

CSG Ethics Committee's Report On The Investigation on Representative Jesse Arm's Conduct

Issue

On Thursday, November 19th, students of Students Allied for Freedom and Equality (SAFE) held a demonstration in the Diag with a wall to represent a mock security barrier between the West Bank and Israel. Between classes, LS&A Representative Jesse Arm walked through the Diag and approached the demonstration. Representative Arm first approached two SAFE students who then directed him to talk to a SAFE community leader. Representative Arm questioned the timing and taste of the display. He briefly spoke with the SAFE community leader, explained that he had a class at that time, and requested to exchange contact information.

Recommendation

After reviewing video evidence and hearing testimonies from involved parties, the Central Student Government Ethics Committee has unanimously decided to recommend that the Assembly take no action against Representative Jesse Arm for his involvement in the incident on the Diag. Representative Arm did not engage in unethical behavior or engage in conduct unbecoming of a representative. Article VIII, Section 1 of the Constitution of the Student Body of the Ann Arbor Campus of the University of Michigan states that "no authority, academic or civil, shall infringe on a student's freedom of speech, freedom to peacefully assemble, or freedom to demonstrate grievances." Just as the SAFE had the right to peacefully assemble in the Diag, Representative Jesse Arm had the right to voice his opinion.

Speaker Betman and Ethics Chair Hislop chose to accept the ethical question before video of the confrontation was made available. A Representative of the Assembly posed the question, and after deliberating, Speaker Betman and Chair Hislop decided that the matter was worthy of an investigation. At the time, this action seemed appropriate. Video evidence of the incident called into question the need for a thorough investigation. Although this question may not have been worthy of an investigation, the Ethics Committee believes this investigation can lead to an important discussion about counter narratives on campus and will allow the Assembly to improve the operating procedures of the Ethics Committee.

Application

Members of our community and Representatives of the Assembly may question whether a minor warning, formal warning, or formal reprimand may have been appropriate in this situation. The Constitution of the Student Body states that the Constitution has supremacy over any provision of another student code, including Central Student Government's Operating Procedure. Article VIII, Section 3 of the Constitution states that "students shall be free from all rules and regulations not uniform in nature or not fully and clearly formulated." Without clear definitions or standards, the Committee believes that we cannot issue a warning. These potential sentences are never defined, nor does the Operating Procedure identify when they would be appropriate to issue. Not only do we believe that it would be incorrect to issue a warning in this situation, but we also believe it would undermine the wording of the student body's Constitution to issue any recommendation that is not clearly formulated. At this time, the Committee feels that it is not appropriate to deliver any form of warning when the meaning of such a warning is not clearly defined in the Operating Procedure.

The Ethics Committee took up this investigation and went through this process with no precedent. We were informed that this is the first Ethics Committee investigation ever. After studying and

working under the rules of the Operating Procedure, the need for reform is clear. The Ethics Committee requests that the Rules Committee deliberates over how to best define every available action and when it is appropriate for the Ethics Committee to recommend each of them. Additionally, we request that the Rules Committee determine whether students have the right to legal counsel in ethics hearings.

Conclusion

Representatives should be held to a higher standard than the average student. However, while Representatives of the Assembly do represent all of their constituents, we do not shed our own personal opinions and beliefs when we decide to run for office. Representative Arm has the right to engage in discourse. Representative Arm avoided physical violence, and members of SAFE testified that they did not believe Representative Arm incurred any emotional violence or any hateful speech on those present. His language could be interpreted as hurtful just as SAFE's demonstration could be interpreted as hurtful. We as an Assembly cannot let hurtful words stop us from having important dialogue and from making difficult decisions. As U.S. Supreme Court Justice John Marshall Harlan II wrote in his opinion for the 1971 *Cohen v. California* case, "one man's vulgarity is another's lyric."

Representative Arm undoubtedly spoke with heavy emotion when he discussed the demonstration with representatives of SAFE in the Diag. He spoke passionately, but he remained well inside his First Amendment rights. His choice to speak his opinion and demonstrate grievances is not unbecoming of a representative. Representative Arm asked for all students present to take a moment of silence. Representative Arm never identified himself as a representative of Central Student Government. He never attempted speak on behalf of Central Student Government or even mentioned the governing body. He asked SAFE to continue the dialogue at a later point and offered to share his contact information. He did not curse, nor did he use hateful language. He should not be penalized because he is passionate and cares deeply about this issue. The Ethics Committee encourages students and representatives to continue to passionately and respectfully advocate on behalf of the causes they believe in.

Representatives, just like all other students, should work to be respectful and mindful. The Ethics Committee hopes that both sides choose to respectfully communicate and take part in dialogue. The University of Michigan, Ann Arbor is an exemplary place of higher learning, one that has been and will continue to be on the forefront of important societal movements. The impassioned exchange of ideas is what this university was founded on. SAFE has the right to continue to discuss these important issues, just as Representative Arm should have the right to continue to speak freely and participate in dialogue. There are counter narratives on this campus that must be heard. The Constitution of the Student Body urges us to foster collaboration among students, and to guarantee a public forum for student expression. This expression cannot be censored; the emotional responses that students have are real and valuable. We as an Assembly must work to foster this dialogue and to move forward as a community.

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