So this is with regards to the Sanctioning Officer. So I guess my question is, the way I see it the Hearing Panel would have kind of a better view of what sanctions should be made. So I guess my question is what is the need for the Sanctioning Officer in the first place because the Hearing Panel has been through the whole process and knows the ins and outs of the case. And the Sanctioning Officer, it seems to be somewhat eerily similar to the Gender-Based Misconduct Policy and I think that everyone knows that there have been a lot of concerns raised about the role of that Sanctioning Officer as kind of an independent administrator who has institutional biases that might affect how they adjudicate the case if they decide to sanction the case. So I guess I’m wondering whether or not the Hearing Panel could be responsible for that sanctioning rather the Sanctioning Officer?

*Zila Acosta*

00:43:49

So I think some of the logic behind it was that – so technically the UJB would be reconstituted at every hearing. So potentially – in theory there’s a huge pool of people who can sit on these panels, and then randomly people are selected to be placed on this panel. So in theory the Sanctioning Officer would have more experience and have seen more cases to create consistency since the same panel might never be reconstituted twice to have a hearing. But, one thing – I mean maybe a structure I’m hearing you suggest that the UJB also gives a sanction, they come to the determination and give the sanction and, I don’t know, if there is – I don’t know, I think there could still be a role for the Sanctioning Officer to advise, like in these cases here’s the background, we always give these sanctions with evidence of, you know, for the past twenty times this has come before us this is the sanction we’ve given for similar behavior, or something like that, just to make sure there’s continuity. You know, like consistency across.

*Abby*

00:44:54

[inaudible]...Just like individually having – I think the Hearing Board is also kind of – it facilitates more dialogue about it as well instead of having one person making the sanctioning decision on their own. And to me that facilitates more accountability for the sanctioning.

*Jared Odessky*

00:45:13

I think having the Sanctioning Officer serve as an advisor obviously is going to create more work in terms of building up the institutional memory. That might be one concern but we have heard those suggestions.

*Abby*

Thank you.

*Danny*

00:45:29

Hi, my name's Danny. And I had three questions. The first question is I was wondering in the case of, you know, somebody filing a conflict of interest, and let's say the Rules Administrator or sometimes the Provost ends up saying yes, this is a legitimate conflict of interest. Is there a mechanism for replacing the person who has the conflict of interest from an Appeals Board or the Judicial Board?

*Zila Acosta*

00:45:55

Yeah. So the theory would be that you – they say if charges have been filed you're going to be having this hearing in two weeks, and then say this is the panel that's been randomly selected. Hopefully there would already have been a conflicts check at this point for what you listed as a conflict. Then at that point you or the – or any of the panelists can file conflicts of interest and say actually you may not think I know this student but I do, or you may not think I know this faculty member but actually this is my advisor and I don't want to be on a panel for my advisor. You file them and then another person is randomly selected to be placed on – from the pool. But that's – but that would be taking into account whoever is on the panel. So for instance if on the panel of five there's already two students you can't randomly select another student because there can't be a majority under the current Rules of any constituency.

*Jared Odessky*

00:46:46

But there would be a pool, so the Executive Committee at the beginning of the year would not just select five people. They would probably – I mean this has not been defined exactly.

*Zila Acosta*

I mean I don't know how many but I'm imagining quite a few people to make sure there's always – because there are significant time constraints to make sure this process moves, and people don't get dragged through it. So it needs to have a pool of people that would accommodate having kind of a hearing at that leisure. Do you know what I mean? So that's the first answer.

*Danny*

00:47:15

Another question I had was, I was wondering what the reasoning behind having an all-dean Appeals Board was. Was is the reasoning behind having an Appeals Board that's made up of all deans?

*Jared Odessky*

I didn't support it.

00:47:40

*Chris Riano*

So, you know, complete removal I think of any member of our community from this process I think was a mistake. I think because this process is for everybody, everybody should have the ability to be a part of this process. The key thing that we saw in the appellate stage was the fact that there's limited grounds for an appeal and there's also no ability for sanctions to be heightened at all. So I think that that is in some ways

some of the most protective work that we can do at that stage. That being said, that's a definite discussion point that we had in Committee back and forth constantly.

