

UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

UNIVERSITY FACULTY SENATE  
303 HULLIHEN HALL  
PHONE: 302-738-2829

April 24, 1974

MEMORANDUM

TO: All Faculty Members

FROM: John C. Wriston, Jr., Vice President *jcw*  
University Faculty Senate

SUBJECT: Regular Senate Meeting, May 6, 1974

In accordance with Section IV, paragraph 6 of the Constitution, the first regular meeting of the newly-elected (1974-75) University Faculty Senate will be held on Monday, May 6, 1974, at 4 PM in Room 110, Memorial Hall.

AGENDA

- I. Adoption of the Agenda
- II. Approval of the Minutes of the last regular meeting of April 1, 1974.
- III. Announcements
- IV. New Business
  - A. Election of Officers (see Attachment 1).
  - B. Election of Chairpersons for the Committee on Committees, and the Coordinating Committee on Education, together with election of members for the Committee on Committees, Rules Committee, and the Nominating Committee, as required by Senate Bylaws. (See Attachment 1 for nominees, all of whom have agreed to serve if elected; senators are reminded that additional nominations may be made from the floor but that the persons making such nominations are responsible for determining that the nominee will serve if elected.)
  - C. Confirmation of appointments to Standing Senate Committees, from the Committee on Committees (list of proposed appointments to follow.)
  - D. Report and recommendation from joint Trustee-Faculty Committee on Honorary Degrees.
  - E. Report and recommendations from the Committee on Promotion and Tenure on Tenure Policy (see Attachment 2).

- F. Recommendation from the Coordinating Committee on Education, that the Senate approve certain Master of Science Degree options in Occupational Education. Copies of this lengthy report are available in the Faculty Senate Office and in the office of Dr. John Matthews, College of Education.
- G. Recommendation from the Committee on Student Life, concerning a replacement of the existing Student Judicial System with a new system (see Attachment 3).
- H. Report from Research Committee concerning a proposed Institute for the Neurosciences and Behavior. (A copy of this proposal was distributed to the faculty by the Committee on Research on April 16, 1974; a revised proposal will be provided before the meeting.)
- I. Such items as may come before the Senate. (No motion introduced at this time may be acted upon until the next meeting of the Senate.)

Attachments are in the hands of your Senators. Distribution also includes one copy for each ten faculty members of each department.

JCW/dpe

Attachments

NOMINATIONS FOR SENATE OFFICERS, CERTAIN COMMITTEE CHAIRPERSONS,  
AND MEMBERS TO CERTAIN COMMITTEES

Senate Bylaws require that the Nominating Committee present two nominees for each position. Senators will notice certain blanks in the list of nominations below, blanks which the Nominating Committee will endeavor to fill before the Senate meets on May 6.

SENATE OFFICERS

President	Ludwig Mosberg Associate Professor Education	Lucia M. Palmer Associate Professor Philosophy
Vice President	E. Paul Catts Associate Professor Entomology	Raymond Wolters Associate Professor History
Secretary	Sheila A. McMahon Assistant Professor Nursing	John P. McLaughlin Associate Professor Psychology

RULES COMMITTEE

Ann S. Thompson Assistant Professor Home Economics	F. Loren Smith Professor Psychology
Henry B. Tingey Associate Professor Statistics & Computer Science	Malthon M. Anapol Associate Professor Speech Communications

CHAIRMAN, COORDINATING COMMITTEE ON EDUCATION

John Pikulski  
Associate Professor  
Education

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COMMITTEE ON COMMITTEES

Chairperson	Madelynn F. Oglesby Associate Professor Nursing	Francis X. Tannian Professor Urban Affairs
Members	Byron P. Shurtleff Associate Professor Art	Stephen L. Finner Associate Professor Sociology

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NOMINATING COMMITTEE

Julio Acunha  
Professor  
Art

Robert N. Hill  
Professor  
Physics

Marjorie R. Recke  
Instructor  
Nursing

Ernest J. Moyne  
Professor  
English

Arlette I. Rasmussen  
Associate Professor  
Home Economics

Harry D. Hutchinson  
Professor  
Economics

John C. Wriston, Jr.  
Professor  
Chemistry

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Allen L. Morehart  
Associate Professor  
Plant Science

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4/24/74

COMMITTEE ON PROMOTION AND TENURE

REPORT ON TENURE POLICY

This Committee has been charged to study the present tenure policy at the University of Delaware and to recommend modifications in that policy, if appropriate, for Senate consideration and ultimate transmission to the Board of Trustees. The role of tenure on the Delaware campus and at universities generally has been reviewed recently by an ad hoc committee of the Senate.<sup>1</sup> That committee and the Senate reaffirmed the central role of tenure in maintaining academic freedom at universities. A similar position was taken by the Commission on Academic Tenure in Higher Education:

"...We believe that [tenure's] value in protecting academic freedom is paramount. Academic freedom is so central to the integrity of new knowledge, in conservation of the values and wisdom of the past, and in promotion of the critical inquiry essential to self-renewal, that academic tenure, in the Commission's view, should be retained as our most tested and reliable instrument for incorporating academic freedom into the heart of our institutions."<sup>2</sup>

Academic freedom today must include not only the more traditional notions of scholarship and teaching, but also the freedom to participate fully in faculty governance, as, for example, in Senate debates.

