

Community College *of* Philadelphia

MINUTES

Business Affairs Standing Committee

Wednesday, April 11, 2018

3:30pm* Please note the new time.

Library Conference Room

Minutes by Alexine Fleck

I. Call to Order – The meeting was called to order at 3:35pm.

II. Attendance

Administration: Lisa Hutcherson (A), Gim Lim (A), Elizabeth Majewski (A), Hannah McGarry (A), Charletha Porter, Jim Spiewak, Carol Whitney

Federation: Alexine Fleck, Roberta Massuch (A), Marc Meola (A), Cynthia Reid (A), Jess Rossi (A), Kristy Shuda McGuire

Students: Nilufer Yesmin

Guests: David Asencio, Randy Merced, Linda Wallace, Michael Luna, Jachai May, (students from PA Power)

III. Approval of Minutes

A. We approved the November minutes with no revisions.

B. We agreed to approve the March minutes via email after corrections are made as follows:

1. Those who spoke against the Time, Manner, Place (TMP) Policy made the following points

a. It should only apply to people who are not members of the CCP community

i. NB: this request turns out to be against the law as the policy needs to apply to everyone equally.

ii. Language in section C6 of TMP Policy is too subjective (examples include: “fear,” “prevent,” “disrupt”)

iii. In section “Place” C4, we requested the distance from entrances/exits to be 5-10 feet, not the 25 that appeared in the revision

2. During this discussion, we also worked to articulate what minutes are and what they are supposed to do

a. Minutes are supposed to be an accurate representation of what happened in a discussion so that anyone not present can know what happened during that particular meeting. While we agree that minutes cannot be verbatim, they should include the pertinent points that led to

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a particular decision or motion. They need to strike a balance between capturing the “flavor” of a conversation and including key points that need to be documented for future reference. Minutes must capture the conversation we actually had, not the conversation we wish we had.

- b. We need to be putting up minutes on the website and make sure they are posted under the correct date heading in accordance with the shared governance policy.

IV. **Smoke-Free Campus Campaign**

Kristy Shuda McGuire spoke at a Truth Initiative training for new grant awardees in Washington, D.C. on Sunday, April 8. She will make a similar presentation at the Philadelphia Department of Public Health’s Smoke-Free Campus Summit on Wednesday, May 2 and encouraged others to attend.

V. **Time, Manner, Place Policy**

NB: the discussion we had about this policy was wide-ranging and representing it in chronological order would make these minutes far too long. Instead, I will organize them into “Background,” “Motion,” and “Pro and Con” and do my best to synthesize the points made.

Background: Randy Merced presented a revised Time, Manner, Place (TMP) Policy and acknowledged Linda Wallace* and David Asencio as authors with him. (*Linda Wallace stated after the meeting that she was not an author of the policy.) This revision was based on suggestions from the previous Business Affairs meeting. It is impossible to have every person satisfied, but we should do our best to get some consensus. Our process is a good, democratic one and this should be a living document that, once agreed upon, we can return to in a year to amend as necessary.

There are national trends concerning protest in the United States and these trends have convinced the authors of this policy that we need clear rules about what is permitted on campus. A lot of protest is legitimate, but there are also cases where people hide behind the first amendment and use it as an excuse to spew hateful speech. There have also been protests that became violent, notably the University of VA protest. The policy is intended to create a framework to hold people accountable for what they do on campus. It enables security to protect everyone’s safety with only limited resources. The College needs to protect students from being hurt, but it is also to protect the College in the event that a student becomes upset and reacts in a way that could be used by the protesters to sue the College. If students act out against a protestor they find offensive, that student can also get in trouble at the College. There are a lot of schools with similar policies and it is based on the law (including the one about buffer zones around abortion clinics). It is also tailored to the particulars of our campus. For example, Mr. Merced based the distance from entrances (25’ in this

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revised policy) on our former smoking policy and also measurements he took with a tape measure. He also confirmed that people could still protest indoors as long as they do not limit people's ability to move through hallways and that, on a case by case basis, certain protests would get more leeway in the implementation of the policy. The revised policy changes the required distance from entrances from 35' to 25'. It removed language that forbade protest near administrative offices, but kept language protecting people's right to move through hallways.

