Student Rights and Responsibilities Chair Kim Floyd brought the monthly meeting to order at 9:02 a.m. Members participated via teleconference.

Members Present:
Ameri, S. Hauser, D. Kerr, P.
DeMarco, F. Hines, S. Komisaruk, A.
Floyd, K. Hunt, C. Puette, E.
Sowards, A. Wayne, S.

1. Chair Floyd presented the minutes from the October 10, 2022 meeting of the Student Rights and Responsibilities Committee for approval.
   Motion carried by unanimous consent

2. Report from Student Rights and Responsibilities Chair (Kim Floyd)
   a. Committee has been given the freedom to determine purpose and direction by Faculty Senate
      i. Current charges can continue or be modified
   b. Committee revived out of a desire for have a dedicated group paying attention to the student code of conduct and to review the faculty advisor role
      i. Intent is for a group perform a focused review of the faculty advisor role and if or how Faculty Senate should be involved

Member: If a student has committed a misdeed, how is a faculty advisor intended to guide the student regarding the transgression?
Floyd: If a student is assigned a faculty advisor (they are always able to hire an attorney), the faculty advisor provides guidance on the process, what the outcomes might be, and give suggestions to the students or on the student’s behalf in the hearing and related to any sanctions.

Member: Who would the faculty advisor be facing in these cases?
Floyd: If it is an academic integrity issue, then it would be a student facing the Office of Academic Integrity. In a Title IX case, then it would be a claimant and a respondent. Both individuals would have the opportunity for a faculty advisor or an attorney in that case.

Member: Who makes the decision?
Floyd: There are selected adjudicators that are separate from the institution that have been selected to review the cases. They are trained specifically for Title IX cases.

Member: If a student loses a case wrongfully due to the faculty advisor not providing appropriate guidance, could the faculty member face legal action and would the University defend that faculty member?
Floyd: I will seek an answer to that question and see if there have been any examples of that.
**Member:** Could the student forfeit the ability to hold the faculty member liable for any damages when agreeing to have one?
**Floyd:** The students are required to sign a form or waiver. We can seek the specifics to discuss within the committee.

**Member:** How many students or cases would be assigned per faculty advisor?
**Floyd:** It depends on how many cases are elevated. I am a faculty advisor and I’ve only had one each year.

**Floyd:** Perhaps we can seek getting Jill to attend the January meeting to discuss some of these questions.

**Member:** If I serve as a faculty advisor to a student or to two students, can there be assurance that there will not be any negativity from the institution directed at me if I assisted a student in winning a case?
**Floyd:** I personally have not experienced any negativity from the institution related to my cases. Two of my cases were involving staff members and I never experienced any pushback.

**Member:** Are you required to go through training?
**Floyd:** There is specific training that you must take as a faculty advisor. I’m not sure if it is annual or not.

**Member:** I want to make sure I understand the potential scenario: if we as a committee were to be serving as faculty advisors, it is possible for committee members to be pitted against each other, correct?
**Floyd:** That is correct.

**Member:** As part of the training, I wonder if there could also be a code of ethics or conduct, something that everyone agrees to adhere to, as a foundation of what students can expect out of any faculty advisor. Certain response time frames, meeting, or similar.
**Floyd:** If you go to the Student Conduct website there are some resources along those lines. As a faculty advisor you do sign a form that shows what you are agreeing to do in that role.

**Member:** Are there are requirements regarding confidentiality?
**Floyd:** The form does describe the confidentiality and expectations related to.

**Member:** Can the student hire an attorney at any time?
**Floyd:** Yes, the student can opt to have an attorney at any time. Similarly, a student can opt to discard their legal representation and seek a faculty advisor at any time.

**Member:** Is the goal to save the student money?
**Floyd:** Part of it is having someone that can walk a student through the process and support them. The other part of it is to ensure equal support for those students that may not be able to afford an attorney.

**Member:** How many hours of time would a faculty member expect to contribute to each case?
Floyd: That varies widely depending on each individual case and the severity of alleged transgressions.

Member: This sounds like the role of an attorney. Is this an attempt to save the university money? It seems to place faculty in a very odd position where a faculty member is working in a pseudo-legal role. I feel we would need legal to weigh in on the individual liability associated with this.

Floyd: The university cannot hire legal representation for the student because the university is bringing the case against the student. As a result, hiring an attorney to represent the student would be a conflict of interest. The institution could, in theory, hire legal representatives to specifically serve that role and that role alone, but they have not opted to do so at this time.

Member: I think it would be best for us to examine our institutional peers to see other models. Floyd: Yes, and I believe that is why one of the primary charges was given to us regarding that from Faculty Senate.

Member: I have concern over the limits of protection from any legal repercussions. This role sounds a lot more than an advocate and much more like legal representation. Example would be, are we expected to advise the student to not answer certain questions to avoid self-incrimination? I agree that it makes me wonder what other institutions are doing and what legitimate legal concerns there are.

Member: If a case does go to the hearing/trial process and in your experience being an advisor, can you be called to testify?

Floyd: I cannot be called to testify even in a civil suit. Any conversations I have with the individual are considered confidential.

Member: They may be confidential, but they are not privileged. A faculty member could be subpoenaed regarding that, couldn’t they?

Member: There are cases I see where a student pursued legal action against a board or university, which is the situation where I can see a faculty member potentially being in a compromising position.

3. Discussion on Faculty Advisor role
   a. A copy of the training presentation has been requested so that it may be shared with the committee
   b. A typical hearing process would follow this process:
      i. Pre-hearing to discuss the roles, process, and set a hearing date
         1. Faculty advisor would set a list of witnesses or evidence that they would like present at the hearing
      ii. If it is a Title IX case, the university has a dedicated investigator that will handle the entire investigation process, after which the student and faculty advisor would receive a copy
      iii. At the hearing the adjudicator will introduce the case and all evidence that has been collected. They will then introduce witnesses, who may be examined and cross-examined by both sides
iv. The hearing ends with closing arguments from both sides
v. The adjudicator has ten days to make a ruling
vi. Any sanctions must be determined within five days of a decision and are
required to consider the evidence presented and severity of the
transgression
vii. Students may make an appeal on the decision or on the severity of the
sanctions
   1. All appeals go to the Dean of Students. Should the appeal be
      upheld, the hearing process will start over
c. Chair Floyd requested a small work group to review how Big 12 schools are
   handling this process and report back to the committee
   i. Samuel Ameri
   ii. Stefanie Hines
   iii. Ashlee Sowards
   iv. Kim Floyd
   v. Corey Hunt will create a list and assign schools to the volunteers
d. The committee will tentatively plan to present information relating to faculty
   advisors and the committee recommendation on further action at the April 24th
   Faculty Senate meeting

4. Committee Work Group Discussion
   a. Student Code of Conduct
      i. Committee Members:
         1. Liz Puette
         2. Patrick Kerr – If agreed
         3. Erin Kelley – If agreed

5. No new business

Chair Floyd adjourned the meeting at 10:05 a.m. to reconvene at a to be determined date and
time in January.

Corey Hunt
Faculty Senate Office Administrator