*Danny*

00:48:10

Right, so then why are there three deans on the...

*Zila Acosta*

00:48:18

I mean there's logic on both sides. There's been debate on both sides. So arguments on either side have been-- On one side people have said they want the -- wanted to look similarly to the UJB but maybe with a smaller board because in theory they're not deliberating as long, there aren't as many hearings. The grounds for an appeal would essentially be to lower your sanction or if there's new information. So that's kind of very limited. And so they'd really only be reviewing that. And on the other side there have been said, you know, you don't appeal to a jury of your peers, you appeal to experts who've gone through this process again and again and again. And so we're kind of more involved in that procedural aspect. So that's been arguments I've heard on both sides.

*Danny*

00:49:05

The last question was more about the nitty-gritty. I was just wondering, what is the difference between violation 10 which is a simple violation which says, "Entrance to a private office without authorization," and the serious violation, violation 11, "Occupation of a private office for one's own purposes."

*Zila Acosta*

00:49:29

So the difference is – it’s really the difference in language. So entering is very different than staying. For instance, I enter your office against your will and I’ve entered – and that’s the violation they want to bring to you. Whether you choose to stay and occupy it, it seems very technical but it’s true. Like are you going to stay here, are you going to stay here, are you going to have a sit-in, are you going to stay here all day for days on end staging a sit-in? That’s kind of the violation difference. Does that make sense?

*Jared Odessky*

00:49:59

I mean so from my perspective, you know, having that language distinction can be beneficial to someone going through this process, right? Because if we just had I think that, you know, a serious violation of holding or occupying an office having a simple violation of entering the office being the other, the flip side of that, is that in the hearing process you can argue or your counsel can argue that you only entered the office and were not holding or occupying the office, so you should get a simple violation, not a serious violation.

*Zila Acosta*

Or that it – you can only prove that you entered the office, how can you prove that you occupied it? If that makes sense.

*Abby*

00:50:43

Hi. Sorry, I just had another question that’s a little more specific. So for filing complaint it says, “Any member of the University who believes a violation of the Rules has been committed may file a written complaint

with the Rules Administrator.” So does this mean that technically like students can file complaints against administrators if they feel that they have like violated some of the Rules?

*Zila Acosta*

00:51:11

Yes. And that’s actually why it’s there, written in that form. So written can also mean e-mail. We had some debate about it, but essentially you would file a complaint and anyone can file a complaint against anyone explicitly, hopefully.

*Abby*

00:51:27

Okay. So then if, let’s say this complaint is dismissed and then somebody wants to appeal – can you appeal a dismissed complaint, or is appealing just if you want to change your sanctions?

*Zila Acosta*

00:51:43

You couldn’t appeal to the Appeals Board. You could appeal to the Rules Committee, that’s what it is, the Rules Committee.

*Jared Odessky*

Does it go to them? I don’t think there’s explicit language on that.

*Abby*

00:51:57

I’m thinking if like students brought a complaint against a dean and this was dismissed and they wanted to appeal their – like if they wanted to appeal so that – saying like our complaint shouldn’t have been

dismissed. If it was – if they were appealing to the – to the Appealing Board, whatever that’s made of, all deans, I feel like--

*Jared Odessky*

There’d be a conflict there.

*Abby*

It would be a huge conflict.

*Zila Acosta*

00:52:20

Would you want – like where would you want the appeals to go, like because obviously the Rules Administrator made a decision so the appeal wouldn’t go to them. But would you want it to go to the UJB, or would you want it to go to the Provost himself, would you want it to go to the Rules Committee? Like do you know what I mean?

*Abby*

00:52:39

I guess I didn’t think about it. But I guess wherever it would go hopefully it’d be a place that had like a mix of like students and administrators and faculty and like other community members.

