

[2] *Dude, Where're my Rights? (Part II)*; 9/13/2007 Chronicle editorial; detailed the effects of changes enacted between 1999 and 2007 to the judicial code on "ordinary" students not facing adjudication.

Dude, Where're my Rights (Part II)?

Stark contradictions between administrators' statements and written policy don't bode well for the University. Or for us, for that matter.

In 2003 the "Fundamental Standard," a policy described by current Director of Judicial Affairs Stephen Bryan as a "catch-all," was expunged from the Judicial Code.

As Bryan explained to The Chronicle last week, "basically, if someone[']s behavior] is contrary to the Fundamental Standard of honor, integrity and respect for the rights of others, you could be thrown out of the University." He added, "to me that's preposterous. You will find that nowhere in the 2007-2008 policy and procedures. We don't want anything so broad that it's at the whim of the administration."

He and I are in total agreement. Our views are apparently at odds with the current undergraduate judicial code, however, which the Office of Judicial Affairs, incidentally, authored.

Currently, "students may be held accountable for any violation of university policy that may or may not be included in [the bulletin]," "whether the violation occurred "on or off-campus," or for "any conduct adjudged unsatisfactory or detrimental to the university community," or for "attempting or intending to commit any violation of laws and/or university policies" or for "failure to comply with directions, requests or orders of any university representative or body."

Adapting Judicial Affairs' new standard of "probable cause," all that is required to initiate disciplinary action is information indicating something that someone *may* have done, tried to do, or meant to do *may* have been against some university policy, written or unwritten, *may* be in contravention of someone's request, order or directive, or *may* be otherwise "detrimental to the University community."

It is this extremely broad language, introduced between 2003 and 2006, that extends the question of undergraduate policies and procedures far beyond the group of students actually facing adjudication (the obliteration of their rights was chronicled last week). *Any* student could be swept up by a system whose purview, to adopt Bryan's words, is "so broad that it's at the whim of the administration."

This movement towards broad administrative discretion has also subsumed the only other two rights students not facing adjudication might be concerned with: (1) the right to privacy and (2) the right of student involvement in determining the policies that govern us.

Considering (1): The 1999-2000 bulletin stipulates that no information collected "in violation of the University Statements on the Privacy of Students' Rooms and Apartments will be admissible." This ensures that the University will not benefit, in any

Elliott Wolf 9/27/07 5:16 AM

Comment: 9/6 article by Nate Freeman – "Document shows decrease in rights"

Elliott Wolf 9/27/07 5:19 AM

Comment: 2007-2008 code, page 17

Elliott Wolf 9/27/07 5:19 AM

Comment: Ibid, 17

Elliott Wolf 9/27/07 5:19 AM

Comment: Ibid, 17

Elliott Wolf 9/27/07 5:20 AM

Comment: Ibid, 39

Elliott Wolf 9/27/07 5:21 AM

Comment: Ibid, 24

Elliott Wolf 9/27/07 5:21 AM

Comment: Detailed in 2007-2008 code, P. 42

Elliott Wolf 9/27/07 5:22 AM

Comment: Same quote as above

Elliott Wolf 9/27/07 5:22 AM

Comment: 1999-2000 code, p. 30

way, from violating students' privacy rights. Mirroring the rule of law, it also discourages the University from violating its own policy in the course of enforcing it.

That prohibition has since been expunged from both University policy and practice. Effectively, the University reserves the right to use violations of its own policy to teach us the importance of upholding University policy.

"However the evidence is obtained is immaterial. However we learn of a behavior, we respond to the behavior," said Vice President for Student Affairs Larry Moneta. And lest we not forget, University policy now allows any "university representative"—which includes Resident Assistants—to request, order or direct students to abdicate their privacy rights.

Elliott Wolf 9/27/07 5:23 AM
Comment: 8/17 interview with Larry Moneta

Elliott Wolf 9/27/07 5:23 AM
Comment: Failure to Comply policy

Considering (2): The 1999-2000 bulletin stipulates that its policies and procedures could be amended "only on the recommendation of a duly appointed judicial review composed of undergraduates, faculty and deans acting under [the Vice President for Student Affairs'] supervision."

Elliott Wolf 9/27/07 5:24 AM
Comment: 1999-2000 code, p. 36

Beginning in the 2001-2002 school year, however, they could "be amended at any time by the Vice President for Student Affairs," period.

Elliott Wolf 9/27/07 5:27 AM
Comment: 2007-2007 code, p. 72

In practice, according to Dean of Students Sue Wasiolek, Bryan proposes changes in consultation with an informal group of Undergraduate Judicial Board members, and "the vice president either accepts those recommendations or not." The (token) students involved are neither accountable to the student body nor in a position to veto changes to the policy. Judicial Affairs then decides on the final wording and forwards changes to the Office of the University Registrar to be included in the bulletin.

Elliott Wolf 9/27/07 5:27 AM
Comment: 9/6 interview with Dean Sue

"Whatever Stephen says, goes...if he tells me that students are no longer permitted to breathe heavily, then I'll print that in the Bulletin," said Rob Hirtz, Coordinating Editor of University Bulletins in the Office of the University Registrar.

Elliott Wolf 9/27/07 5:29 AM
Comment: 9/11 interview with Rob Hirtz

Not coincidentally, most of our rights were thrown out of the window since the amendment clauses were revised in 2001-2002. Also added since then was a prohibition against "throwing or in any other way propelling objects or liquids from windows."

Elliott Wolf 9/27/07 5:29 AM
Comment: 1999-2000 code, p. 61

Next week: Judicial Affairs' unholy collusion with the Durham Police Department.

An addendum: Bryan's main complaint following my last column was that the online transcript of our interview was not exactly correct. In an email, he exclaimed, "I also have a recording of our conversation," and I subsequently agreed to correct anything upon his request. Although I had requested and received permission to record our interview, Bryan's recording was made without my knowledge, with equipment that was not visible in his office. Take that as you will, especially as Nixon's 70th Duke Law reunion was held this year.

Elliott Wolf 9/27/07 5:30 AM
Comment: 9/6 email exchange with Stephen Bryan