Tenure is different from job security. Tenure does not require employment of faculty members whose services are not needed because of program reductions, such as those necessitated by long-term changes in enrollment patterns. Nor does tenure require continued employment of faculty members whose academic performance fails to meet accepted standards. The University of Delaware faculty has recently affirmed the policy of periodic peer review of tenured faculty members.<sup>3</sup>

The policy which we propose below requires that, with few exceptions, no faculty member may be retained beyond seven years unless his or her performance and potential have been carefully evaluated relative to established criteria and a contract with continuing tenure has been awarded. There is a great deal of faculty responsibility in the implementation of such a policy, for difficult academic judgments must be made by faculty peers. The recommended policy establishes a central role for the departmental promotion and tenure committee in the annual evaluation of untenured faculty during the probationary period.

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<sup>1</sup>Considerations and Approaches to Instituting Revisions of Academic Tenure at the University of Delaware, S.B. 84.

<sup>2</sup>Quoted from a paper by W. R. Keast, presented at the Annual Meeting of the Association of American Colleges, San Francisco, January 15, 1973. The complete Commission report has been published as "Faculty Tenure: A Report and Recommendations," W. R. Keast and J. W. Macey, Jr., eds., Jossey-Bass, San Francisco, 1973

<sup>3</sup>Report of the Committee on Faculty Welfare and Privileges Concerning Periodic Review of Faculty, S.B. 73. Implemented December 28, 1972, as modified by the Council of Deans under the title "University Policy on Evaluation of Faculty Members."



Many academic units of the University of Delaware expect faculty members to engage in scholarly activities as well as in teaching and professional and University service. In such units long-term commitments to a faculty member would normally be based on demonstrated competence and promise in all areas. These are the same qualities that are reflected in present promotion criteria, and in such units it is appropriate to couple tenure with promotion to Associate Professor.

In other units, however, scholarly activity is not normally expected of some faculty members. These faculty might not satisfy the established criteria for promotion to Associate Professor. Yet, if they are carrying out their teaching responsibilities in a satisfactory manner and they have demonstrated their long-range value to the University then they should be retained. Such faculty are eligible to participate in university governance and, after a suitable probationary period, they are entitled to the same sense of academic freedom as their tenured colleagues. Therefore, we propose the following policy for attainment of tenure:

1. (a) Tenure is awarded to a faculty member upon promotion to Associate Professor. Promotion follows a review of credentials by appropriate faculty committees and administrative officers using departmental criteria as established under present University policy.<sup>4</sup>  
  
(b) A faculty member appointed initially as an Associate Professor is awarded tenure following a review of credentials by appropriate faculty committees and administrative officers. This review will be based on departmental criteria for Associate Professor and would normally be made following three years' service at the University.  
  
(c) Tenure is normally awarded to Professors upon initial appointment.
2. With the approval of the Provost and following a review for University-wide rough comparability by the Senate Committee on Promotions and Tenure, a department, college, or division may designate particular programs (areas of instruction) in which the criteria for tenure differ from those for promotion to Associate Professor. Recommendations for the awarding of tenure within these specific programs will be reviewed according to the criteria, using the same procedures as those used for promotion.
3. No faculty member, except as defined in (4) and (5), below, may be retained beyond an initial probationary period unless a review has been carried out and tenure has been awarded. The probationary period prior to the awarding of tenure shall not exceed seven years. In exceptional circumstances, upon request of the faculty member, with the recommendation of the department chairman or the departmental Committee on Promotion and Tenure, and with the approval of the Provost, the probationary period may be extended up to a maximum of nine years. After the initial three years of the probationary period the departmental Promotion and Tenure Committee must participate in the annual departmental review of the progress of faculty who have not achieved tenure.

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<sup>4</sup>Present policy is defined in this Committee's Report on Promotion Procedures, S.B. 85. Implementation is discussed in the annual reports of the Committee on Promotion and Tenure for 1973 and 1974.

The limit of the probationary period should be recognized as a maximum, and earlier tenure decisions should be made whenever possible.

