

Appendix C: Protest Policy

March 10, 2018

To: Dean Roz, etc.

From: Joan E. Hepburn

Re: the Protest Policy

Dear Dean Roz:

This letter follows up your remarks on the newly announced Protest Policy on which both you and College Counsel Carl Lehmann fielded questions from audience members to whom you allotted 90 seconds per question and answer. You called this a listening session. Thank you for this opportunity that you opened, albeit at short notice, I think to the entire campus. To encourage sustained dialogues, I would like you to forward this letter to students, faculty and staff, especially as you expressed interest in discussions of the Protest Policy. Since you knew about the queries I sent to the Working Group, and last week refused to answer any of my questions, I am also writing to ask you to reconsider your decision since you apparently played such a large role in shaping, explaining, and implementing this new policy. It may be that apart from Carl, you are the best qualified to answer my questions, so I am attaching them to the email message that you alluded to. Finally, I am proposing that you schedule two other campus-wide meetings so as to answer additional questions and involve more people in your policy decisions.

First, let me assert that I fully understand you and Carl's concern for the privacy of the protestors punished. Understandably, you do not mention their names in the new policies on protests and postings. Again, your office formed these punishing policies without mentioning anyone's name. In your remarks with Counsel's last week, you stressed consequences for protesting, but there is much that we do not understand about what those are and how they were decided. Why not discuss investigative procedures against protestors without exposing them, as well? Would you and Carl also broaden the scope of your answers to cover previous protests and avoid mentioning student names in those contexts?

If you mean to answer the questions so many asked this past week, why not address those raised in your session at which College Counsel, Deans of Students, Heads of Admission and Marketing, plus others were present? For example, I would like you in particular to clarify the investigators, investigating procedures, and types of code violations designed to punish protestors. It might help to compare the process of deciding consequences of protesting injustice to the work of the Honor Council that addresses academic cheating.

How does the Dean's Office Issue Code Violations to Protestors?

Having served as a faculty advisor to the Honor Council, I know that those who meet with the accused and their accusers are a set body. They are selected and their names published beforehand. The members of the Honor Council share responsibility for hearings and the outcomes of cases brought before them. They contact the faculty who bring complaints, student witnesses, accused students, set the place for hearing each case, the time for the decisive meeting, book several rooms so as to keep accusers and accused separate, and have a hearing room where nearly everyone is present, though not the professor. Careful about the dignity and privacy of both the accused and the accuser, the Honor Council even provides a hall monitor to make certain accusers and accused do not encounter each other in the hallway. Having relevant documents and hearing arguments of innocence or guilt, members of the Honor Council deliberate, exonerate or penalize, debate penalties, and argue their limits. On the same day as the hearing, they dismiss witnesses, call back into the room the accused, inform him or her of the Council's findings, and explain what procedures would follow. As Deans of Students know, they protect the parties' names before, during, and after the proceedings. This whole well established process emphasizes reasonable and ethical consequences for cheating, not boundless revenge on potential cheaters.

Here is a sampling of questions that for me grow out of the Honor Council procedures, transparent ones that might inform many about St. Olaf's assignments of code violations to protestors past or future:

1. I would like to hear from you, Dean Roz, who has been selected to interrogate the protestors? Is it a set number of people, a set committee? Who is on it? Are their names listed anywhere or known before the code violations were issued?
2. Do the deciders meet once with the accused or confessed? In other words, who cares about the privacy, time, and dignity of those accused? Who makes certain that call backs

that occur do so on one day? If there are changes in personnel questioning protestors, and possibly employing harsh interrogation techniques, why shouldn't their procedures be perceived as intimidating? If these sessions prove intimidating, do students know to bring lawyers and not to sign non-disclosure agreements? Are they ordered to sign such documents and told beforehand?

3. At one hearing, are those who are accused or who confess issued one document with a code violation?

4. Are there degrees of violation, ranked one to three or one to five? If so, where are these recorded? Are they ever expunged from a protestor's record?

6. Are the code violations framed so that one can receive a rating as to its seriousness, say, a one or a five, disclosed at one hearing?

7. Unlike hearings in the Honor Council, did some or all of the protestors have to appear for judgment multiple times, undergo harsh interrogation techniques, then leave each session with a new code violation?

8. Is there an ultimate punishment should one be given three code violations, whether in one or three or more separate meetings?

9. What boundaries has your office established, say, about terms or periods of punishment? Or even spheres of punishment? Do protestors lose work-study jobs? Scholarships? Computer access? The capacity to register for courses? Endure close monitoring of their activities in the classes that they attend? Do they know that they are being closely scrutinized? If so, by whom? Where and how often?

