

STANFORD
UNIVERSITY



JOHN W. ETCHEMENDY
Provost

January 26, 2017

Cassidy Forler, Manager
Anna Calista Whittell, Assistant Manager
The Leland Stanford Junior University Marching Band

Dear Cassidy and Anna,

I write in response to your appeal of the sanction imposed as a result of the Organizational Conduct Board's December 1, 2016 hearing, communicated to you in Vice Provost Greg Boardman's letter of December 9, 2016.

Let me begin by commending you on the quality of your appeal, which is clearly the result of a great deal of hard work, extensive consultation, and thoughtful analysis. I appreciate your heartfelt acknowledgement of past failures to achieve the Band's own ideal of inclusiveness—to be "a universally-welcoming organization"—and your recognition of the cultural and management deficits that led to these failures. By the same token, I acknowledge that the university shares responsibility for the communication breakdowns that hampered the Band's progress in remedying these deficits.

I will not rehearse the entire history that led to the sanctions imposed by Vice Provost Boardman. As you know, the most recent OCB hearing involved incidents that occurred while the Band was under sanction due to an earlier, joint investigation conducted by the OCB and Title IX Office in 2015. The findings of the 2015 investigation involved serious violations of university policy—including hazing, sexual harassment, and alcohol abuse—that had taken place as recently as winter quarter 2015. These findings placed the Band under a cloud of demands for organizational and cultural transformations aimed at preventing recurrences of similar violations.

These demands were extensive (and perhaps overly prescriptive), but we all agree that the fundamental change they sought was needed. As you say in your appeal: "Sexual harassment, alcohol abuse, and hazing have no place in any student

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organization at Stanford, and we recognize the seriousness of our past failures to be welcoming to all of our members.” But we also agree that the required changes were difficult for the Band to achieve and the targeted endpoint was somewhat amorphous. This led to considerable frustration for both the Band and the administration. As you note in the appeal, it is difficult to quantify, much less to prove, when adequate cultural change has been accomplished.

It was in this context that the incidents resulting in the December 1, 2016 OCB hearing occurred. The hearing concerned four separate incidents during which a total of seven violations of university policy or previous sanctions allegedly occurred. The OCB panel found the Band responsible for four of the seven charged violations and not responsible for the remaining three. Though these violations were minor in comparison to the earlier issues, they were enough to convince the panel that the Band was not serious in addressing the issues that had led to the 2015 violations, and moreover that “there is a total lack of accountability and responsibility in the current organization.” As a consequence the panel concluded: “We do not feel that the current leadership or membership is capable of creating the necessary cultural change.” Their recommendation was that the Band be suspended through the end of academic year 2017-18, nearly 18 months.

Vice Provost Boardman recognized that this sanction would likely result in the end of Band as we know it, a consequence that was unacceptable to any of us. His recommendation was that the suspension extend only through the end of the current academic year, in hopes that LSJUMB could survive a two quarter suspension, during which time a process would be put in place to redesign Band management and reset Band culture. His decision showed thoughtful concern for an institution that is a treasured part of the Stanford community.

The appeal submitted by Band Management basically agrees with Vice Provost Boardman’s overriding goal—to preserve the Band while ensuring that the necessary organizational and cultural changes can be made. The focus of your appeal is on whether the sanctions specified in the December 9th letter will actually achieve that goal. You argue that they will not: that they will threaten the continuation and character of the Band; that by trying to impose cultural change from outside, the envisioned process would never produce a sustainable change embraced by the Band itself; and that the

end result would be a perpetuation or even heightening of the unhealthy tension that has characterized recent interactions between the Band and the administration.

I find your arguments entirely convincing. On the one hand, you make abundantly clear the host of practical problems with dissolving the Band through spring quarter and expecting it to reconstitute in a functioning and recognizable form by the fall. Most of the considerations you raise are not things that would be apparent to those of us who have not experienced firsthand the full annual cycle in the life of the Band. I am now convinced that a two-quarter suspension would pose almost as severe an existential threat as the 18-month suspension initially recommended.

Your second set of arguments concern the process of redesigning the organizational structure and effecting cultural change. You claim that the process sketched by Vice Provost Boardman, which largely excludes the Band from playing a pivotal role, will not bring about the change needed. You note that “[d]ecisions impacting the long term culture of the organization must necessarily involve the student membership, as the students will ultimately carry that mantle forward.” I find this discussion perceptive and insightful. But this point alone does not address the concern expressed by the OCB panel that the current management is simply incapable of designing and driving the needed change.

