

MINUTES OF THE UNIVERSITY SENATE, JANUARY 9, 1967

The University Senate met in regular session at 4:00 p.m., Monday, January 9, 1967, in the Court Room of the Law Building. Chairman Diachun presided. Members absent: Jacob H. Adler, Jack N. Baldwin, Charles E. Barnhart, Barbara Bates, John R. Batt, John J. Begin, Harold R. Binkley, Wallace Briggs, Thomas D. Brower, Lester Bryant, C. Frank Buck, Morris B. Cierley, Jerome E. Cohn, Donald J. Cotter, Glenwood L. Creech, Marcia Dake, Melvin DeFleur, John E. Delap, Kurt W. Deuschle, J. H. Drudge, Phillip A. Duncan, Ben A. Eiseman, Herman A. Ellis, Robert O. Evans*, Thomas P. Field, Stuart Forth, Hugh Scott Fulmer, James E. Funk, Art Gallaheer, Wesley P. Garrigus, Peter Gillis, Charles P. Graves, John W. Greene, Jr., Ward Griffen, Jesse Harris, Ellis F. Hartford, Maurice A. Hatch, Charles F. Haywood, A. J. Hiatt, Almonte C. Howell, W. M. Insko, Jr.,* Raymon D. Johnson, Robert L. Johnson*, Robert F. Kerley, Wasley Krogdahl,* R. A. Lauderdale, Jr., C. Oran Little, L. Mae McPhetridge, Lois J. Merrill, G. E. Mitchell, James T. Moore, Alvin L. Morris, R. T. Muelling, Jr., John W. Oswald, Leonard V. Packett, Blaine F. Parker, Howard C. Parker, J. W. Patterson, Doris P. Pearce, N. J. Pisacano, James H. Powell, James Prestridge, Leonard A. Ravitz, John E. Reeves, John T. Reeves, Wimberly C. Royster, Benjamin Rush, Don Cash Seaton*, William A. Seay, Doris M. Seward, Dallas M. Shuffett, Roy E. Sigafus, C. Leland Smith, Dewey G. Steele, Paul Street, Thomas B. Stroup, William Survant, Lee H. Townsend, M. Stanley Wall, Warren W. Walton, William S. Ward, Warren C. Wheeler, Robert L. White, William R. Willard, W. W. Winternitz, William A. Withington, Wesley O. Young, Leon Zolondek.

The Chairman presented a request from Mr. Frank Browning of the KERNEL that he and some of his associates be permitted to sit in the meeting and report its proceedings. The Senate approved the request and Mr. Browning and associates were invited into the meeting.

The minutes of the regular meeting of December 12th and the special meeting of December 14th, 1966 were approved as circulated.

Dr. Ockerman, Dean of Admissions and Registrar, expressed to all members of the teaching faculty and appropriate administrative officers his appreciation and that of his staff for the splendid cooperation which had been exhibited in meeting the deadline for submission of grades and for the improvements in the pre-registration procedure.

Acting Dean Oberst of the College of Law presented recommendation for approval of law degree candidates who had completed requirements for the degree of Juris Doctor on December 21, 1966. The Senate approved this request for recommendation to the Board of Trustees.

Following determination that a quorum was present for the conduct of business Professor Garrett Flickinger, Chairman of the Senate Advisory Committee for Student Affairs, read a letter from the Vice President of Student Affairs, Dr. Robert L. Johnson, who was unable to be present due to a prior commitment.

*Absence Explained

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A long standing out-of-town commitment prevents me from attending the Senate meeting at which the report from the Advisory Committee for Student Affairs will be discussed. However, I do wish the Senate to know that administrative officers of the University have worked closely with Professor Flickinger and members of his Committee in the preparation of the document which is before you. Particularly, key individuals in the Student Affairs area have been involved in the deliberation which have culminated in the written report.