*Christopher Riano*

00:52:49

I think that’s an excellent – I definitely would not want to see a situation- - And I don’t think this is the way it’s written right now, but I would – the point is well taken, I don’t think you’d want to file a complaint and have it dismissed and then go to deans if it’s about a dean. That absolutely makes sense.

*Michelle from Teachers College*

00:53:11

It's me again. What type of training does the panel go through? Like I know as a shop steward I've had to go through multiple trainings, you know, meeting with different people, whether from international, local reps, you know, and then a series of different types of training because I'll be dealing with different types of things. What type of training does the panel go through like once they're elected to sit?

*Zila Acosta*

00:53:37

So right now we don't have explicit language under this. In my mind, the way I envisioned it, would be that the University Senate Executive Committee would be the enforcer for getting – making sure that training occurred. For instance, they're the ones who would be the – like the confirmation body, so they would be the ones in charge of enforcing the training. And I imagine what the training would have to be is they need to be very – they'd have to be trained on these Rules, they'd have to be trained on the history, which there isn't much, to be frank, but history on what previous decisions have been made, what previous sanctions have been made. Right now it's limited because this would broaden the sanctions significantly, so this is kind of – the system hasn't existed, they've only – a handful of cases have ever been brought in twenty years so there isn't a ton on history for them to be trained on. They could just be trained on the Rules. And then one thing I ideally would like to see is being trained on what we as a community feel should be our guidelines. And that's something that I think is not something I would want to see in these Rules, it's something I would want to be more fluid, and something that creates like something more of a community dialogue around that. Because I think guidelines shift more quickly than rules that are going to stay here and are really difficult to amend. Do you know what I mean?

*Michelle from Teachers College*

00:54:55

So they would work in like the investigative aspect of it, like you know, for instance, the Dan who was here before who was asking about the rules of staying in an office. Now I'm thinking that could be a slippery slope because, you know, I've had in the past where I've debated with my professor, you know, maybe about the grade, and maybe it wasn't office hours when I'm in the office. Could he then, you know, turn around and say that I'm in violation and then bring me up on charges when it's something that's pretty much the norm for a lot of people?

*Zila Acosta*

00:55:30

So I think what [*we*] would ideally like to see is not only, like I said, training on what these Rules are, but also their intent and purpose. And that's why we added the affirmative statement because they're not meant to be used in that way. And you know, so that's kind of an intangible. It's hard to train people in values, you know, in that way, but I think it's important to make sure that's a part of the process. I also think it's important if these Rules were enacted to start creating an open record so people know-- okay, cases of this type have been adjudicated in this way and lead to sanctions of this nature, because right now there isn't that. And there isn't that in Dean's Discipline. That was a major complaint that was heard, which is why I think kind of creating a record that people have to be familiar with and know what to expect from a process is clearer.

*Jared Odessky*

00:56:20

I think we might benefit from language in here that just says training will be conducted and we will task somebody with helping to develop that training.

*Zila Acosta*

Like making someone responsible.

*Christopher Riano*

That's a good point.

*Audience Participant*

00:56:31

Hi. For sanctions to eliminate the question of the Board's possible lack of expertise, why can't the Board look at records of old cases? I was just under the assumption that they could do that themselves, and they don't need a separate, not-transparent system of having deans come in later on and impose the sanctions.

*Jared Odessky*

00:56:57

You're saying a concern about having the Sanctioning Officer be an advisor just because of that conflict of interest?

*Audience Participant*

00:57:03

Yes.

So why can't the Hearing Panel look at old cases to establish precedent and keep consistency rather than having to have the dean come in later?

*Zila Acosta*

00:57:15

There isn't much of a record, to be honest with you, right now. But you're suggesting that I think, as someone similarly suggested earlier, that the UJB have the sanctioning authority as well.

*Audience Participant*

Yes.

*Zila Acosta*

00:57:27

And then would you still want a Sanctioning Officer in any capacity like advising, or just eliminate--

*Audience Participant*

00:57:32

No, just eliminate the Sanctioning Officer.

*Jared Odessky*

00:57:34

So just having the Provost's Office maintain a record and produce it for the people on the panel.

