

To: Student Government Association (SGA) Senate and the Skidmore Student Community

From: Petria Fleming, SGA President

Date: 04/18/06

Re: SGA's Mandate Concerning the Skidmore College Integrity Board (IB) in an Honor-based Justice System

Since 1999, the Integrity Board has undergone radical transformation without the consent of students. The Student Government Association respectfully requests that the Dean of Student Affairs acknowledge that Integrity Board is a *Student Government Association Committee*. Therefore, all policy that has implications for the Integrity Board must be passed by the SGA Senate. Additionally, changes to the structure of Integrity Board are first passed by Senate and the Student Body (in an all-campus vote). The Faculty Executive Committee and the Institutional Policy and Planning Committee (IPPC) also vote on such changes. From 1999-2001, significant changes to the philosophy and structure of Integrity Board *did not receive consent from any of these bodies or their predecessors (CFG and IPC)*.

At the end of the 2005 Fall semester, the SGA Executive Committee charged a sub-committee of the Honor Code Commission with the examination of restorative justice and honor at Skidmore College. This committee is chaired by Amelia Crane '06 and has the following additional members: Stephanie Block '08 (IB member), Stephanie Cruz '06 (IB Co-Chair), Adam Peresman '06, Matt Cronin '06, Caitlin Bannon '06 (IB member), Lindsey Smith '07 (Honor Code Commission) and Charlotte Underwood '08 (IB member). SGA had hoped that this sub-committee would produce a report that had investigated the relationships between honor and restorative justice at Skidmore College. Due to complications in scheduling, this sub-committee will not be able to produce a report by the end of the 2005-2006 academic year.

In lieu of a report from the Honor Code subcommittee, the Executive Committee sees the need for Senate consideration of such fundamental questions as honor, justice, and student voice at Skidmore. First and foremost, Senate should consider the broad question of the need to maintain and strengthen student voice in general, the tension or possible contradiction between the judicial philosophy of restorative justice and the judicial philosophy inherent in an honor code, the policies and procedures currently in practice, and the Integrity Board. The Executive Board wishes to draw to the Senate's attention the following facts and statements:

- As an SGA Committee, the Integrity Board receives its authority from the SGA Constitution and from Part Three of *Faculty Handbook*.
 - The Integrity Board is established in Article IX of the SGA Constitution.
 - Changes to the policies, procedures, and philosophies of SGA institutions require a vote from the SGA Senate.

- Larger changes to the SGA Constitution (i.e. regarding membership, representation, structure, and mission of SGA institutions) require a vote from the SGA Senate and the Student Body.
 - Part Three of the *Faculty Handbook* is subdivided into two sections: all-college committees are listed in section I, and SGA committees are listed in section II.
 - Currently, the Integrity Board is the *only* SGA Committee listed in Part Three of the Faculty Handbook.
 - Changes to Part Three of the *Faculty Handbook* require approval by the Faculty Executive Committee (FEC), IPPC, and the SGA.
- In Fall 2005, FEC brought forward a motion requesting reconstitution of Integrity Board as an all-college committee. SGA would have lost its mandate over Integrity Board, if this motion had passed. The rationale for this motion noted that the Appeals Board is an all-college committee. In an e-mail dated 09/30/05, The SGA Executive Committee responded to FEC as follows: “While understanding FEC's rationale to make Integrity Board an all-college committee, the Executive Committee of SGA would like Integrity Board to remain under the purview of SGA for the 2005-2006 academic year. One goal of 2005-2006 Executive Committee Action Agenda is to create a tri-partite-structured, but student-chaired initiative committee that will examine honor at Skidmore. Since the Integrity Board and honor are inherently linked, SGA would like to continue to have control over the governance of the Integrity Board when examining this issue.”
 - The Preamble of the SGA Constitution states, “We, the students of Skidmore College, operating under the authority granted by the Board of Trustees, unite in the formation of the Skidmore College Student Government Association.” This authority, granted by the Board of Trustees, extends to SGA’s institutions, including the Integrity Board. Historically, judicial power has been vested in the Student Government. From 1925-1926, the judicial power was vested in the College Government Association (SGA’s predecessor) in Article VI of its constitution.
 - From Spring of 1999- Spring 2000 an Honor Code Discussion Group, chaired by Don Hastings, met to evaluate the Honor Code and Judicial System of Skidmore College. SGA recognizes that this group was also formed to discuss the lack of student involvement with the judicial process. There was student representation on the discussion group that included Abby Swormstedt, the Honor Code Educator at the time.
 - In Spring 2000, the Honor Code Discussion Group voted to streamline the Academic and Social Integrity Boards into one Integrity Board. While there had been open forums hosted by the discussion group, the Student Body did not vote on this change. Since the streamlining of Integrity Board is a structural change, it ought to have been voted on by Senate, the Student Body and the Faculty. This

