

3.13 SCHOLARSHIPS, GRANTS-IN-AID, AND FINANCIAL AID

An applicant for, or a recipient of University financial aid, a University grant-in-aid, or a University scholarship has the right not to be discriminated against because of race, color, religion, or national origin.

In this context, University financial aid, a University grant-in-aid, or a University scholarship are those that the University administers by selecting the recipient and allocating the funds.

3.14 USE OF FACILITIES AND SERVICES

A student has the right to all University student facilities and services on a fair and equitable basis. However, the University may restrict its facilities and services when their use would interfere with normal University operations. The University may also delineate the purpose for which students may use certain facilities.

3.15 DISCRIMINATION IN THE COMMUNITY

A student has the right to expect the University to exert its influence both on campus and in the community to eliminate discrimination on the basis of race, color, religion, or national origin.

Dr. Plucknett then presented proposed new Sections 3.2, 3.21, 3.22, 3.23, 3.24, and 3.25 and recommended that these Sections be included in the Code under new ARTICLE III for recommendation to the Board through the President. Following extensive discussion motion was made and seconded to amend the motion to delete Section 3.23 from the Code. After additional discussion motion was made and approved to recess the meeting until 4:00 p.m., Monday, October 20, 1969, when the Senate will reconvene in the Court Room of the Law Building to continue consideration of these Sections, subsequent sections, and the additional recommendations.

The Senate recessed at 5:40 p.m.

The Senate reconvened at 4:00 p.m., Monday, October 20, 1969, in the Court Room of the Law Building. Chairman Ogletree presided. Members absent: Clifford Amyx, Ronald Atwood, Charles Auvenshine, Lyle N. Back*, Norman F. Billups, H. Martin Blacker*, Herbert Bruce, Marion A. Carnes*, Clyde R. Carpenter*, Robert E. Cazden, Virgil L. Christian, Jr., Maurice A. Clay, Carl B. Cone*, Robert L. Cosgriff*, Eugene L. Crawford, Jr., M. Ward Crowe, Charles F. Davis, III, Loretta Denman*, David E. Denton, R. Lewis Donohew, John P. Drysdale, W. G. Duncan, W. W. Ecton, Frank J. Essene, Joseph B. Fugate, Roy F. Gabbard, Milton E. Gellin*, James L. Gibson, William A. Gordon*, Ben R. Gossick, Michael E. Hall, Virgil W. Hays, Eugene Huff, James D. Kemp, John E. Kennedy, Albert D. Kirwan*, Robert W. Kiser, Donald E. Knapp*, James F. Lafferty*, Walter G. Langlois*, Melvin J. Lerner, Albert S. Levy, Albert J. Lott, Ray Marshall, Marucs T. McEllistrem, Richard I. Miller*,

*Absence explained

Arthur K. Moore, Dean H. Morrow*, Jacqueline A. Noonan*, Richard P. O'Neill, Harold F. Parks*, Doyle E. Peaslee, Ronald E. Phillips, Curtis Phipps*, Nicholas J. Pisacano, John L. Ragland, Leonard A. Ravitz*, John W. Roddick, Benjamin F. Rush, Donald E. Sands*, John W. Schaefer*, Rudolph Schriels, Ralph Shabetai, Robert Straus, Timothy H. Taylor, Duane N. Tweeddale*, Harold H. Van Horn, David R. Wekstein*, David C. White, Raymond A. Wilkie, W. W. Winternitz, J. D. Wirtschafter, Donald J. Wood*, N. W. Bradley, Jean M. Hayter*, J. W. Hollingsworth*, Vernon L. James, Otis A. Singletary, Alvin L. Morris, William R. Willard*, George J. Ruschell, Glenwood L. Creech, Lewis W. Cochran*, Lawrence A. Allen, Charles E. Barnhart, Harry M. Bohannon, Marcia A. Dake*, George W. Denemark, Harold D. Gordon, Joseph Hamburg, Ellis F. Hartford, Raymon D. Johnson*, William S. Jordan, Jr.*, Leonard V. Packett, John C. Robertson*, Doris M. Seward, Eugene J. Small*, Joseph V. Swintosky*, Ernest F. Witte, Joseph J. Massie.