*Audience Participant*

Yes.

*Jared Odessky*

Okay.

*Duni*

00:57:45

Hi. My name is Duni. I organize with Columbia Prison Divest. I was wondering, so I see like under the Enforcement section that you – the kind of rule about summoning a delegate is that the first person that is like contacted, if somebody thinks that a protest or whatever is in violation of the Rules, like you call Public Safety. Am I correct in like understanding that?

*Jared Odessky*

Could you say it one more time?

*Duni*

00:58:17

So it says here, “Summoning a Delegate: Should any member of the University believe that participants in an assembly or other demonstration are violating the Rules of University Conduct, he or she should notify the appropriate delegates by calling the Office of Public Safety.”

*Christopher Riano*

00:58:31

You could do that, you could have the Rules Administrator contact them too.

*Duni*

00:58:36

I’m just like wondering who makes the decision to call the NYPD, given that the NYPD was like called on black protesters last year during our die-in. And also like how you expect us – like how you expect black

students to trust this process, given the way that the Department of Public Safety routinely profiles us?

*Zila Acosta*

00:58:56

So my – there’s no call to the NYPD ever in these Rules, or in them as they currently stand.

*Duni*

Which is a problem.

*Zila Acosta*

Meaning – oh, you would want--

*Duni*

That you do not address it. I mean no, I hate the NYPD, that’s not what I’m saying.

*Zila Acosta*

No, no, I mean you want it explicitly saying they can not call.

*Duni*

There’s a clear link between Public Safety and the NYPD.

*Zila Acosta*

I see.

*Duni*

And not like not – like not including in here like who – who calls the NYPD, there’s like a lack of accountability in that the NYPD can be called and like nobody knows who did it.

*Zila Acosta*

00:59:27

So under these Rules they would link to the University Senate Rules, and those Rules state that for the NYPD to be called the University Senate Executive Committee must have a – must convene to take a vote, have a majority of that committee vote and then call the President to make that call. That’s – am I wrong?

*Senate staffer*

00:59:48

The President has to consult with the Executive Committee.

*Zila Acosta*

Of the University Senate. Oh, okay. So the President would have to do that call. There’s no language in this. It would be a call to Public Safety. But I hear like you’re suggesting including language of what their conduct can be once they’ve been called.

*Duni*

01:00:08

Well, yeah. But I’m also wondering like how you expect black students to trust any process where the first step is calling Public Safety when Public Safety profiles us.

*Jared Odessky*

01:00:15

So I think one possible correction in that case is to make it that if you are going to file a Rules complaint or summon a delegate you call the Rules Administrator first.

*Christopher Riano*

Call the Rules Administrator instead.

*Duni*

01:00:25

Sure. But also I'm wondering what kind of structures you can put in place so that like Public Safety and the Rules Committee are thinking about the ways that black activism is criminalized in ways that other kinds of activism aren't. But I guess that's like not a question.

*Zila Acosta*

01:00:40

No, I mean like meaning additional training, because like in an actual process like meaning additional training stuff, that's what you're suggesting, right?

*Duni*

Yeah.

Thank you.

*Becca*

01:00:59

Hi, I'm Becca. I guess I have two questions and then two like thoughts or recommendations.

So the first question was I know at other Town Halls we discussed what kind of evidence can be admissible in a hearing, such as I know Facebook messages and comments have been used before, and like what kind of media is permissible now, if you've changed it.

*Zila Acosta*

01:01:25

So what we didn't change – so we didn't – we debated about whether we wanted like explicit evidentiary rules, but I think what we instead decided to add was a standard that any evidence used against you, you need to have access to. So whether – we didn't add protections around eliminating certain things as evidence, but if anything is going to be...

*Jared Odessky*

01:01:49

The one thing we got on the side of what was eliminating the aiding or abetting clauses under the violations, so in the planning process for an event if you are using – no matter what form of communication you were using to plan an event, none of that would lead to a violation if it was put under the aiding or abetting charges. I think one open question perhaps, though, is the circulation of petitions.