It is readily apparent to even a casual observer of American higher education today that one of the most important issues emerging from campuses all over the United States is that which deals with the exact relationship between the institution of higher learning and the student. It is quite clear that the all-encompassing doctrine of "in-loco-parentis" is anachronistic and has been substantially eroded by a series of the most recent court decisions. Not only is a literal and complete application of "in-loco-parentis" out of place with the times, all too often it is inconsistent with the aims of higher education.

Upon assumption of this office approximately two years ago, I moved administratively towards a policy which aimed at the objectives outlined in the Advisory Committee's report. However, as there was no stated conceptual framework within which to operate, and because the process of protection of legally guaranteed rights needed definition, we requested the Senate Advisory Committee to give its attention to these matters. The report before you is the product of intensive study and long deliberation by the faculty members and students who comprise the Advisory Committee. Perhaps some of the recommendations of the report will undergo modification by the Committee as our experience dictates and circumstances change. However, the conceptual framework which clearly delineates the differing relationships of the student to the University and which guarantees a due process mechanism protective of both the individual student and the University, is one which I wholeheartedly endorse. I am deeply grateful to the Senate Advisory Committee for the document which it has prepared, and I hope that it will receive the support of the University Faculty Senate.

Sincerely,

(signed) R. L. Johnson

Robert L. Johnson
Vice President-Student Affairs

Request for approval of the recommendations as contained in the Report and Recommendations of the Senate Advisory Committee on Students circulated to the faculty under date of December 9, 1966 then proceeded as follows:

- 1) that action on Recommendation 1) be withheld until all other recommendations have been acted upon since Recommendation 1) will obviously apply if the other recommendations are approved;

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- 2) that the material regarding offenses, procedures and punishments relating to the use of University housing be adopted;

Following a second to the motion, extensive discussion followed and an amendment to the motion was introduced, namely, that the University also be given the right to appeal the decision, as well as the student. The Senate defeated this motion. Original Motion 2), as circulated, was then approved by the University Senate.

1. The University As Landlord

A. The Offenses - In the area of offenses against the University as a landlord the Committee felt it unwise to suggest any specific offenses because of its somewhat cloudy memory regarding the activities of the students within dormitories and rooming houses. It therefore suggests and recommends that the University be given the authority to promulgate the rules of conduct for students who use or dwell within University dormitories, cooperatives, housing projects or rooming houses, i.e., all buildings owned and operated exclusively by the University. These rules should be posted prominently in all such University buildings where students reside. In addition the Committee suggests and recommends that the residential Housing Councils be given legislative authority to establish additional rules and regulations regarding conduct within their jurisdictions.

B. The Procedures - House Councils should be established for each comprehensive geographical housing unit(s). Election of members to this House Council shall be generally in accordance with present regulations affecting election of existing House Councils except as necessarily expanded in order to provide adequate representation to the house councils where there is more than one individual unit. In addition, in accordance with present procedures each such housing unit(s) shall have a resident advisor appointed by the University. This advisor shall have the duty to counsel and advise students having disciplinary problems affecting that student's relationship with the University as a landlord. (He shall also be under the obligation of investigating any complaint of violation of the rules to determine the facts regarding such alleged violation.) Such advisor shall have no authority to impose disciplinary punishment upon the student but, after counselling with the student, may suggest that the student accept certain voluntary disciplinary punishment or counselling and, if the student agrees to accept such punishment or counselling, the resident advisor shall be obligated to see that the student carries out his agreement. In connection with these disciplinary duties, the resident advisor shall not be permitted to contact the parents of any such student who is over the age of 18 without that student's permission.