The designers of the policy were concerned when a student threw ice at Aden Rosfeldt (aka "Pastor Aden"). They did some research and discovered that he had been visiting many local schools. At a different school, students investigated him for their school newspaper. They discovered that he has a large judgment against him. He is doing these protests in order to get someone to violate his rights so he can sue to get money to pay the judgment. More recently, local newspapers have sent reporters to his protests and there might be more information to come. (ETA: see "He was a Competitive Snowboarder Accused of Defrauding Investors. Now this Christian Preacher Has Area Colleges on Edge" http://www.philly.com/philly/news/pastor-aden-rusfeldt-christian-campus-preacher-debts-fraud-penn-ccp-20180511.html?_vfz=medium%3Dsharebar)

Point of Order: We have jumped right into discussing the policy without considering the fact that we might not want a policy like this in the first place. Before we start debating the particular parts of the policy, we need to think about whether it is the correct framework within which to work.

Motion: We will not have a TMP Policy.

Amended motion: We will not have a TMP Policy so we can think of a better way to deal with Aden Rosfeldt.

Debate

In opposition of the motion (i.e.: in support of keeping the TMP Policy as a model to develop CCP's policy)

1. This policy has enabled recent criminal charges brought against Aden Rosfeldt.
2. This policy protects people who are not as mentally strong as the students we have in this room with us today. Some people do not deal well with hearing such hateful speech and it can cause emotional or mental problems.
3. This policy enables the College to keep offensive protests confined to an area out of the direct path of students (i.e.: the "Freedom Circle").
4. This policy enables security to have a guaranteed 48 hour notice so they can be prepared for protests like that of Rosfeldt, but also possible protests outside of, for example, graduation.

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5. This policy will make Mr. Merced's job as head of security easier
6. This policy is not against speech. It exists to protect the College from lawsuits.
7. This policy will help ensure safety on campus.
8. This policy is based on suggestions from FIRE, which is an organization that has sued schools for any violation of free speech. Our policy is based on a model they provided and using it can protect the College from being sued for violating free speech.
9. TMP Policies have worked their way up to the Supreme Court, so this is not just the creation of CCP.

In support of the motion (i.e. to find a different model or method for how to deal with protestors like Aden Rosfeldt):

1. It prevents members of the CCP community from finding better, more creative ways to deal with people like Aden Rosfeldt.

We need to learn how to be able to answer viewpoints we don't agree with using academic discourse. Learning how to handle disagreements and learning how to formulate arguments are key elements of the process of growing and learning. We become great by developing the ability to survive and resist irritants. Rosfeldt is an irritant that enables us to find beautiful, wonderful, empowering alternatives. We need to respect students' ability to find creative responses to people like Rosfeldt. This enables them to hold themselves and each other accountable. For example, the Rapid Response Team is finding empowering and creative solutions to people like Rosfeldt. Additionally, PA Student Power demonstrated against the hate speech of Rosfeldt and groups like "Turning Point" on the steps of the Mint Building. We need to find ways to support actions like this one. Even in this meeting, there are lots of ideas for how to keep people like Rosfeldt at bay. If we only have this tool in our toolbox, we won't have to find other ideas. We do need a plan for dealing with people like Rosfeldt, but debating and tinkering with this one prevents us from working on that plan.

2. It would not actually prevent Aden Rosfeldt from protesting on campus.

Under this policy, Rosfeldt just needs to give 48 hours notice, have his demonstration in the "Freedom Circle" (which is still very much in the center of campus) and limit his protest to 4 hours, which is enough time to cause any of the concerns listed as rationales for the policy. The policy we would need to get rid of Rosfeldt would have to be so strict that it would never work.

3. It could be used to prevent students and other members of the CCP community from expressing themselves through protest. We need to protect the right to protest. This policy is major overreach and a solution in search of a problem since so many people have found other ways to deal with Rosfeldt. It is problematic to develop a policy to deal with one person/situation because it has too many consequences for others (like PA Student Power). This policy will not protect mentally unstable people. It is also not OK for a small group of administrators to decide what is and is not

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acceptable and it is also not legal to decide to address different protests on a case-by-case basis. Enforcing a policy like this is also going to create more friction between the union and the administration. Additionally, this policy would not have prevented the protest that turned violent at the University of Virginia.

4. It makes CCP vulnerable to lawsuits.

The law says that TMP Policies need to be very narrow and the Supreme Court case about abortion clinics actually determined that buffer zones are unconstitutional.

Rosfeldt could actually sue over this policy.

5. We already have the tools we need to resist Aden Rosfeldt.

We all agree that we don't want any protest that disrupts education, but there are already rules in the Code of Conduct that prohibit that sort of disruption.

Additionally, there are laws we can use to challenge Rosfeldt. The legal charges that were brought against Rosfeldt already were not based on a TMP Policy; they were based on laws he broke.

6. The creation of a policy like this requires all stakeholders at the table. It should not be written by three administrators. Instead, students and members of the union should be involved.

The motion passed with a 5-4 vote and the committee instructed the authors of the motion to create a more representative sub-committee and construct a new policy.

VI. Adjournment