*Zila Acosta*

Right, right.

*Becca*

01:02:13

I have another question. So you were just discussing previously to Alex's question how anyone in the Columbia community can raise a complaint basically against anyone else. But I haven't seen in these proposals any sanctioning possibilities towards administrators and faculty or any other members of the community, I just saw like suspension and expulsion and those kinds of things that would be for students. So like what would possible sanctions look like for administrators, faculty members, any other member of the community that isn't a student?

*Zila Acosta*

Suspension is also faculty, and admin, because they can be suspended from their role for a period of time. I believe there's...

*Jared Odessky*

Updating the language to say dismissal perhaps.

*Zila Acosta*

We can add dismissal, because that's essentially the same.

*John Mutter*

[Inaudible]

*Zila Acosta*

01:03:18

Also a lot of – for instance, obstructing access to University facilities, the community service, the no contact, it does right now include dismissal or restriction from University employment, so that would be obviously applicable to faculty and admin. Suspension would also, particularly for faculty, like suspended for a semester or other. And then the private and public reprimand, particularly the public reprimand, for an administrator I think is still applicable to an administrator and a faculty member.

*Becca*

01:03:53

Okay, great. I was just going to advocate for like more simple sanctions, or like less expulsion-y serious sanctions.

*Zila Acosta*

More simple sanctions?

*Becca*

Or like more – like less punitive sanctioning. I want punitive sanctioning for administrators, but I know that the administration would be apprehensive to like levy those, so if there were like more of those, like public call-outs or whatever you want to call them.

01:04:21

And then I guess I just have two recommendations.

01:04:25

So under Hearing Procedures it says that the respondent can request that their hearing be open unless there's like good cause that it be closed. I guess I just want stronger language there, because it says at the beginning that the hearing is a closed proceeding unless they request it. I guess just like making sure that in the process the respondent knows that that's available to them like right off the bat.

*Zila Acosta*

01:04:52

There's language that it's required that they be given notice that they have the option. But like language saying maybe a higher threshold than good cause, is that what you mean, like stronger language?

*Becca*

Yeah.

01:05:06

And then one last thing, I guess, going off of the question about the NYPD and Public Safety. I saw somewhere in this packet that if something is violating the Rules of Conduct there needs to be like papers handed out to the people, or like there needs to be like a warning sign, you know what I mean, like there doesn't need to be but there needs to be like a letter saying that this is what you did. I guess just like this might not be the right setting for this, I don't know like how much

jurisdiction you have over Public Safety, but I guess just like more transparency with regards to like how Public Safety responds to different protests, and like the specific actions that are taken at which points to like escalate the situation or deescalate the situation.

*Zila Acosta*

Thank you.

*Nikita*

01:06:04

Hi, my name is Nikita. I have two questions and it's possible that these were answered already. I wasn't here, so let me know if they were.

01:06:13

My first question is why was censure eliminated as a sanction for the serious and simple violations?

*Zila Acosta*

01:06:21

We just thought it was similar to a warning. If you feel differently...

*Chris Riano*

If you feel differently...

*Nikita*

01:06:28

I don't really know the difference between a censure and a warning, so I guess could you explain it?

*Zila Acosta*

01:06:33

There wasn't much of one, which is why we eliminated it. But if people felt they wanted to define censure and kind of – if they wanted a distinction or gradated levels of warning, that would be something. We kind of eliminated it just to simplify because no one really understood what censure meant and how it would be used in the same way, so we cut it out for that reason.

*Jared Odessky*

01:06:53

Also, the subcommittee working on the process adapted parts from the Gender-Based Misconduct Policy, and so the sanctioning was largely copied and pasted from there and then we went through eliminations of what would not be appropriate. So I don't think censure is listed there, which is largely the reason why it was left out here.

*Nikita.*

Okay.

01:07:11

And then my second question has to do with declining to participate. If a respondent doesn't participate, and I know on here it says that the investigative process could continue, that's not taken as an admission of guilt, correct?

*Zila Acosta*

No.