If the advisor and the student cannot agree on the appropriate punishment or counselling, or if, at any time, the student refuses to discuss the matter with the resident advisor, the resident advisor shall then present the results of his investigation of the facts to a body which shall be known as the Residence J-Board. This Residence J-Board shall be composed of at least five students and not more than nine who shall have been selected by the resident advisor from a list of names which shall be supplied to him by the House Council which governs the particular housing unit(s). The Residence J-Board shall have jurisdiction over the entire comprehensive unit and, where the unit is composed of more than one individual unit, the House

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Council is advised to choose sufficient names so that there is at least some attempt made to include representation from all of the individual units. In order to be a member of such Residence J-Board the student must have been in residence at the University for at least one year and at the housing unit at least one semester and must be a member of a class other than the freshman. (NOTE: Neither the residence requirement nor the class requirement shall apply where the housing unit is composed solely of freshmen.) Furthermore, the House Council should establish procedures with regard to its recommendations to make sure that any person suggested is willing to serve in such capacity. The Residence J-Board then shall have jurisdiction over all cases involving violations of the rules of conduct occurring within the comprehensive housing unit to which it is connected. The Residence J-Board shall be responsible for determining the guilt or innocence of the accused student and shall have the primary authority for imposing punishment upon the student if it determines that the student has, in fact, committed a violation. Notice of the punishment determined shall be communicated to the resident advisor for action.

Any student who believes that he has been improperly adjudged guilty or who believes that his punishment is too severe for the nature of the offense, shall have a right to appeal from the decision of the Residence J-Board to the University J-Board. Such appeal must be in writing, setting forth the areas of disagreement with the Residence J-Board and must be filed with the University J-Board within 30 days of the announcement of the decision of the Residence J-Board. The University J-Board (whose composition and general structure is set forth *infra*) shall have the right to reverse the decision of the Residence J-Board both as to the existence or non-existence of a violation and as to the scope or size of the punishment to be imposed. However, in the latter case the University J-Board shall have authority only to reduce the punishment, not to increase it.

C. The Punishment - The Residence J-Board may impose any punishment up to and including dismissal from the housing unit. In other words, the discipline may consist of social probation, reprimand, fines, and any other appropriate punishment. It is important, however, that the Residence J-Board understand that it cannot impose traditional University disciplinary punishments, e.g., suspension or expulsion, for violation of housing rules and regulations. It is suggested that the Residence J-Board establish, as much as possible, a system of possible punishments which will be imposed for violations of various rules. The Committee is making no suggestion on this point because it feels that the variety of possible rules which might be violated require greater discretion on the part of the Residence J-Board in order to "make the punishment fit the crime."

3) that the material regarding offenses, procedures, and punishment relating to the community of scholars be adopted;

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Following a second to the motion, there was extended discussion. Additionally, Dr. Whayne, College of Medicine, presented the following joint statement of the Faculty Councils of the Colleges of Dentistry and Medicine:

The Faculty Councils of the Colleges of Medicine and Dentistry have studied, with deep concern, the report dated December 9, 1966 from the Senate Advisory Committee on Student Affairs which includes recommendations that disciplinary matters involving professional students should be entrusted to the judgment and authority of a University Judicial Board composed of graduate, undergraduate, and professional students, and that academic records be separated from disciplinary records.

The recommendations fail to take cognizance of the fact that the behavioral problems of a dental or medical student are relevant to his total functioning as a potential professional person and to his eventual admission to the profession for which he is preparing. Judgments and authority concerning behavioral matters must continue to rest with those persons who are responsible for certifying the total qualifications of students to enter a profession.

The Judicial Board, as proposed, would act as an appeal recourse for any student of a professional school who was dissatisfied with the handling of a matter within his college. The proposal would thus transfer authority in these matters to a body which would have little or no qualifications for judging the consequences of its actions. It would impose an additional level of administrative apparatus into a situation for which carefully considered procedures have been working satisfactorily and equitably for several years.

It should be noted that the Colleges of Medicine and Dentistry, through the Office of Student Services, now have Committees on Student Affairs which include elected members of their student bodies as well as professional faculty for the very purpose of considering disciplinary, behavioral, and other professionally relevant questions.