4. A faculty member who is hired with nonrecurrent special funds may not be awarded tenure. A faculty member employed with special funds will be notified of this fact and will have an appropriate notation to that effect on all subsequent contracts. If he/she is subsequently employed on a regular contract then his/her years of service on special funds will be included in the probationary period only to the extent that they are relevant to his/her new position.
5. This policy will take effect one year from the time of its approval, except in the case of faculty who will have served six or more years at the time of approval. In such cases a review must be carried out within two years and tenure awarded or employment terminated within three years from the time of approval of this policy.

5/6/74

Proposed Revisions

STUDENT JUDICIAL SYSTEM

I. STATEMENT OF PHILOSOPHY

In any educational institution, the judicial system should serve as an instrument of education. Regulations for student conduct should be established for the purpose of maintaining standards of individual behavior which are consistent with the purposes of the institution.

A corollary purpose of a judicial system serving an educational institution should be to increase student responsibility and to provide a maximum opportunity for students to participate in the governance of their own lives within the educational community. To this end, students should have significant responsibility for the formulation and maintenance of standards of behavior, sharing this responsibility with the faculty and administration.

To assure widespread understanding of University policies and procedures governing student conduct, each student should be provided with a published description of the judicial system, to include rules and regulations pertaining to conduct, and, for various offenses, penalties proportional to the seriousness of the offenses.

To safeguard the rights of individuals who come before the judiciary system, the rights of the accused must be clearly stated and the principles of procedural due process clearly explained.

To protect the accused against errors in judgment which may occur in any judicial system, a right of appeal to a higher judicial body should be provided.

The judicial system must not discriminate on the basis of race, creed, color, or sex.



## II. JUDICIAL POLICY BOARD

### A. Responsibility

The JUDICIAL POLICY BOARD shall be a faculty-student body which shall review codes of conduct and may revise or establish, policies governing student judiciaries in accordance with the powers hereinafter conferred upon it.

### B. Authority

1. *The authority of the Judicial Policy Board is derived from two sources:*

- a. *The Faculty:* "The Faculty, consisting of the professors, instructors and others employed by the Board of Trustees, one of whom shall be President of the University, shall have the care, control, government and instruction of the students, subject, however, to the (Board of Trustees') by-laws."

- b. *The Vice President for Student Affairs:* "...the Vice President for Student Affairs shall develop, coordinate and implement the total program of student services consistent with regulations promulgated by the faculty and trustees, including the following specific functions:...student discipline...."

2. The authority of the JUDICIAL POLICY BOARD, the various courts herein provided for, and the Student Government of College Councils with respect to the care, control and government of the students, is derived from and is subject to the powers of the faculty, which powers may be exercised by the faculty in such manner as they shall determine, subject, however, to the bylaws of the Board of Trustees. *The Judicial Policy Board shall report periodically to the Vice President for Student Affairs (as outlined in Section F). The Judicial Policy Board*

*shall report yearly to the Faculty Senate through the Committee on Student Life. Communication between the Board and the University of Delaware Coordinating Council, the Resident Student Association, the University Commuters Association, the Black Students Union, and/or the Central Fraternity Government shall take place as outlined in paragraph E, LEGISLATIVE POLICY, of this section.*

C. Membership

The membership of the JUDICIAL POLICY BOARD shall be:

1. The Vice President for Student Affairs or his designee.
2. Three other faculty members elected or appointed for staggered two-year terms, in accordance with the Faculty Bylaws.
3. The President of the University of Delaware Coordinating Council or his designee, a member of the Student Government of College Councils.
4. Three other students selected in accordance with the Bylaws of the University of Delaware Coordinating Council.
5. A quorum shall consist of five members.
6. Should a vacancy occur in the faculty or student membership during the school year, such vacancies shall be filled as provided for in the Bylaws of the Faculty or in the Bylaws of the University of Delaware Coordinating Council, respectively.
7. The Chairman of the Judicial Policy Board shall be elected by the Board at its first meeting each year from among the elected or appointed members of the Board.)

- 1. The membership of the Judicial Policy Board shall be: four students, two faculty members, and two professional members.*
- 2. The faculty members will be elected or appointed for staggered two-year terms, in accordance with the Faculty Bylaws.*

3. All four student members of the JPB will be appointed by the UDCC.
4. The Vice President for Student Affairs shall appoint the two professional members.
5. A quorum shall consist of five members.
6. Should a vacancy occur in the faculty or student membership during the school year, such vacancies shall be filled as provided for in the Bylaws of the Faculty or in the Bylaws of the University of Delaware Coordinating Council, respectively.
7. The Chairman of the JPB shall be elected by the Board at its first meeting each year from among the faculty members of the Board.
8. A professional member will serve as recorder/secretary.
9. There will be an orientation program for all members after appointment.