*Nikita*

Okay.

*Zila Acosta*

01:07:32

We can add language that explicitly says that.

*Nikita*

Yeah, I just want it explicitly there.

*Zila Acosta*

It's not.

*Christopher Riano*

It's a good point.

*Alex*

01:07:51

Hi, sorry I'm talking so much. So I just have one final question regarding like the decision to get rid of the external process altogether. I was wondering like the reasoning behind that, because I think one of the benefits of having the external process is just like feeling like there wasn't this huge conflict of interest between like – like having something like similar to the Dean's Discipline in the sense that it's like within like the University as opposed to being determined like by external parties. And I think that being able to have a public hearing kind of helps that a little bit, but I guess I still feel like it would've been good to have an external process. And I was wondering like what were the reasons that was gotten rid of altogether?

*Jared Odessky*

I think everybody has a personal opinion on that.

*Christopher Riano*

01:08:49

Well, in some ways – I mean one of the things that we did very early was to look at our peer institutions at our sister institutions. No institution uses an external process. So in some ways it was kind of an anachronism that never got used anyway. And so what you usually see if you look at universities is internal procedures, which is somewhat how we started to craft this procedure as well. And one of the things that we definitely didn't like was the fact that people could be pushed into either Dean's Discipline where there didn't seem to be accountability. And so in some ways this is kind the compromise that the Committee came up with.

*Alex*

01:09:25

Yeah, I guess, I don't know. I know that people had bad experiences with Dean's Discipline, and so I guess I feel like a little uneasy and like maybe kind of unclear. So just to clarify one more time, because it was asked earlier, this process would only be for people who directly violated the University Rules of Conduct. And Dean's Discipline is for any other thing basically?

*Zila Acosta*

01:09:55

So each dean has – so every school has different regulations and rules. And so their deans have complete jurisdiction over those rules.

*Alex*

Okay.

*Zila Acosta*

01:10:03

So the only thing it eliminated essentially is saying that you can't use these rules as a basis for Dean's Discipline.

*Alex*

Okay, okay. Thanks for clarifying.

*Katie*

01:10:15

Hi, my name's Katie, I'm a senior in CC. And I have a question about the composition of the UJB and the Appeals Board, because it sounds like there's a pool of people who are part of the UJB and a pool of people who are part of the Appeals Board. And there's language about like random selection of who is on each particular case. Can you please elaborate on the mechanism for that random selection process? It seems really crucial.

*Zila Acosta*

01:10:41

We haven't written it. In theory, I mean I honestly have envisioned this and I have no idea how the other Committee members envision it and how this would function. In my mind it would likely be half scheduling, everyone having – and then the respondent having preference for when they can go through the hearing and making sure that their schedule is not interrupted, and then finding from the pool of people who is available to serve throughout that process. And so there's a general pool. Obviously once you take out conflicts that eliminates a number of people from the pool, and then based on scheduling and pulling randomly everyone available, you know, kind of doing a check, who's available for this process at that time, not on leave, not on sabbatical, whatever it is,

and then just pulling randomly from that, ensuring the student gets pulled – like the student, the faculty member, the admin, and then a general selection from the second. Do you know what I mean?

*Katie*

01:11:39

Yeah, I understand. But let's say there are eight people who are free to be on a case. Who then determines who the five people are? And I'm particularly interested because of these two people who are not necessarily like students, faculty or administrators, how is that going to work?

*Zila Acosta*

01:11:54

So it could be forced because there's only so big a – I mean ideally the pool is very big, so that wouldn't happen. The way I envisioned it, ideally it's like thirty or forty plus for each category available at all times. Because I think that's kind of the minimum of what you need to get a group of people together to make sure this process moves forward in a quick fashion. But what would you like to see in terms of language?

*Katie*

01:12:18

Well, I would just appreciate a little bit of clarification about how these people are randomly selected. Is it like a computer algorithm, is it like – to make sure that it's really, truly random, or whether there should be some mechanism so that like let's say a student is going through this process, then maybe a second student should fill one of the two empty spots, something like that. I'm interested in some clarification on that end.