The Faculty Councils are dismayed to realize that these recommendations, which have far reaching implications for the responsible functioning of the Colleges of Medicine and Dentistry, have been formulated by a committee which had no representation of any one involved in the teaching of medical or dental students and which took no steps, as far as we can determine, to communicate in any way with the Medical Center's Office of Student Services, or the Deans of either the College of Medicine or the College of Dentistry, nor to determine the status and effectiveness of existing procedures for handling questionable student behavior within these colleges, or the potential consequences to these colleges of the recommendations which have been made.

Dr. Whayne then presented the following amendment to the original motion:

that professional students in the Colleges of Dentistry and Medicine not be required to participate in or be subject to the proposed program for student discipline as outlined in the Report and Recommendations of the Committee on Student Affairs.

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The amendment was seconded.

Out of extensive discussion which followed Dr. Whayne was asked to remove his amendment to the original recommendation in favor of the following substitute motion:

that the original recommendation of the Senate Advisory Committee on Student Affairs not apply to the Dental and Medical Schools; that further investigation be made of the Dental and Medical Schools; and that report and recommendations of this Committee, based on the reports from the Dental and Medical Schools, be brought before the University Senate within the next 60 days.

Dr. Whayne agreed to remove his amendment, and the second to the motion was also withdrawn. Question was then raised of the presence of a quorum for the further conduct of business. A count determined that a quorum was no longer present and the Senate adjourned at 5:30 p.m.

Elbert W. Ockerman
Secretary

MINUTES OF THE UNIVERSITY SENATE, FEBRUARY 13, 1967

The University Senate met in regular session at 4:00 p.m., Monday, February 13, 1967 in the Court Room of the Law Building. Chairman Diachun presided. Members absent: A. D. Albright, Jack N. Baldwin, Charles E. Barnhart, John R. Batt, John J. Begin*, Harold R. Binkley, Peter Bosomworth, Wallace Briggs*, Thomas D. Brower, C. Frank Buck, Marion A. Carnes, Cecil C. Carpenter, Merle Carter, Morris B. Cierley*, Carl B. Cone, Glenwood L. Creech, Tihamer Csaky, Marcia Dake, Melvin DeFleur, John E. Delap, Wendell C. DeMarcus, Kurt W. Deuschle, Robert M. Drake, Jr., Ben A. Eiseman, Thomas P. Field, Hugh Scott Fulmer, Peter Gillis, Lyman V. Ginger, Arthur C. Glasser, Charles P. Graves*, John W. Greene, Jr., Ellis F. Hartford, Jesse Harris, Charles F. Haywood, Hubert P. Henderson, A. J. Hiatt, J. W. Hill, Almonte C. Howell, James C. Humphries, W. M. Insko, Jr.*, Don Jacobson, Raymon D. Johnson, Catherine Katterjohn, Robert F. Kerley, James B. Kincheloe, John Kuiper, R. A. Lauderdale, Jr., Leslie L. Martin, LeRay McGee, G. E. Mitchell, Noel E. Moore, Alvin L. Morris, R. T. Muelling, Jr., Vernon Musselman, Paul C. Nagel, Blaine F. Parker, Howard C. Parker, J. W. Patterson, Doris P. Pearce, N. J. Pisacano, Arlon G. Podshadley, James H. Powell, John T. Reeves, Ivan Russell, Doris M. Seward, Roy E. Sigafus, C. Leland Smith, Wellington B. Stewart, Paul Street, Thomas B. Stroup, Lee H. Townsend, M. Stanley Wall, William S. Ward, Daniel L. Weiss, Warren E. Wheeler, Robert L. White, William R. Willard, W. W. Winternitz, Leon Zolondek.

The Chairman presented a request from Mr. Terence Hunt of the KERNEL that he and some of his colleagues be permitted to sit in the meeting and report its proceedings. The Senate approved the request and Mr. Hunt and associates were invited into the meeting.

*Absence Explained