

## Guidance for faculty advisors in student disciplinary cases

Since the first Fossil Free Penn encampment in spring 2022, Penn's central administration has systematically abused the student disciplinary system in order to intimidate and punish students for engaging in nonviolent protest. The student disciplinary system entitles every student to have an advisor present during meetings and hearings, and AAUP-Penn encourages members to serve as advisors to students targeted for political activity. We offer the following guidance for faculty advisors, based on the experience of colleagues who have served in this role.

1. Faculty advisors should read carefully the [Charter of the University Student Disciplinary System](#), the [Guidelines on Open Expression](#), and the [Code of Student Conduct](#). Depending on what students are summoned for, do your best to find other relevant university policies. Bear in mind that the Guidelines on Open Expression take precedence over all other policies in cases of conflict.

It is essential to understand that Penn's student discipline system is not concerned with upholding US law but with enforcing Penn's internal policies. Students and their advisors have to make their cases by reference to these policies.

2. If a group of students are summoned for a disciplinary meeting, it is best for them to schedule one meeting with all students and advisors present.

3. Meet in advance with the students to hear about their experiences. It is also useful to hear about the way they were treated by the university administration and police. Often, it is actually the administration that has committed violations of university policies in its treatment of the students.

4. If and only if the students would like a public statement of support from faculty members, faculty advisors can organize one and publish it in the DP as a guest column before the disciplinary meeting.

5. During a meeting or hearing, faculty advisors might be told that they are only allowed to speak when invited to do so, but advisors are given the chance to speak or to ask questions.

6. Faculty advisors are normally invited to give a closing statement. In a meeting with multiple students and advisors, one or a few advisors can play that role, speaking for the group. It may be useful to focus on three points: (a) make the best case possible for the students within the parameters of the Guidelines on Open Expression and other relevant policies, (b) note that universities always have latitude to act more or less leniently, taking into account the moral import of the issue, the way that students have conducted themselves, and the level of

community support for the students' action. It is in the university's interest not to appear punitive or excessive, (c) if the university administration has violated its own policies in its treatment of the students, make that point.

7. During the meeting or hearing, it is useful for advisors to ask questions about procedures and all matters on which the university is considering charging students. There are contradictions and ambiguities in Penn's written policies, and at times, the proceedings might diverge from the written policies. So have open the [Charter of the University Student Disciplinary System](#), the [Guidelines on Open Expression](#), and the [Code of Student Conduct](#), and ask for clarifications that can help students understand what they're facing and make the best decisions for themselves. For instance:

- Who brought this report against the students? [The answer might be vague, e.g. "the university." An advisor can respond: "We are the university. We would like to know specifically who is bringing this report."]
- What are the possible charges being considered?
- Are the students presumed innocent?
- What are the possible consequences of any given charge?
- For any given consequence being considered, will students be required to disclose that consequence if asked in the future by graduate schools, employers, etc.?
- Is a hold being put on these students' academic records during this investigation? If after this meeting they are charged with something, will a hold be placed on their records at that point? [The regulations contain ambiguities about when the university can put a hold on records.]
- What information about this meeting and this case will be transmitted to Congress?

8. In past hearings, faculty effectively challenged fishing-expedition questions that students have been asked (e.g., "Do you think you violated any rules?"). Advisors simply said that these were not fair questions.