

October 6, 2017: Code of Conduct Community Feedback Session Notes

Faculty-Focused Briefing

Introductory Remarks by MC

- there has been no full scale review of student code of conduct since mid 1990s
- the current changes don't include honor code, appeals process, medical amnesty, alcohol policy, sexual misconduct policy, some other policies
- Fundamental question they were addressing with the revisions: what should we minimally expect from undergraduate students?

Process for writing the proposed new student code of conduct:

What has already happened?

- reviewed model codes
- committee drafted proposed language in spring 2017
- reviewed over summer by legal experts

What will happen now?

- Public comment ongoing until December 2017, qualitative analysis of feedback
- Committee will respond to public comments and revise
- Review by Judicial Council
- Public Presentation of Changes
- Final Approval (by who??)

Adam Goldstein (AG):

- Wake Forest - doesn't have a free expression code
- People are looking at student code of conduct for values and aspirations, but code of conduct is **minimum** expectations
- Need to define behavior that is not ok - for example, disruption of a faculty member's teaching
- May need to develop additional statements - for example, a free expression code to cover these other issues

Process

Question (S. Boyd): How was the initial drafting committee selected? Who chose the members?

MC: We asked Honors and Ethics Council to appoint someone - Christa Colyer appointed Erica Still; asked Judicial Council for appointments as well - but they appointed staff members (Doug Bland and Bill Wells); Dean Gillespie appointed Jose Villalba to represent the Dean of the College; all of the names of the committee members are on the website, and are listed here, taken from a letter to undergraduate students:

"In the spring of 2017, a broad-based committee of faculty, staff, and students suggested revisions to the Code. The committee was represented by the following individuals, with their affiliations at the time noted in parentheses:

- Johnny Petersen (Student, Board of Investigators and Advisors)
- Alex Fowler (Student, Board of Investigators and Advisors)
- Suyash Keshari (Student, Student Government)
- Doug Bland (Staff, Judicial Council)
- Bill Wells (Staff, Judicial Council)
- Paige Meltzer (Staff, Office of Diversity and Inclusion)
- Jose Villalba (Faculty, Office of the Dean of the College)
- Erica Still (Faculty, Honors and Ethics Council)
- Tanya Jachimiak (Staff, Title IX Office)
- Dina Marty (Staff, Legal Department)

- Allie Clayton (Staff, Office of the Dean of Students)
- Adam Goldstein (Staff, Office of the Dean of Students)”

Comment (S. Boyd): It is a 12-person committee but only one faculty member, Erica Still, - that’s a problem for faculty - we appreciate the opportunity to give feedback but elected faculty representatives need to be able to weigh in from the beginning

MC: Judicial Council members did get the opportunity to give feedback

Changes Related to Student Protest

Question (K. Gupta): Can you clarify the thinking that went into the changes to disorderly conduct and disruption of university activities?

MC: In the old/current student code of conduct, disorderly conduct and disruption were combined, we separated “disorderly conduct” from “disruption” in the new proposed code

Discussion of New Section on Disorderly Conduct [Section 2-12]

MC: In terms of disorderly conduct, we are not sure our language describes what we actually mean to describe - we want to make sure the language is prohibiting the kind of behavior we want prohibited (gave specific examples, such as screaming profanity at 2am in a residence hall)

Question: What would be the consequences for disorderly conduct?

AG: In the past, it was fines and community service, but they are rethinking this.

Question (M. Pisapia): Who can report students for disorderly conduct?

MC/AG: Anybody, but not all reports will be investigated/lead to charges.

Comment (M. Pisapia): It should be specified that the disorderly conduct section is about disrupting other people’s sleep patterns, etc., basic human decency in terms of living in community and isn’t about political expression; right now it is not clear that it isn’t about political expression.

Discussion of New Section on Disruption of University Activities [Section 2-13]

MC/AG: This language was not intended to be about student protest.

Comment (K. Gupta): This language is directly related to political expression/protest. What else could it be talking about?

Question: If this is not intended to target student protest, what exactly is the targeted behavior you are trying to prohibit with this section?

Question: If students want to protest, is there any way they could do it that would not be in violation of this policy?

MC: Yes, we understand that without a free expression policy, it is hard for students to know what is acceptable behavior or not; but in terms of this policy, we have included the term “**substantial**” (behavior must substantially disrupt university activities), this will limit the scope of the policy.

Comment (T. Ramachandran): There are very few ways that students have to express their opinions, this language seems to target exactly those marginalized students who don’t feel included and feel the need to challenge the institution. When you drafted these policies, maybe you should have consulted groups like the Black Student Alliance and other students who feel marginalized by the university and not just those who are in the dominant majority.

AG: This is why we are having an extended feedback process.

Question (M. Browers): What is your specific process for collecting and acting on this feedback? What is your specific methodology?

MC: We are planning to have some graduate students analyze the notes from listening sessions and one-on-one meetings and online feedback, but can't be more specific right now.

Comment (S. Boyd): I would like to recommend that the drafting committee is reconstituted to include more faculty members (half or more). I recommend consulting the Collegiate Senators for suggestions of faculty to include on committee.

Question: Is there is a faculty code of conduct? Are faculty allowed to engage in protest behaviors that students are not?

AG/MC: No/we don't know.

Comment (S. Hogan): This language could have prohibited protests such as the peaceful protests against Betsy DeVos at Harvard and the student protests against the white power march at the University of Virginia - why is this language being developed now in a year of campus activism in reaction to a surge in the social acceptability of hate speech? It seems to be sending a clear message that Wake Forest discourages political activity on the part of its students.

Comment (J. Norris): The administration needs to release a strong statement against hate speech. I do not think people should be able to espouse hate speech on this campus. Students should be allowed to disrupt the hateful speech of others.

Question (S Boyd): Rather than prohibiting specific behaviors, are there principles that could be used to inform these policies? For example, violent protest could be prohibited but non-violent protest allowed?

Comment (K. Gupta): The use of the term "substantial" needs to be clarified and included in more places in this section. If that term is really intended to limit the scope of the policy, it needs to be highlighted and elaborated.

MC and AG: Chalking would not count as "substantial" interference with admissions related activities.

Question: The sections on harassment and discrimination [Sections 2-24 and 2-25] includes some of this aspirational language - is there way to integrate these sections with section 2-13?

MC: Yes, we hear that we need to rethink some of this. Yes, there may be a way to integrate the harassment/discrimination sections and the disorderly conduct/disruption of university activities sections. Yes, we need to think about the term substantial. We also need to think about the verbs we are using in the disruption of university activities section - the verb "interfere" is used a lot, but we may need to use a stronger verb. We also know that just because current administrators would not abuse the policy, if the policy is not clear, future administrators could extend its scope to target political protest.

Harassment Section

Comment (T. Ramachandran): Gender is missing from the harassment section.

Tanya Jachimiak: Any gender based harassment would be covered by sexual misconduct policy, we don't necessarily want to duplicate policies

Comment (K. Gupta): Maybe the sexual misconduct policy should be renamed "Sexual Misconduct and Gender-Based Discrimination/Harassment," and that should be reflected also in language of Section 2-24 and 2-25 of the new revised Student Code of Conduct.

Final Notes

Question (K. Baxter): Who will give final approval to the policy?

Answer? VP Penny Rue and HEC?