Fall 2005, Senate, the Student Body, and the faculty finally voted to streamline the Integrity Board. However, the *Student Handbook* was changed back in the 2000-2001 academic year without this consent. The *Student Handbook* does not concern governance structures of the College.

- In Spring 2001, the Honor Code Discussion Group voted that a restorative justice philosophy be followed in the processes of the Integrity Board. SGA recognizes that there was some community discussion (a presentation in the 2000 academic festival and two open forums in the Spring of 2000). However, a resolution was not brought to Senate concerning this philosophical change.
- Restorative justice presents complications for a system that values Honor. The honorable community is a *vertical* system in which there are honorable and dishonorable people, defined by honorable and dishonorable actions. Honor demands that its citizens look *up*, beyond themselves. Honor requires all to be more than autonomous individuals. Honor moves its citizens towards a life of self-sacrifice and dedication to the common good. The restorative justice model is reconstructed as a *horizontal* system, valuing the victim's, offender's, and the community member's individual human experience over and against a universal notion of Honor. "Educational" and "rehabilitative" experiences are valued over and against a universal code of ethics, which become impossible in such a system. Even codes of conduct are viewed within the context of human experience. Yet Honor extends beyond personal experience.
- A section of the 1999-2000 *Student Handbook*, "Skidmore Judicial Structure," states,

The College Administration in conjunction with the Student Government Association, has established the following boards to implement the Honor System: The Academic Integrity Board, the Social Integrity Board, the Administrative Board, the Board of Appeals and Honor Code Commission."

In 2000-2001, this statement was changed to state,

The College Administration in conjunction with the Student Government Association, has established the following boards to implement the Honor System: as approved by the Student Government Association and the deans of the College, the Academic Integrity Board and the Social Integrity Board will be combined into a single "Integrity Board" for the academic year 2000-2001. The success of this revised system will be reviewed toward the conclusion of the year...

SGA never officially voted on these changes. Furthermore, the 2001-2002 *Student Handbook* was changed to state,

The dean of student affairs in conjunction with the Student Government Association establishes and Integrity Board...

The “dean of student affairs” replaces the “The College Administration.” In addition, the section on the “College Judicial System” of the *Student Handbook* was changed extensively and included the following new statement:

The Student Government Association (SGA) appoints student members of the board, the Committee on Faculty Governance (CFG) appoints faculty members of the board, and the DOSA [Dean of Student Affairs] appoints staff members to the board.

SGA recognizes that the Dean of Student Affairs is vested by the President of Skidmore College and the Board of Trustees to be administratively responsible for student discipline. Yet, SGA also contends that the Integrity Board is listed as an *SGA Committee* in the Faculty Handbook. SGA’s authority is not limited to appointing representatives to the Integrity Board.