#### D. Judicial Policy

The responsibility for establishing and revising policies governing judicial bodies and their effective operation shall rest with the JUDICIAL POLICY BOARD. The exercise of this responsibility shall include:

1. The establishment of standards of procedural due process.
2. The establishment of student judiciaries below the Student Court level as required. The authority and jurisdiction of these courts; composition and qualifications of their members; the procedural rules they will follow in hearing cases; and the types of infractions these courts will review and the penalties they may impose, shall be determined by the JUDICIAL POLICY BOARD. Prior to establishment of a lower student judiciary, the JUDICIAL POLICY BOARD shall invite and

consider recommendations from the student organizations over which the lower court is to have jurisdiction. After adoption by the JUDICIAL POLICY BOARD, relevant policies should be incorporated into the Bylaws of the said student organizations.

3. Provision for the effective operation of the judicial system during the summer and periods of recess.

4. *The JUDICIAL POLICY BOARD is responsible for revision and structure of codes of conduct. The Board has authority to codify rules, establish penalties, and assign jurisdiction. Substantive changes in codes are subject to approval by the Faculty Senate and Vice President for Student Affairs. Also, outside professional assistance will be available to the JUDICIAL POLICY BOARD for student code of conduct revision.*

5. *The JPB shall require the Chief Justice of the Student Court, the Chairman of the Appellate Court, and Administrative Hearing Officers or their designees, to submit oral reports to the JPB in closed session on a monthly basis with written reports and supporting opinions for all cases heard. In addition, Resident Student Boards and District Courts will be expected to submit written monthly reports. (Passed by JPB, November 1, 1973.)*

#### E. Legislative Policy

1. The Student Government of College Councils, through the University of Delaware Coordinating Council, the Resident Student Association, the University Commuters Association, the Black Student Union, and/or the Central Fraternity Government, may formulate, legislate, and apply social policies and codes of conduct which pertain to the student body, subject to the authority of the faculty as delegated to the JUDICIAL POLICY BOARD.



2. The JUDICIAL POLICY BOARD shall have the responsibility for reviewing U.D.C.C., R.S.A., U.C.A., B.S.U. and/or C.F.G. legislation pertaining to social policies and codes of conduct; for submitting to the U.D.C.C., R.S.A., U.C.A., B.S.U. and/or C.F.G. recommendations for modification of such legislation; and for proposing legislation to the U.D.C.C., R.S.A., U.C.A., B.S.U. and/or C.F.G.

3. The JUDICIAL POLICY BOARD shall have the authority to veto, by majority vote, U.D.C.C., R.H.A., U.C.A., and/or C.F.G. legislation which it deems not in the best interest of the University Community. The BOARD shall have thirty days, subsequent to notification of University of Delaware Coordinating Council, the R.H.A., U.C.A., C.F.G. legislation, to act upon such legislation passed by the U.D.C.C., R.H.A., U.C.A., and/or C.F.G. During these thirty days, the JUDICIAL POLICY BOARD may:

- a. Approve the legislation;
- b. Fail to act, which shall indicate ratification of the U.D.C.C., R.H.A., U.C.A. and/or C.F.G. legislation;
- c. Return the legislation to the U.D.C.C., R.H.A., U.C.A. and/or C.F.G. with the Board's recommendations for modification;
- d. Veto the legislation.

3. *The JUDICIAL POLICY BOARD shall have the authority to veto, by majority vote, U.D.C.C., R.S.A., B.S.U., U.C.A., and/or C.F.G. legislation which it deems not in the best interest of the University Community. The JUDICIAL POLICY BOARD shall be obliged to act upon proposals submitted to it at the first legal meeting taking place four weeks after receipt of the proposal. Such action may be to approve, veto, refer to a committee to investigate, or refer to the originating body with recommendations to change the proposal. Minutes of the meetings of the above groups should be forwarded to the Chairman of JPB.*



4. Should the U.D.C.C., R.S.A., U.C.A., B.S.U., and/or C.F.G. fail to act upon legislation originally proposed to it by the JUDICIAL POLICY BOARD, as provided for in Section E, 2, above, the JUDICIAL POLICY BOARD may submit the proposed legislation to the Vice President for Student Affairs.

5. Should the U.D.C.C., R.S.A., U.C.A., B.S.U. and/or C.F.G. or the Faculty legislate modification in an existing rule which was established by Trustee resolution, and should the JUDICIAL POLICY BOARD approve or ratify such legislation, the Vice President for Student Affairs shall recommend to the President of the University that the legislation be included in the docket of the next meeting of the appropriate Trustee Committee with the advice to this Trustee Committee that the legislation has been enacted by the U.D.C.C., R.S.A., B.S.U. U.C.A., and/or C.F.G. or the Faculty and either approved or ratified by the JUDICIAL POLICY BOARD, and that it conflicts with a Trustee resolution. Such legislation will become effective if approved by the Trustee Committee and the Board of Trustees.