The third section of your appeal addresses exactly this concern. You first describe an impressive set of actions taken by the new management team since receiving the December 9th letter, including meetings with the Title IX Office and the Office of Alcohol Policy and Education. You go on to delineate in detail an alternative process that you propose to engage in to achieve the change we all desire. Your proposals include a new structure for Band management that will allow student leadership to continue, but which distributes responsibility for Band behavior among a broader leadership team, introduces mechanisms for monitoring the Band’s success in maintaining an improved culture, and opens wider channels for communication with Student Affairs and Athletics. Your near-term plans for clarifying Band’s behavioral aspirations, and long-term plans for codifying and communicating them to future generations, are reassuring.

I find the process you have proposed to be thoughtful and realistic. This section, plus the in-person meetings I have had with the new management team, convince me

that, while the OCB panel may have been right about previous management, the new team is fully capable of designing operational structures and processes that will result in lasting cultural change. If carried out with the determination you have demonstrated in the past six weeks, the process you propose will ensure continued student leadership of the Band while putting in place sufficient structure to head off a recurrence of serious behavioral lapses.

When sanctions are imposed on an organization for past behavior, the primary rationale is not one of punishment. It is in the nature of organizations with fluid and changing memberships that a punishment now will invariably hurt at least some individuals who were not involved in the behavioral lapses, and may have no impact whatsoever on other individuals who played a central role in those failures. This is an unfortunate but unavoidable fact about any corporate structure.

Still, organizational sanctions can be both justified and necessary as a means to achieve *forward-looking* results. Fortunately, in this case both the Band and the administration agree on the desired outcome: a Band that is always the “universally-welcoming organization” it aspires to be; one in which “sexual harassment, alcohol abuse, and hazing have no place.” The Band’s appeal argues that the sanctions imposed in the December 9th letter are unlikely to yield the desired outcome, and proposes alternative sanctions that Band management believes are far more likely to succeed. I find both arguments convincing, and so am replacing the December 9th sanctions with the following:

1. The Band is placed on **provisional status** effective immediately through the end of the 2016-17 academic year. In this status, the Band will:
 - a. remain a recognized student organization,
 - b. have access to the Band Shak,
 - c. be allowed to rehearse and participate fully in filling the vacant music director position,
 - d. be allowed to hold membership meetings as needed to ensure progress implementing the changes described in Section III of the Band Appeal,
 - e. be allowed to proceed with 2017-18 Dollie and Tree selection in accord with processes designed by Band management and approved by the Oversight Committee (described below in item 5),

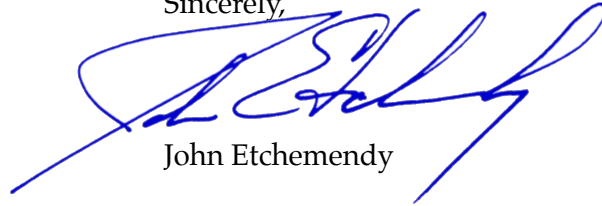
- f. be allowed to hold social functions to ensure survival of the Band as a vibrant and ongoing student organization.
2. During provisional status, the Band will not initially be allowed to perform at public events except as approved by the Oversight Committee. We anticipate, however, that with concerted effort to advance the changes described in Section III of the Band Appeal, the Band should be able to resume performances at home athletic events before the end of Winter quarter. We hope to have the Band performing its full complement of local events soon thereafter.
3. The travel ban imposed after the 2015 OCB hearing remains in effect through the end of provisional status. Exceptions to the travel ban can be requested, and will be subject to the approval of the Oversight Committee.
4. The alcohol ban imposed after the 2015 OCB hearing remains in effect until the Oversight Committee is convinced it can be safely lifted. The alcohol ban applies to any *formal* Band gatherings. As suggested in the appeal, Band management, working with the Oversight Committee, will clearly define a category of *informal* gatherings of Band members to which the alcohol ban does not apply.
5. To oversee compliance with the sanctions, I will appoint a four-member Oversight Committee, which will be dissolved once the current sanctions are lifted. Membership will consist of representatives from the President and Provost's Office, Student Affairs, Athletics, and a Band alumna or alumnus. Since I am stepping down as provost at the end of January, President Tessier-Lavigne has asked me to serve as the President and Provost's Office representative on the committee, which I am happy to do.

These sanctions have one goal: to more clearly define and implement the operational and cultural changes sketched in Section III of the Band's appeal. While I am completely confident that the present leadership will make this happen, if progress toward this goal does not continue, the university will be forced to reassess whether additional measures need to be taken.

JOHN W. ETCHEMENDY
Provost
Page 6/6

I look forward to getting the Band up and running as soon as possible, at which point I'll join you in a chorus of *All Right Now*. On my kazoo.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Etchemendy', with a large, stylized flourish extending to the right.

John Etchemendy