*Zila Acosta*

01:12:41

We haven't developed a mechanism at all. We've just ensured that – we've just discussed that it would be random, but I think that makes sense, including explicit language about that, and saying – do you have a preference, computer algorithm or...

*Katie*

01:12:54

No, not particularly. I'm interested in what – if the Rules Committee had talked about it and how...

*Zila Acosta*

01:13:01

We had. We wanted to ensure that it was random and that it wasn't someone selecting, I think these are the people that would be ideal for this panel based on whatever judgment they were making, they would actually be random. It would be – I think right now it would probably be within the Provost's Office, not the Rules Administrator, selecting it. But we can assign that somewhere.

*Katie*

01:13:22

Right. And I also just worry like if one student – if there's only one student who's randomly selected to be on the UJB if a student is brought with a case, like to me that doesn't...

*Zila Acosta*

01:13:32

Would you want to see more students?

*Katie*

01:13:33

Yeah, I would like to see two students if a student is brought – or I'd like to see two faculty members if a faculty member is brought, maybe two administrators if an administrator is brought, just to make sure that there's at least some sense of, you know, peers moderating. Thank you.

*Zoe*

01:14:03

Hi, I'm Zoe. I'm a senior in Columbia College. I just wanted to echo some of the concerns that have been raised so far about the sanctioning, hearing and appeals processes.

01:14:14

You know, as an activist who's been doing a lot of work around the process with regards to the gender-based misconduct policies, it really, truly feels like kind of a slap in the face to see so many of the failures of that policy being replicated in this new proposal, specifically having one Sanctioning Officer with like no accountability, we don't really know who that person is. They clearly like probably are not going to have professional expertise in these kinds of questions, and like very little way – there are very few ways to actually hold them accountable. So the Sanctioning Officer is of great concern to me and I think to everyone who's spent some time working with, or going through personally, a gender-based misconduct policy. Like that policy is failing, and I'm really concerned that by replicating it we're setting this one up to fail students as well.

01:15:03

I also really agree with the suggestion that was put forward about having increased representation of students or whoever the accused party is in the UJB and the Hearing Panel. I think that's really, really important. And I can not see a reason why the Appeals Panel should be all deans. It

seems irresponsible and again it's like setting it up to operate in a way that we know will probably end up being biased against students. So I'm wondering why, like can we get other people onto the Appeals Panel?

*Jared Odessky*

01:15:36

I actually have a question back, but I'll address that first. I think like we said, that's been an issue that we discussed extensively in committee, and this was some of the consensus that we came to. But I'm not going to say that that's not something that can be revisited or re-discussed again. I don't think that there is any perfect way to put a procedure together. I think that we're making progress towards something that's better.

*Zoe*

Right, but you'd never let the panel be three students, right? Like that's clearly a conflict of interest. Why would it be three deans? It should be a more diverse panel, otherwise it's setting it up to be biased.

*Christopher Riano*

01:16:13

No, that's fine. That's a perfectly valid opinion. But can I actually go back to a question that I have on the Sanctioning Officer. Can you say a little bit more about what you would think then that would look like? Would you rather see that within the actual panel, would you rather – like I'm actually curious.

*Zoe*

01:16:28

Yeah. I think either the home could be in the Panel, and I think some of the suggestions put forward about having that Panel review previous

cases to, you know, assess the precedent, and to work collaboratively with a diverse sort of body of voices is important. I don't know whether that needs to be the same panel that decides the hearing decision or whether there should be a separate sanctioning panel. I can reasonably see an argument for both. But the idea of having just one person do that is extremely problematic to me, and we've seen that that fails, usually to the disadvantage of vulnerable students, when it's been implemented here before.

*Zila Acosta*

01:17:02

Could you have an opinion about the makeup? For instance, if it was created that there's a panel that comes to a hearing like of guilty or not guilty, and then there's another panel that does the sanctioning. What would you want that second panel to look like before the appeals, just the sanctioning?