*F. Operating Procedures*

- 1. The Judicial Policy Board shall report all actions to the Vice President for Student Affairs through copies of minutes of its meetings.*
- 2. The Vice President for Student Affairs shall have thirty calendar days, subsequent to receipt of the minutes of the Judicial Policy Board, to:*
  - a. Approve substantive changes to the Judicial System document;*
  - b. Fail to act, which shall indicate acceptance of the substantive change;*
  - c. Return the substantive change to the Judicial Policy Board with recommendations for modification; or,*
  - d. Reject the substantive change for cause.*

3. *If the Judicial Policy Board and the Vice President should be unable to agree on a substantive change, and reach no compromise, the Judicial Policy Board may appeal the Vice President's rejection of the change to the Faculty Senate Committee on Student Life.*

4. *The Faculty Senate Committee on Student Life will have fourteen calendar days in which to make a decision on the appeal, and that decision will be final.*

G. Conduct Rules and Penalties

1. As codes of conduct are established, the JUDICIAL POLICY BOARD shall be responsible for determining which judicial body shall administer each new code. The University of Delaware Coordinating Council may delegate to the appropriate student organizations, the responsibility for recommending policies and codes of conduct which apply specifically to the members of those organizations. Such legislation shall be subject to approval by the University of Delaware Coordinating Council, R.S.A., U.C.A , B.S.U. and/or the C.F.G. and the JUDICIAL POLICY BOARD, in the manner outlined above. In the case where such an organization operates a judicial body, the JUDICIAL POLICY BOARD shall delegate the responsibility for enforcement of these codes of conduct to that judiciary.

2. The JUDICIAL POLICY BOARD shall have the responsibility for codifying conduct rules and for assigning penalties which may be imposed for violation of these rules. The BOARD shall publish this rule codification in the STUDENT HANDBOOK or other appropriate publication.

3. As changes are made in the conduct code by the adoption of legislation passed by the University of Delaware Coordinating Council, the R.S.A., U.C.A., B.S.U. and/or the C.F.G., or by the faculty, the JUDICIAL POLICY BOARD shall assign penalties to be imposed when a student is found guilty of an alleged violation of new or modified rules. The BOARD shall be responsible for informing the student body through notices in THE REVIEW of changes made in the conduct code and for the periodic updating of the published conduct code.

### III. APPELLATE COURT

#### A. Authority

The authority of the APPELLATE COURT is derived from:  
the JUDICIAL POLICY BOARD to which it is responsible.

#### B. Jurisdiction

This Court normally shall serve as the highest student appellate Court. In the most extraordinary circumstances, further appeals may be heard by the faculty at their option, upon petition of the student found guilty by any court.

*B. This Court normally shall serve as the highest student appellate court. In the most extraordinary circumstances, an appeal may be made by a student found guilty by the Appellate Court. An appeal petition may be presented to the JUDICIAL POLICY BOARD. If accepted, the Board shall request the President of the Senate to appoint a special appeal panel of five faculty members to hear the appeal. Existing appeal procedures shall apply to that special panel.*

#### C. Membership

The membership of the Appellate Court shall be:

1. Four faculty members, one of whom is elected by the court to

serve as Chairman, appointed or elected with provision for continuity of membership as provided for in the Faculty Bylaws.

2. Four student members, appointed or elected with provisions for continuity of membership as provided for in the University of Delaware Coordinating Council Bylaws which shall set forth the qualifications for such appointment or election.

3. The Court, as annually reconstituted, shall begin its session as of May 1 of each year.

4. A quorum shall consist of five members.

5. Should a vacancy occur in the faculty or student membership during the school year, such vacancies shall be filled as provided for in the Bylaws of the Faculty or in the Bylaws of the University of Delaware Coordinating Council respectively.

*3. A professional member appointed by the Vice President for Student Affairs. This person may not have a position responsibility directly related to the University Judicial System.*

*4. The Court, as annually reconstituted, shall begin its session as of May 1 of each year.*

*5. A quorum shall consist of seven members.*

*6. Should a vacancy occur in the faculty or student membership during the school year, such vacancies shall be filled as provided for in the Bylaws of the Faculty or in the Bylaws of the U.D.C.C. respectively.*

#### IV. STUDENT COURT

##### A. Authority

The authority of the STUDENT COURT is derived from the JUDICIAL POLICY BOARD to which it is responsible.