- The 1999-2000 *Student Handbook* describes the duties of the Judicial Council (JC):

The Dean of Studies serves as JC to the AIB (Academic Integrity Board), the Assistant Dean of Student Affairs serves as JC to the SIB (Social Integrity Board), the Dean of Studies or the Assistant Dean of Student Affairs serves as JC to the AHB (Administrative Hearing Board) and the Dean of Student Affairs serves as Chairperson to the BOA (Board of Appeals).

The Judicial Counsel serves as the College community resource person for matters regarding hearing policies and procedures and the College judicial process. The JC receives violation reports and acts as the complainant’s advisor in the preparation of a case hearing. In this role, the JC helps the complainant and presents the case to the respective Board on behalf of the complainant. It is the obligation of the JC to provide the main pieces of information to the Board at the time of the hearing. The JC does not participate in the Board’s deliberative process or in the final decision. The JC acts as Administrative Advisor to the Student Chairperson, ensuring that hearing procedures are properly followed.

Although, the Judicial Counsel is non-voting member of the Integrity Board, this position is described as integral to Integrity Board proceedings. The JC ought to be listed as a non-voting member of IB in the SGA Constitution and in the *Faculty Handbook*. This position is not listed in either of the documents.

- As indicated in the current *Student Handbook*, college staff that serve on Integrity Board are currently chosen by the Dean of Student Affairs. There is no indication

in the SGA Constitution or *Faculty Handbook* that this is the official process in choosing college staff.

- In a “Statement of Concern” dated 9/10/01 to Pat Oles, Don Hastings, and Jon Ramsey, the SGA Executive Committee writes, “Since December of 2000, the Student Government Association (SGA) has agreed to some modifications to the Integrity Board in order for Professor David Karp to have enough flexibility to put the notion of a restorative justice approach into effect. It now seems that this agreement and extension of good will has been violated and disrespected.” Among other concerns, the Executive Committee states, “It has been made clear on numerous occasions that Professor Karp either disrespects or does not fully understand the Willingness-To-Serve process as established by SGA. As was explained in great depth last December, this is not a rubber stamping function.”
- SGA does not have any current concerns with Professor Karp’s interactions regarding the selection of IB representatives through the Willingness-To-Serve process. However, in a response to Keith Kershner and the Executive Committee (dated 9/18/01), Pat Oles writes, “As you know, selection is the only constitutional responsibility SGA has relative to IB.” He goes on to usurp SGA’s authority to determine the philosophy and procedures of the Integrity Board: “I remind you...that the philosophy and procedures of the integrity board are in the province of my office. I work diligently to involve students thoroughly and fairly in developing those procedures because judicial affairs is a powerful educational opportunity, but the final decision about the philosophy and procedures of the campus judicial process are mine.” We wish to reaffirm to the Dean of Student Affairs that, to the contrary, the Philosophy and Procedures of the Integrity Board are to be determined by the SGA Senate, not by the Dean of Student Affairs.
- In the same e-mail Dean Oles also states, “Believe me, your concerns, while important, are minor compared to the challenges we faced two years ago.” SGA recognizes that Integrity Board was facing serious inefficiencies prior to 1999. However, SGA is not sympathetic to the argument that the weakness of past leadership is current reason for SGA to lose its mandate.
- Lastly, the Alcohol and Other Controlled Drugs (AOD) policy (instated in Fall 2004) affected the processes of Integrity Board (i.e. that students are no longer brought to IB for smaller AOD offenses). This change to the Integrity Board processes ought to have been voted upon by Senate.

Skidmore College has a rich history of student ownership in the judicial processes. SGA understands that it works in conjunction with the administration and faculty in judicial matters. It is clear that the Honor Code Discussion Group made some attempts to have community conversations regarding these issues. Yet, it is also clear that there was insufficient consultation with the entire SGA Community when these major changes in the Integrity Board’s structure, process, and philosophy had taken place from 2000-2001.