The Senate approved the requests of Bill Matthews, Jeannie Leedom, and Ken Weaver to attend, report and photograph the meeting.

The amendment on the floor to delete Section 3.23 from the Code was withdrawn.

Dr. Sedler presented a motion to amend Section 3.23 to delete the phrase, "is requested by his parents or" from the second sentence. The Senate approved this motion.

On behalf of the Senate Council, Dr. Plucknett presented a motion to amend Section 3.23 by adding the word "academic" between the words "students" and "record" in the second sentence. The Senate approved this motion.

On behalf of the Senate Council, Dr. Plucknett presented a motion to amend Section 3.24 to add the word "Normally" as the first word of the paragraph. The Senate defeated this motion.

Dr. Stanford Smith presented amendments to Section 3.21 as follows:

1. Change the first paragraph to read as follows:

A student has the right to be free from unreasonable intrusions into his privacy and from unreasonable searches and seizures of his person and possessions while on University property.

The Senate approved this amendment as presented.

2. Combine the second and third paragraphs into one paragraph to read as follows:

A student's residence hall room may only be entered or searched, without his prior permission, in emergency cases presenting clear evidence of dire and immediate danger to life, health or property. Such searches must be authorized and conducted by the Dean of Students. Entry into a student's residence hall room for housekeeping or maintenance purposes by authorized personnel shall not be deemed an intrusion subject to the above restriction.

*Absence explained

At this point in its deliberations the Senate approved a request by Mr. Hall, Dean of Students, to suspend the agenda in order to permit him to read the following statement:

The University Senate has before it for consideration the October 13, 1969 recommendations of the University Senate Advisory Committee for Student Affairs for changes in the Code of Student Conduct. As Dean of Students I wish to state my position on the proposal for the general information of the members of this body.

A Bill of Rights for students has been under consideration in various forms for many months. I support the adoption and publication of the rights guaranteed by the institution to its students. I also agree that guarantees of due process should be made and published. My concern is about the attempt to define and publish the specific administrative procedures for the implementation of rights guaranteed to students. In so doing, it would seem to me, there is a danger inherent that rather than delineating rights and procedures, expectations are set which cannot be met on the one hand and restrictions are imposed which are severely limiting on the other hand.

I would suggest that a broad statement of principles and policies in line with the Joint Statement on Rights and Freedoms of Students, be adopted and promulgated by the University of Kentucky, but that the procedures for the specific administrative implementation of these policies be determined by the related administrative officials of the institution. This approach would avoid the ambiguity of statements contained in the proposal currently before you and allow for interpretation by the appropriate appellate board over all cases involving violations of rights.

Further, as Dean of Students, I am not at all certain that I wish to have delegated to me the broad jurisdiction that is being suggested. For example, in Section 3.21 Person and Property, I am unable to interpret exactly what constitutes "premises controlled by the University." This is a new term, so far as I know. In the second paragraph of that section it would appear that the Dean of Students is given very broad powers which would enable search of a student's room for food which is not properly stored in "pest-proof" containers or a bottle containing an alcoholic beverage which is "about to be" consumed. This could be done without the student's consent or guarantee that appropriate University personnel are to be present. For example, in the event of "clear and imminent danger of life, health, safety" it would seem desirable to have representatives of our Safety and Security Division present.

It would be preferable, to my way of thinking, to state as a student right: "A student has the right to be free from unreasonable intrusions into his privacy and from unreasonable searches and seizures of his person and property while on University property."

The administrative procedures for insuring this right then could be developed to guard against intrusions for instances such as those I just have cited. Any alleged violation of the right then could be heard by the University Appeals Board.