*The authority of the Student Court is derived from the JUDICIAL POLICY BOARD.*



B. Jurisdiction

The STUDENT COURT is the highest student judicial body. It shall have two primary functions:

1. To serve as a judicial body to hear and decide cases of student misconduct referred to it by members of the Student Affairs staff designated by the Vice President for Student Affairs, or by other judiciaries.
2. To serve as an appellate court to hear appeals of disciplinary actions by any immediately subordinate student judicial body, or by administrative action.
3. *In cases where there is no residence hall or district court of competent jurisdiction, the STUDENT COURT shall have primary jurisdiction.*

C. Membership

The STUDENT COURT shall be composed of:

1. Seven student members, appointed in the manner provided for in the University of Delaware Coordinating Council Bylaws. The Chief Justice shall be elected from among the student members at the first meeting of each year.
2. Two non-voting advisors. One of these advisors shall be a faculty member appointed by the JUDICIAL POLICY BOARD. The other advisor shall be a member of the Student Affairs staff, appointed by the Vice President for Student Affairs.

*The Student Court shall select four nonvoting advisors, two from the faculty and two from the Division of Student Affairs. The advisors selected from the Student Affairs Division should not be persons whose job description involves the judicial system. The primary role of the advisors shall be to serve as resource persons to the COURT.*



3. The term to be served by members and advisors of this court shall be for one year beginning in May. They may be reappointed to serve for successive terms.

4. A quorum shall consist of five student members and one advisor.

*A quorum for a hearing shall consist of five student members and one advisor.*

5. A vacancy in the student membership of this court shall be filled as provided for in the University of Delaware Coordinating Council Bylaws. A vacancy which may occur in the advisor positions shall be filled promptly by an appointment made by the respective board or officer responsible for such appointments by the Court.

V. *APPOINTMENT, ORIENTATION, AND REMOVAL OF CAMPUSWIDE STUDENT JUDICIAL BODY MEMBERS*

A. *All members of the preceding courts are to be appointed by April 1, with orientation taking place during the month of April and the courts being installed on May 1.*

1. *There will be an orientation program which will cover court procedure, the judicial document, court vocabulary, and basic judicial philosophy. The Chairman of the retiring court will call the sessions which will be seminars for old and new court members and can include outside expert advisors.*

2. *The JPB will be responsible for assuring appropriate orientation and training programs for all levels of the judicial system.*

B. *A member of a judicial body may be removed by the JPB for excessive absences from meetings of that body or other just causes. (It is further recommended that if deemed necessary by the JPB a "U" course be established to cover*

*orientation subject matter that will be voluntary and optional for students, faculty and staff. A handbook will hopefully be prepared for this course.)*

(Old V now becomes VI; all following numbers progress by one.)

#### VI. JUDICIAL BODIES BELOW THE STUDENT COURT

Judiciaries subordinate to the Student Court, as may be required, may be established and assigned responsibilities for reviewing and imposing penalties for infractions of residence hall rules and other rules of social conduct appropriate to the level of the judiciary. The authority and responsibility for establishing lower judiciaries shall rest with the JUDICIAL POLICY BOARD.

#### VII. ENFORCEMENT OF UNIVERSITY RULES AND REGULATIONS

A. Enforcement of University rules and regulations is a responsibility of the administrative officers, faculty, and the student body. A spirit of cooperation should prevail among administrators, faculty, and student with each individual exercising responsibility to help assure that community rules and regulations are respected. However, In instances where an individual or group fails to demonstrate such responsibility by repeating or persisting in an offense, the Vice President for Student Affairs, or his designated representative may, for the sole purpose of enforcement, impose a temporary suspension. It is an interim action effective immediately which removes the student from the University and prohibits his the presence of the student on the campus or any part of it until his case can be resolved in accordance with prescribed judicial procedures. The enforcement suspension is not entered on the student's record and does not affect his status except as described above.

B. The *device* of enforcement suspension also may be used in cases where the continued presence of the individual on campus poses a threat to his well-being or to the rights and property of other members of the University community.

B. Appeals of administrative disciplinary action are heard by the body normally having appellate jurisdiction of the code violation. For example, if jurisdiction for a particular code violation is assigned to the STUDENT COURT an appeal of an administrative action for a similar violation would be to the APPELLATE COURT.

#### IX. HEARING PROCEDURES AND STUDENT RIGHTS BEFORE THE JUDICIARY

(Items below marked with an asterisk are mandatory only at the STUDENT COURT and APPELLATE COURT levels. All other items are mandatory at all court or board levels.)

A. The accused shall have the right to a hearing (normally within ten class days) after charges are brought. The status of the accused shall not be altered, nor his campus privileges curtailed, pending action on the charges, except as provided in Section VII, ENFORCEMENT OF UNIVERSITY RULES AND REGULATIONS.