Again, the Student Government Association respectfully requests that the Dean of Student Affairs acknowledge that Integrity Board is a *Student Government Association Committee*. Student consent in these policies is not a mere courtesy, but a *necessity*. In order to have any student ownership of the Honor Code, students must have ownership of its primary institution of enforcement, the Integrity Board. While Integrity Board has been somewhat more efficient in the last few years, the Skidmore Student Community still struggles with a universal code of Honor.

Moreover, the Student Government Association would like to strengthen the Integrity Board through an Honor-based justice system. SGA would like to proactively foster a sense of Honor and Justice at Skidmore College. Realizing that an Honor-based justice system can be the most fair justice system, *SGA would like to build a more Honor-focused Integrity Board combined with the community participation of restorative justice.* SGA will achieve these ends through better institutional links between Senate and the Integrity Board. Additionally, SGA would like to play the primary role in revising a training program for Integrity Board. This report would like to make the following recommendations to the Senate for approval:

- SGA will require that all staff appointments to Integrity Board be in direct consultation with the SGA Executive Committee. The *Student Handbook* currently states that the Dean of Student Affairs selects college staff. Yet this is not mentioned in the SGA Constitution nor in the *Faculty Handbook*.
- SGA will ask that the Integrity Board Chair not party to the anticipated hearing receive violation reports and act as the complainant's advisor in the preparation of a case hearing with the JC. This Integrity Board Chair will not be present during the hearing, but will be involved in the advising process before a case. Integrity Board is an SGA Committee. Therefore, SGA representatives need to be involved in all processes surrounding the Integrity Board.
- SGA asks that the position of the Judicial Counsel be approved by FEC, the SGA Senate, and the student body as an additional member of Integrity Board. This additional membership description will be added to the SGA Constitution and the *Faculty Handbook*.
- In order to strengthen the notion of Honor in IB judicial proceedings, the Student Government Association will appoint the Honor Code Educator as one of the two Co-Chairs of the Integrity Board. The Executive Committee will nominate the Honor Code Educator/Integrity Board Co-Chair to the SGA Senate for approval by the end of the 2005-2006 academic year.
- In order for SGA Senate to have better communication with the Integrity Board, the other IB Co-Chair will sit on the SGA Senate as an appointed

position. The IB Co-Chair will not be required to sit on any senate committees. SGA Constitution will reflect this change.

- By Fall 2006, The Executive Committee will nominate two IB members to sit on the Honor Code Commission. Senate will approve this nomination. Currently, this is already mandated by the SGA Constitution and the *Faculty Handbook*. SGA will ensure that this is executed.
- The Honor Code Commission will be open to Senators-At-Large as an all-college committee that fulfills their committee requirements.
- By the end of the Spring 2006 semester, SGA will create a steering committee to design an Honor-focused training program and Honor-focused procedures for Integrity Board members. This program will be developed throughout Summer 2006. Senate will immediately consider recommendations for Integrity Board procedures and training program in Fall 2006. Membership of this steering committee will include: The Honor Code Educator as Chair, the SGA Vice President for Academic Affairs, The Associate Dean of Studies, the Associate Dean of Student Affairs or the Dean of Student Affairs, and an appointed professor from the Government Department. With Senate's approval, SGA will consider giving stipends to faculty and administration that dedicate their time.
- SGA asks this steering committee to consider developing uniform essay questions for all offenders. These essay questions will ask the offender to reflect upon the negative effects that negative actions pose to Honor and the community. For example, offenders who have been found in violation of the Skidmore Code of Conduct must write an essay answering two questions: How is my action dishonorable? Why is honor important to the community?

Student ownership of the Integrity Board is essential for student ownership of Honor at Skidmore College. Better collaboration between the SGA Senate, Honor Code Commission, and the Integrity Board will become necessary in strengthening student oversight of the Integrity Board judicial processes. SGA is hopeful that the above recommendations will invigorate Honor and a better sense of community. SGA looks forward to working in conjunction with faculty and administration to strengthen Honor and Skidmore's judicial processes in the future. But the determination of those processes is, and must remain, in the hands of the SGA.