

TO: THE EXECUTIVE COMMITTEE

FROM: THE COMMITTEE ON STUDENT LIFE

DATE: OCTOBER 31, 2007

SUBJECT: YOUR REPORT

First of all, CSL wants to thank you for undertaking and making public the results of your investigation of our involvement with the complaint against The Primary Source and the Administration's response to our actions.

Second, regarding a number of particulars in your report, we want to provide a clarification, a question, and a suggestion.

(1) Your report states that *"there is conflicting language between the handbook and bylaws regarding whether the CSL can hear cases referred by the Dean of Students OR CSL can hear appeals of a prior ruling by any Dean or other governing/judicial body. However, the history of such cases indicate that the CSL has assumed the position of being the first judiciary body to hear complaints without having to appeal, or wait for, a ruling from the Dean of Students."*

On p. 34 of the 2007-08 Student Judicial Process Handbook (replicating what was in last year's handbook, which was operational at the time the Primary Source case was heard), it states, first, that *"The Dean of Student Affairs Judiciary hears cases against individuals or groups of individuals (but not against student organizations),"* and, second, that *"The Committee on Student Life has jurisdiction over complaints against student organizations (except fraternities and sororities) and appeals of decisions made by the TCU Judiciary and the Dean of Student Affairs Judiciary or the Judicial Affairs Officer."*

On this basis CSL served as the first judiciary body, because the two complaints were brought against a student organization, The Primary Source.

(2) It is apparent from the 2007-08 Student Judicial Process Handbook, pp. 19-21 (again, the same language was in last year's handbook), that *"An appeal of a disciplinary decision, regardless of which judiciary or University official issued the decision, must fall into one of the following categories:" Denial of Fair Process, New Evidence, or Severity of the Consequence.* The Primary Source appealed on the basis of Denial of Fair Process, and Dean Glaser readily admitted, in his meeting with the faculty members of the CSL Hearing Panel during the summer, that because there was no transcript of the hearing and he had not been present at the hearing, he was in no position to rule on the appeal as filed. We surmise (since the Dean never made this explicit) that he heard the appeal anyway under the heading of "Severity of the Consequence," since it was the consequence that he overturned. Setting aside the technicality that he considered the appeal on a different basis than the one under which it was filed, we want to point out that, when CSL hears

appeals on the grounds of “Severity of the Consequence” and is persuaded that a given consequence is unduly severe, we normally impose a new consequence that we feel is appropriate to the offense. Dean Glaser did not overturn our findings against the Source of guilt for the offenses of harassment and creation of a hostile atmosphere, however he removed our consequence (the byline requirement). Since he was in a position to impose a new consequence, or to refer the case back to CSL to revise the consequence, does this mean that he determined that there should be no consequence for these offenses? Or did this piece just get lost in the “politicization” of the case?

(3) In the Recommendation with which you conclude your report, you state: “*The Executive Committee recommends that any potential changes to existing policies on harassment be conducted in full consultation with appropriate faculty committees and members of the Tufts community.*” We fully concur, and we urge the Executive Committee to take further steps to ensure that this happens. Would you be willing, on behalf of the AS&E Faculty, to request that President Bacow and the Board of Trustees recognize that Free Speech and Freedom from Harassment are closely intertwined issues, and that they refrain from taking a vote on policies relating to Free Speech and Protections from Harassment until there has been a thorough discussion of these complex and interrelated issues within the full Tufts community (remember that, at this moment, the President has only stated to you that there will be no vote at the November 3rd Trustee meeting)? This process should include, but not be limited to, the university-wide committee that the President is said to be putting together. In particular, since these policies will most profoundly impact the undergraduates in the Schools of Arts and Sciences and Engineering, and, indeed, the circumstances in the undergraduate schools are in many ways quite different from those in the graduate schools, we feel strongly that the Committees on Student Life and Equal Educational Opportunity—committees that are mandated by Faculty Bylaws to concern themselves with these issues and play a part in the creation and implementation of the values and rules of the community—should be given a prominent role in generating a discussion of these issues within the AS&E community, and should subsequently make recommendations to the university-wide committee that represent the concerns, views, and values of these schools.