\*B. The accused shall be notified in writing, at least three days prior to the hearing of the time and place of the hearing and of the charges. This notice shall inform the accused of the Court's procedures and of his rights before the judiciary *with specific reference to his right to have the charges sent to anyone he may designate, e.g., his faculty advisor.* A copy of this notice shall be sent to the student's faculty advisor, and to other appropriate persons. A letter of charges to a person accused of violating University standards, for a case under the jurisdiction of the Student Court or its equivalent administrative hearing, should be sent from the person bringing the charges (either the Division of Student Affairs or a member of the University community) requesting that explaining the charges to be brought. A document outlining the rights of the accused and specifically stating where the complete judicial document can be obtained should be sent to the accused

from the Student Court or in cases being heard administratively, from the administrative officer hearing the case. (*For Discovery Procedure, see Section E, Item 7.*)

- \*C. The student's faculty advisor shall be invited to attend the hearing to advise him. In addition, The accused shall have the right to select a counselor to attend the hearing to observe the proceedings and to assist him. The counselor selected by the accused shall be a full-time undergraduate or full-time graduate student at the University of Delaware or be a member of the University Community. If the accused selects a counselor he shall inform the court of the name of this person in advance of the hearing. The court, in turn, prior to the hearing shall inform the counselor of the court's procedures, the role of the counselor and the rights of the accused. Any member of the University Community needing assistance may consult the University Judicial Aid and Referral Service.
- D. The court may call witnesses to give testimony. The accused shall have the right to present evidence and to call witnesses in his behalf, providing such evidence and witnesses afford information relative to the question of guilt and/or to the nature and extent of involvement in the offense charged.
- E. The following rules of evidence shall apply to all courts, boards and hearings.
1. *Heresay: Unless no other evidence is available heresay evidence shall not be permitted. When heresay evidence is permitted because of a lack of other evidence, the Court shall be instructed to consider it in light of the limitations involved: lack of ability to cross-examine the original source; lack of corroboration.*



2. *Cross-examination:* Whenever possible a witness should appear in person and be subject to cross-examination. If written or video taped evidence is presented it must be obtained under conditions allowing for cross-examination and court supervision for accuracy of the testimony.
  3. *Privilege:* Since the Court cannot compel a witness to testify it will not face the problem of contempt for refusal to divulge privileged testimony but it will refuse to accept information given to a witness under conditions of privilege unless the giver and receiver consent. Privileged relationships shall include: information given to physicians, psychiatrists, psychologists, clergymen, lawyers or counselors, newsmen, or spouses.
  4. *Documents:* The original document upon which the testimony is based shall be furnished to the Court.
  5. *Discovery:* Any accused shall have the right to request a conference at which the accuser shall outline the case to be presented.
  6. *Expert witnesses:* Any party shall have the right to call expert witnesses from the University Community and shall be responsible for substantiating the expertise of such witnesses.
  7. *Previous record:* No information concerning past record shall be revealed to a court prior to determination of the guilt of a defendant.
- F. The chairman shall inform the accused of the jurisdiction of the court and its procedures. He shall ascertain that the accused is aware of his rights and shall answer any questions the accused may have on these matters.
- G. Members of the court who have a conflict of interest in the case shall not sit in judgment; the validity of alleged conflict is to be



determined by the chairman. The individual(s) bringing the charge(s) shall be required to attend. Hearings shall be open only to members of the court, to the person(s) bringing the charges, to the accused, to his advisor, to his counselor, *to the appropriate member of the Student Affairs staff*, and to witnesses. Witnesses shall be present only during the time they are testifying.

- \*H. The charge(s) shall be presented by the member of the Student Affairs staff and/or the student(s) bringing the charges before the court.
- I. Evidence of guilt must be established beyond a reasonable doubt. No evidence shall be presented which was obtained in violation of any provisions of the judicial codes adopted by the JUDICIAL POLICY BOARD. Evidence or testimony not bearing specifically on the case shall not be admissible. Only evidence introduced during the hearing shall be considered by the Court or Board in its deliberations.
- J. The hearing shall be conducted as an informal discussion between members of the court and the accused. The accused shall have the right to hear and respond to all information and charges presented. He shall have the right to question witnesses and members of the court. He shall have the right to refuse to answer any question(s) or to make a statement. However, in such a situation the court shall make its decision on the basis of evidence available to it.
- K. After all evidence has been presented and the accused has been given the opportunity to make a final statement, the chairman shall dismiss all individuals who are not members of the court in order that the court may discuss the case and reach its decision. Decisions shall be by majority vote. *Only after guilt has been established will the court consider the student's disciplinary record in levying sanctions.*
- L. At the conclusion of the hearing, the chairman shall inform the

accused at what time during the ensuing 24 hours class day and by whom he will be advised of the decision reached in his case. Within 48 hours two class days following the conclusion of the hearing, the chairman shall send written notification of the court's decision to the student. This communication shall inform the student of his right to appeal and the grounds and procedures for appeal. Copies of this letter shall be sent to the appropriate administrative officer(s) for action, and to other appropriate persons as in Section B. Director of Residence Life is to receive notification of the outcome of Judicial Board/Court's decision when the students involved are residential students.

