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Student now faces fewer charges

By **Kavita Kumar**
 ST. LOUIS POST-DISPATCH
 01/10/2008



Jun Xiao
(Handout)

St. Louis Community College has dropped hazing and related charges against a student who had been barred from e-mailing his classmates.

But Jun Xiao remains on disciplinary probation based on accusations of asking too many questions in class and verbally abusing a staff member, according to a college document. As Xiao fights these charges, advocacy groups who intervened on his behalf last month continue to pressure the college, saying it has not given him due process.

In October, Daniel Herbst, the Meramec campus's acting vice president of student affairs, charged Xiao with a number of infractions and said that if he violated any other college rules, he could be suspended. Some of the charges stemmed from e-mails Xiao had sent to his classmates suggesting that they

should join him in dropping their organic chemistry class and find a better professor in the school or at another college.

Herbst denied the initial appeal. Xiao's second appeal, this time to the Student Appellate Hearing Committee, was to be heard on Friday, but the hearing has been postponed because Xiao's lawyer will be out of town.

Herbst did not return a phone call. Pat Crowe, a college spokesman, said the college is obligated to protect a student's privacy and so cannot discuss this case.

"We wish to resolve this matter with the hope that the outcome will allow Mr. Xiao to further his education," Crowe said.

Xiao is worried that having the probation on his record will jeopardize his chances of getting into medical school.

Denise Speruzza, chair of the hearing committee, wrote in a Jan. 2 letter to Xiao that all charges regarding his inappropriate use of the college's e-mail system had been dropped.

"Mr. Herbst acknowledges that you may have a constitutional right to send e-mails to other students, and he wants to respect that right," the letter says.

Last month, the national advocacy group Foundation for Individual Rights in Education as well as the ACLU of Eastern Missouri wrote the college saying that it had violated Xiao's rights of due process and free speech.

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Speruzza's letter, which was posted to the foundation's website, said that Xiao still has two remaining charges against him. The incidents behind the charges were not detailed in Xiao's initial probation letter, but

Speruzza laid them out.

Speruzza wrote that the first charge — for obstruction or disruption of teaching — "includes delaying the class with repeating of questions regarding material that had either previously been covered in the course or knowledge that you should have had prior to coming into the course."

Xiao said he does not think he asked too many questions.

"What is the definition of too many?" he asked. "Is it one question? Two questions?"

He said sometimes he did not ask any questions, while other times he recalls asking a couple of questions. "Asking questions is a normal academic behavior," he added.

The second charge is for disorderly conduct, namely an incident around Oct. 10 in which he was allegedly verbally abusive to the chemistry department secretary. The letter said two members of the department witnessed the incident.

Xiao said he doesn't think he was out of bounds in that instance, but he declined to talk

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about it in detail until the hearing is held.

Samantha Harris, legal director of the Foundation for Individual Rights in Education, said the college's treatment of Xiao has been "terribly unfair." In particular, she criticized the college for putting him on probation without an initial hearing and for not giving him information on the substance of the allegations against him until the Jan. 2 letter.

Xiao said he has repeatedly asked Herbst to see the written complaints and other documents in the case against him. Xiao said he still has not received them.

Xiao met with Herbst on Dec. 26. In that meeting, Xiao said, Herbst offered to drop the charges and the probation against him if he apologized to the chemistry secretary. But Xiao said Tuesday that he wasn't planning to so because it was his rights that have been violated.

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