10. If a protestor was suspended, then how long does the suspension last? Are those expelled welcome back to continue or graduate this spring if they have met their requirements? Do they simply stay punished?

11. If expelled, what crime fits this punishment? Given this extreme outcome, is this spelled out as established policy somewhere? Where? Since when?

12. If all of the punishments prove extreme, why shouldn't one assume that your office intends to completely silence dissent, even while appearing to ask for campus input, and asking people to trust the good intent and transparency of administrators?

13. Before drafting your newest protest policy, did administrators examine global histories of protest and dismiss them, especially their common feature of blocking public spaces, symbolic of interrupting the oppressive status quo?

14. Would you outline in some detail how one might protest at St. Olaf without interrupting anything? This will prove helpful campus-wide should nothing change after all the talk.

Each of these questions can be answered without disclosing the names and identities, or without threatening the privacy of protestors punished last spring. Presumably, answers are already reflected in established procedures that informed the actions of administrators who issued code violations to students last spring. Therefore the argument about student privacy should not prevent one from honorably answering these and other specific questions about consequences for protestors.

The campus would benefit mightily from an opportunity to hear your answers to these questions soon. I believe we should hear them in a separate meeting, yet be given sufficiently early notice of this scheduled time and place, and each speaker afforded more than a 90-second opportunity to respond to your statements or to those by College Counsel. Many more might attend such a meeting. Besides, if raw and relentless bullying by the powers that be was never and will never happen here at a liberal arts Christian college, such a listening session should pose no problem to you and other policy makers. There is one other meeting that I think will promote transparency truth, and trust.

What has been the administration's response to perpetrators of hate speech and hate crimes before last spring's protest?

At your last meeting, many referred to the history of threatened and actual violence against members of marginalized groups. The Collective on the Hill addressing St. Olaf's institutional racism produced a document, and in the course of addressing student demands, the Task Force acknowledged this record. Students and faculty posed questions to you and to Carl focused on incidences of protest proceeding the one last spring. Each

time you answered our questions or responded to our comments, it appeared that history never entered the room. Therefore, I am proposing another meeting with the same administrators to address the response of the Deans of Students to past perpetrators. If those of us likely to attend another meeting have any voice, you can affirm this by speaking to the questions we raise or comments give about the college's responses to perpetrators, not protestors. This time, we can avoid confusion and demonstrate openness if we keep last spring's protest out of this new conversation. A special meeting that avoids a single reference to the protest last spring raises another set of questions:

1. What historical data have Deans of Students collected on past perpetrators?
2. Where on the web is the record of past policies for dealing with them?
3. Is there an annual record of this accounting?
4. Given concerns with privacy, are these statistical records? Are they protective of perpetrators names?
5. As with the Honor Council, can we find the record of who sat on decision-making committees investigating past perpetrators? Over the years, how many committees were there? What were their terms of service? What facts did they produce?
6. Where can we find outlined the range of code violations they drafted in response to the misconduct of past perpetrators? Are these rated? Was anyone threatened with criminal charges?
7. If past perpetrators are not listed somewhere in administrative records by name, are these records expunged? Is there a policy that explains this?
8. If there are no records for perpetrators, why not?
9. If not now, when? What, if anything does their absence suggest?
10. Are victims re-victimized while perpetrators are not investigated?
Does an absence of any records on them make even more necessary a written policy on the consequences of their actions?

11. If we have no records to work with, no plans to investigate past patterns, no way of closing the case gap on perpetrators through the findings of the Working Group, not even an intention of honestly addressing the past in the language that administrators use while not answering direct questions from various constituents on campus—given all of this, will St. Olaf at least acknowledge an imbalance in their investigations and their uneven treatments of perpetrators and protestors?

12. Might this be why victims are reluctant to report hate speech and hate crimes?

13. If the argument about student privacy will not help one avoid answers to my questions, if specific answers might promote transparency, truth, and trust, or if the use of power to ignore or suppress student, staff, and faculty voices is not the aim of administrators—and time will tell, despite appearances, and regardless of feverish, and possibly empty activities—what will you do to answer these questions, and do so while understandably protecting perpetrators' names? How else will you help us trust again?

14. Again, we need at least two more meetings with you during which we all have a chance for real and respectful dialogue about at least these two sets of questions, uncover instances of intersectionality. Will we hear from you? Will you schedule a few more meetings? Handled well, I think they will be a hit. Such meetings will begin to show that our ideas and feelings—indeed, we all—matter. They will demonstrate that in your listening sessions, we are heard.

Prayerfully submitted,

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