Minutes of the University Senate, October 20, 1969 (Cont'd.)

All of this is to say that the adoption and publication of student rights and the procedural due processes are highly desirable. The inclusion of administrative procedures is a concept which is unacceptable to me personally and a step which I feel will be detrimental in the long run to students. It would be my hope that, at your direction, the Senate Advisory Committee on Student Affairs would re-work their recommendations to encompass the changes I have suggested. I know that time is an element of consideration here, but the issue is one of such magnitude that more thorough investigation and deliberations inclusive of all points of view are of greater importance than moving expeditiously on this matter.

I would request that this statement be read into the Minutes of this meeting as a matter of record.

Motion was made to return Section 3.21 to Committee. The Senate defeated this motion.

The Senate then defeated Dr. Smith's motion to combine paragraphs two and three of Section 3.21 into a new paragraph as presented. The vote to defeat was 56 to 43.

Dr. Mason presented an amendment to Section 3.21 to substitute for all four paragraphs therein the following paragraph:

A student has the right to be free from unreasonable search and seizure as guaranteed by the Bill of Rights of the United States Constitution and judicial precedents interpreting that right.

The Senate defeated this motion.

The Senate then approved all of Section 3.2 - RIGHT OF PRIVACY - which included 3.21, as amended, 3.22, 3.23, as amended, 3.24, and 3.25, for recommendation to the Board of Trustees through the President. All of Section 3.2, as amended and approved, reads as follows:

Section 3.2 RIGHT OF PRIVACY

3.21 PERSON AND PROPERTY

A student has the right to be free from unreasonable intrusions into his privacy and from unreasonable searches and seizures of his person and possessions while on University property.

When a University official has reason to believe that a violation of a University disciplinary offense or a University residence hall regulation has been, is being, or is about to be committed, he may intrude into and search a student's residence hall room only in the presence of the student or upon written authorization from the Dean of Students or his designee. The authorization shall state the particular time and place of the search and the particular property to be seized. However, no such authorization shall be issued unless an appropriate reason is provided.

Entry into a student's residence hall room for house-keeping purposes by authorized personnel in the course of their customary duties, or by individuals in emergencies presenting a clear and imminent danger of life, health, safety, or property shall not be deemed an intrusion subject to the required authorization procedures.

Students living in units not directly supervised by the University are protected by the usual legal requirements for searches and seizures and shall not be subject to such by University officials.

3.22 DISCIPLINARY RECORDS

A student has the right to have his disciplinary record kept separate and confidential unless he consents in writing to have it revealed. However, the Dean of Students or the corresponding official in professional schools may disclose the student's record without his consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized University personnel for official use. In these circumstances, only the information pertinent to the inquiry may be revealed. The Dean or the corresponding official may also act without the student's consent to have a statement of expulsion or suspension entered on his academic record for the time that this disciplinary action would prohibit the student from registering for courses. Notice of this statement shall be sent to the student.

3.23 ACADEMIC RECORDS

A student has the right to have his academic record kept separate and confidential unless he consents in writing to have it revealed. However, the Registrar or his designee may disclose the student's academic record without his consent if the information is required by authorized University personnel for official use, such as advising students, writing recommendations, or selecting candidates for honorary organizations.

3.24 COUNSELING RECORDS

A student has the right to have his counseling records kept separate and confidential unless he consents in writing to have it revealed. However, psychologists in the University Counseling Center, counselors in the Office of Student Affairs and psychiatrists in the Student Health Service may share information if professional consultation is advisable. They may also reveal information to an appropriate authority when there is a clear and imminent danger to life, health, safety, or property. And they may provide an evaluation of a student's predicted academic ability upon request from his instructor, advisor, dean or the dean's representative.

3.25 EVALUATION OF STUDENT CHARACTER AND ABILITY

A student has the right to have his character and ability evaluated only by individuals with a personal knowledge of him. Records containing information about a student's character shall indicate when the information was provided, by whom, the position of this individual, and his qualification for evaluating the student.