*Zoe*

01:17:18

Yeah. I mean I think that with the adjustment of increased representation based on the type of person that's being accused, the structure of the UJB kind of makes sense to me. It's a sort of diverse set of people but also, you know, if you increase the student representation if it was a student being tried, or increase the faculty representation if it was a faculty member being tried, that would make sense to me.

*Zila Acosta*

01:17:42

And this is a question for everyone. Did anyone have an opinion about whether – like do you think it's fine for the same people who came to that determination to make the sanction, or do you think it's like important to

have another panel? Do you know what I mean, like in terms of that opinion?

*[Inaudible woman.]*

*Man*

01:18:41

Just to respond to your question, one idea might be to have the panel offer a recommendation of what the sanction should be, and then there could be a Sanctioning Officer that looks at the recommendation. That's not – that doesn't directly address Zoe's point, but it's one layer of oversight where a student could say, you know, the Sanctioning Officer was way out of line based on what the Committee said.

*Jared Odessky*

01:19:08

But only if that was public record, right? I mean... That would only be – only if that was public record.

*Zila Acosta*

01:19:12

Yeah, it would have to be public at least to the people going through the process.

*Sejal Singh*

If we wanted the UJB to make that decision, if we wanted them to have access to prior cases. First of all, they already have access to specific information, by virtue of being on this panel, we're trusting them with it. So, we can give them access to prior cases, with names redacted or with appropriate measures taken into concern, those privacies if necessary.

*Zila Acosta*

Yeah. And then-

*Sejal Singh*

And if we think they're capable of making those decisions about whether or not someone's responsible or not then they probably should [inaudible]

*Zila Acosta*

01:19:56

And then also back to previous points, I think it would be important then for guidelines to be developed so that it's a little more explicit. So even – right now there is no case law, like in a legal sense there is no case law, so it would need to be developed over time. But yeah, absolutely, that makes sense.

*Zoe*

01:20:12

And I think one important piece of a proposal that rested – that relied on either recommendations or on guidelines or both, and probably all of these together, would be that if the Sanctioning Officer or the Sanctioning Panel or the UJB, whoever it ends up being, is going to sort of diverge from those guidelines, they need to offer an explanation in writing as to why they changed the sanction.

01:20:37

I have another question. So in the investigation and the hearing process, what kinds of records are taken? And if a student wanted to access those records either for preparation for their hearing, for consultation with legal representation, or for the possibility of suing the University, can they access those records, like can they get access to the transcripts and the investigation files?

*Zila Acosta*

01:21:03

Yeah, so it says that at the end you would be provided a transcript of all records, like whether it was closed or open, like you having gone through the process would get a copy of everything. And then it also says explicitly that any information can be subpoenaed and taken. So it's...

*Zoe*

But what about during the process? Like for example, in the gender-based misconduct policy you have the opportunity to review the investigative report and to review it with your lawyer. So how can you review like the evidence and all the materials in advance so that you can prepare with legal representation?

*Zila Acosta*

01:21:38

So we included language that said that you needed access to all evidence against you, but I guess a step further – I hear what you're saying as saying you need language of even the record and like the process as it's going forth, you need notice of at each point.

*Zoe*

01:21:53

And like there's a difference between saying "access," like the gender-based misconduct office will let people come in and look at the thing but often won't let them take it back with them to share it with their attorney. So that should be changed in that office, but also in this policy....

*Zila Acosta*

01:22:06

Saying like copies should be provided.

*Zoe*

Right, right. It's not like you can just go into this office and take a peek at it but then you have to leave it there.

*Zila Acosta*

Thank you.

Any other thoughts?

*Christopher Riano*

01:22:23

Well, so we're supposed to go until 6:00, but actually this could be good. So what we can do is we can just end the actual public part of the Town Hall. But one, two, three, four, five, six, seven of us are actually here and I don't think any of us are going anywhere. So if people want to speak with us, feel free to come down and we're happy to talk.

*Zila Acosta*

Thank you.

*Christopher Riano*

Thank you.

*Jared Odessky*

Thank you.