

Committee on Student Life
Annual Report 2013-2014

To: The Faculty of Arts, Sciences, and Engineering

From: Alva Couch and Haydn Forrest ('14), co-chairs, Committee on Student Life

This has been a busy and productive year for the Committee on Student Life, as it engaged with many issues of high importance to the Tufts Community at large.

Policy on Recognition of Religious and Philosophical Organizations

We began the year by revisiting the 2012 policy on recognition of student religious groups, amid many concerns expressed by members of the Tufts Community Union, student groups including Coalition Against Religious Exclusion (CARE), faculty, the Tufts University chaplaincy, and the Equal Educational Opportunity Committee. Several students joined the committee in order to urge reconsideration of this policy. The 2012 policy allowed "justified departures" from the Tufts University non-discrimination policies "on doctrinal grounds." The key argument against the 2012 policy was that any departure from the non-discrimination policies, as codified into the Tufts Community Union Constitution, provides a sanctioned way to discriminate against students, including discrimination based upon religious views. Another argument against this policy is that student groups should be places to learn about religions rather than simply to practice them. The chaplaincy expressed the opinion that there are no justifiable departures for religious and philosophical student organizations.

The outcome of our discussion was to modify the 2012 policy into a new form, with the following features:

1. There are no "justified departures" from Tufts non-discrimination policies. All groups -- including student religious organizations -- must comply with these policies. Thus, all student organizations are open to "all comers" and democratically governed.
2. The policy is extended to cover "Philosophical Student Organizations". This change more accurately reflects the full scope of student groups on campus whose mission is personal development and fulfillment.
3. The 2012 requirement for transparency of mission for student organizations was kept and strengthened.
4. The role of the chaplaincy in recognition decisions was clarified; the chaplaincy serve as advisors to the TCUJ in the recognition and re-recognition processes of SRPO's, but does not make final decisions.

This policy was approved by the CSL on December 6, 2013.

Sexual Misconduct Appeals and Title IX Compliance

Another basic thread of committee discussion was to attempt to put judicial processes for Sexual Misconduct into compliance with the spirit of Title IX of the Education Amendments of 1972 that -- among other provisions -- dictates the handling of any sexually-based harassment or discrimination in institutions receiving federal funding. A best practice process for handling Title IX complaints (including sexual misconduct and sexual harassment) has been implemented by the Office of Equal Opportunity and is used by all Tufts schools. Their practices include an appeals process that is both a best practice and very different from the appeals process in the CSL and Judicial Handbook. However, according to the bylaws, the CSL was at this time the board of appeal for all misconduct, including sexual misconduct.

The CSL voted unanimously on Oct 25, 2013 to change the bylaws for the CSL to direct sexual misconduct appeals to the OEO rather than to the CSL. This bylaws change was approved by the full faculty of Arts, Sciences, and Engineering on March 5, 2014.

Student Group Recognition Appeals

The committee also received four appeals of student group recognition decisions of the TCUJ. These appeals all lacked sufficient grounds for appeal, and indicated to the committee that there is not enough explanation of the appeals process. Groups were arguing more along the lines of being unhappy about a decision, which is not grounds for appeal, rather than appealing to the specific criteria that the CSL utilizes. However these criteria were not publicaly available, or at least readily accessible enough to be utilized by the student population at large.

The chairs crafted a policy document explaining the grounds for appeal and how to make an appeal. The document also distinguishes between appeals of a specific decision -- on grounds of lack of fair process -- and grievances against the process itself -- which are not the same as appeals and do not affect current outcomes. This document is pending for approval by the committee at this time.

Disciplinary Appeals

The committee heard one disciplinary appeal on the grounds of severity of consequence. The charge was "streaking" and the penalty was suspension. The committee reduced this penalty to "Probation II for two semesters" and emphasized that this was based upon the salient features of the appeal and does not represent a change in the Code of Conduct policies.

Review of the Code of Conduct

Upon the request of the upper administration and the Dean of Students, the committee undertook -- but did not complete -- a comprehensive review of the student Code of Conduct which specifies the nature of disciplinary violations and their penalties.

Academic misconduct

The committee sought input from the Educational Policy Committee on the penalties for academic misconduct that the EPC originally crafted. A subcommittee of the EPC reported back several potential changes, including lessening the penalty for possessing prohibited devices -- without using them -- during exams. The CSL has discussed these recommendations in detail, and the chairs will write a response to the EPC for consideration in the fall.

Identity harassment

Although there are penalties for aggravated forms of discrimination including harassment and stalking, the current code of conduct has no specific penalties for bias incidents, hate speech, and other forms of “identity harassment”. The CSL sought the help of the Equal Educational Opportunity Committee (EEOC) in determining what kinds of discriminatory behaviors should be subject to disciplinary action. This led to a statement from the EEOC on “Identity Harassment” that -- in the opinion of University Counsel -- should be part of the University’s policies as a whole. If this is adopted as University policy, “identity harassment” as defined by the EEOC will likely fall into the same category as sexual misconduct under Title IX, and will require the same kind of process. At present, any appeals of Identity Harassment will be handled by the CSL; directing them to the OEO would require another change of the bylaws.

Crosswalks and comparisons between disciplinary penalties

The committee also considered the disciplinary penalties for the code of conduct as a whole in the last meeting. Proposals were crafted by individual committee members and small groups concerning the relationships of academic misconduct, social conduct, and misuse of University resources. The committee identified several ambiguities in the current policy and discussed changes without coming to consensus on the changes to be made. This task will hopefully be completed next year.

Future Business

We expect that the review of the comprehensive Code of Conduct will continue.

As well, there is another issue that concerns us and for which future action may be necessary. The potential inclusion of identity harassment under Title IX as a University policy puts this behavior in the same category as sexual misconduct, though appeals of disciplinary decisions would still be sent to the CSL rather than the OEO. The committee needs to consider whether Identity Harassment appeals should be redirected to the OEO along with sexual misconduct appeals, which would require yet another change of the committee bylaws.

This is more controversial among CSL members than the decision on sexual misconduct because of the perceived need for careful calibration and recalibration of the definitions of infractions and penalties, and the belief that students and faculty should have a voice in such decisions via the CSL. On the positive side, the OEO process is in place and ready to be used, but the committee has serious concerns about directing all appeals to the OEO. Committee faculty believe that improper implementation of “identity harassment” penalties could severely impact the faculty’s ability to teach critical thinking and effectively engage students in classroom discourse. Directing cases and appeals of “identity harassment” to the OEO would effectively removes the rules and penalties from committee oversight, and prevent the committee from having any voice in governing those rules and penalties.

The reason for these concerns is that the CSL appeals process actually accomplishes more than simply processing appeals; it is the primary mechanism whereby disciplinary infractions and penalties can be challenged and recalibrated over time. An appeal decision sets a precedent that is followed for subsequent cases of similar severity. Directing appeals of identity harassment cases to the OEO removes the CSL from the ability to recalibrate penalties, for a part of the code of conduct for which definitions of misconduct and penalties remain controversial and that has a direct impact upon the lives and educational experiences of all students and faculty. Thus, the CSL believes that the committee should retain oversight over these rules and penalties.

The way forward on this issue remains unclear.

Respectfully submitted,
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