The Chairman announced that if there were no objections the Senate would stay in session until 5:30, recess until 4:00 p.m., Monday, October 27, 1969, in the Court Room of the Law Building when the Senate will reconvene to continue deliberation of the Report. There were no objections to this proposal.

A Senator raised the question of the presence of a quorum. A count revealed the absence of a quorum. The Senate then recessed until 4:00 p.m., Monday, October 27th, at 4:00 p.m.

Meeting recessed at 5:10 p.m.

The Senate reconvened at 4:00 p.m., Monday, October 27, 1969, in the Court Room of the Law Building. Chairman Ogletree presided. Members absent: Staley F. Adams*, Clifford Amyx, Charles Auvenshine, Robert A. Baker, Norman F. Billups, Richard C. Birkeback, Ben W. Black*, H. Martin Blacker*, Wallace N. Briggs*, Cecil Bull*, Marion A. Carnes, Clyde R. Carpenter*, Virgil L. Christian, Jr., Donald B. Coleman, Robert L. Cosgriff*, William B. Cotter, Clifford J. Cremers*, Charles F. David III, Loretta Denman*, David E. Denton, R. Lewis Donohew, W. G. Duncan, W. W. Ecton*, Fred Edmonds*, Roger Eichhorn*, Joseph Engelberg*, Frank J. Essene, Joseph B. Fugate, Roy F. Gabbard, Jess L. Gardner*, Stephen M. Gittleson*, Ben R. Gossick, Joseph J. Gruber, Michael D. Hall, Alfred S. L. Hu, John W. Hutchinson*, Donald W. Ivey*, Don R. Jacobson, Albert D. Kirwan*, Robert W. Kiser*, James A. Knoblett*, James F. Lafferty*, Carl E. Langenhop, Harold R. Laswell*, Albert S. Levy, Richard V. McDougall, Marcus T. McEllistrem, Michael P. McQuillen*, Richard I. Miller, George E. Mitchell, Dean H. Morrow, Theodore H. Mueller, Vernon A. Musselman, Jacqueline A. Noonan*, Louis A. Norton, Horace A. Norrell*, Richard P. O'Neill, Albert W. Patrick*, Nicholas J. Pisacano, Muriel A. Poulin*, Leonard A. Ravitz, John W. Roddick, Robert W. Rudd, Donald E. Sands, John W. Schaefer*, Rudolph Schriels, George W. Schwert, Robert A. Sedler*, Ralph Shabetai, D. Milton Shuffett, Gerard E. Silberstein*, Emily V. Smith*, William G. Survant, Duane N. Tweeddale*, Harold H. Van Horn, Harwin L. Voss*, David R. Wekstein*, David C. White*, W. W. Winternitz*, Donald J. Wood*, N. W. Bradley, Jean M. Hayter*, Vernon L. James, Otis A. Singletary, George J. Ruschell, Glenwood L. Creech, Stuart Forth, Lewis W. Cochran*, Lawrence A. Allen, Charles E. Barnhart, Harry M. Bohannon, Marcia A. Dake*, Robert M. Drake, Jr., Harold D. Gordon, Charles P. Graves, Joseph Hamburg, Ellis F. Hartford, Raymon D. Johnson, William S. Jordan, Jr.*, Elbert W. Ockerman*, Leonard V. Packett, John C. Robertson*, Doris M. Seward, Eugene J. Small, John L. Sutton, Ernest F. Witte, Joseph L. Massie.

The Senate approved the requests of Jeannie Leedom, Jean Renaker, Kernel reporters, and Dick Ware, Kernel photographer, to attend, report and photograph.

The Chair recommended that the Senate continue in session until 5:30, then recess and reconvene at 7:00 p.m. At this point quorum was called for. A count revealed the absence of a quorum.

*Absence explained