- M. The court shall make an appropriate record of the proceedings, and such a record shall be made available to the accused student upon his request. In cases where proceedings have been tape recorded, the student and/or his advisor(s) shall have the right, upon request, to listen to the tape. The student(s) may request a duplicate copy of the tape recording of the court proceedings from the Office of Student Affairs Dean of Students. The student(s) will be expected to pay for the cost of the tape(s) and duplication.
- N. Generally *Normally*, all information relating to the case heard by the court shall be confidential and not for public discussion by members of the court. Under certain unusual circumstances, the court and/or its members may release information in accordance with policies adopted by the JUDICIAL POLICY BOARD.
- O. Decision of the court/board shall become effective immediately.  
(See Section Q.)

P. Petition for appeal *ordinarily* should be presented in writing (from either the accused or the person who brought the charges) within fourteen (14) *class* days of the receipt of the decision to the chairman of the court/board having appellate jurisdiction over the case. Appellate jurisdiction is confined to the next higher court/board except in extraordinary circumstances, as indicated in III-B. The written appeal should present the reasons for the appeal and factual information to substantiate those reasons. Upon receipt of the written petition for appeal, the chairman of the appeals court/board shall send copies of the appeal petition to the other party involved in the case being appealed and to the chairman of the court/board from which the case is being appealed. The chairman of the court/board and/or the other party then may file an answer to the appeal petition with the chairman of the appeals court/board. This answer must be returned within five days. After five days, but before ten class days, the chairman of the appellate court/board and at least two of the members of the court/board shall meet and examine the information presented to it (the appeal petition and the answers.) An appeal shall be granted when and if the written petition and answers to that petition present reason to believe that any of the following have occurred:

1. Procedures outlined in the Student Judicial Document may not have *not* been followed.
2. Additional information not available at the first hearing may be *is* available which could alter the outcome of the case. (Only in cases of appeal petition from the accused.)
3. The penalty imposed may be *is* inappropriate. (Only in cases of appeal petition from the accused.)

- Q. The chairman of the appellate court/board or his representative shall if the petition for appeal is granted defer the imposition of the penalty pending the decision on the appeal. If the chairman of the appeals court/board feels that it would create an irrevocable hardship or penalty for the student who is appealing the case if the penalty is not suspended upon receipt of the appeal, the chairman may (under these extraordinary circumstances) defer imposition of the penalty prior to the hearing on the appeal petition.
- R. The appellate court/board will notify the appellant of the acceptance or denial of the petition for appeal within ten days after the review of such a request.
- S. No student shall be tried twice for the same act except on remand after an appeal. (Being tried means the taking of evidence/testimony in a hearing.) *subject to a complete student judicial hearing on the same act except on remand after an appeal.*

X. HEARING PROCEDURES FOR APPELLATE CASES

- A. If the appeal petition is granted, the major parties involved in the case being appealed will be notified in writing at least three class days prior to the scheduled appellate hearing of the time and place of the hearing and procedures of the appellate hearing. Major parties include: the person(s) bringing the appeal, the other party(ies) (Litigants) involved in the hearing being appealed and the chairman and the advisor(s) of the court/board which heard the original case.
- B. The chairman of the appellate board/court shall open the hearing by reading the petition of appeal and informing the persons involved in the appeal of the jurisdiction of the court/board and its procedures.



He shall ascertain that all of the parties involved are aware of their rights and shall answer any questions they have in regard to these matters.

- C. Members of the appellate court/board who have conflicts of interest in the case shall not sit in judgment. The validity of alleged conflict is to be determined by the appellate board/court *chairman*.
- D. The major parties involved in the original hearing including the person(s) who was charged, the person(s) who presented the charges, the chairman and the advisor(s) of the board/court who heard the original case, shall have the opportunity to be present, to hear all testimony presented to the court/board. The person who was charged in the original case may also have his faculty advisor and another advisor from the University community invited and present at the appellate hearing. The person presenting the charges may also have a member of the University community present at the appellate hearing as his/her advisor.
- E. The appellant(s) person(s) bringing the appeal should be required to attend the appellate hearing. The hearing shall be opened only to members of the appellate court/board including the advisor(s), and the persons listed in (D) above *and witnesses who* shall be present only during the time that they are testifying.
- F. All of the major parties involved in the case being appealed shall have the right to respond to all information and charges presented, and to present evidence and call witnesses on their behalf providing such evidence and testimony affords information relevant to the basis of the appeal.



- G. The hearing shall be conducted as an *informal* discussion between members of the court/board and parties involved in the original case. The party who petitioned for the appeal and the other party *or parties* involved in the original charges have the right to *may* refuse to answer any questions presented to them at the hearing. A representative of the court/board with original jurisdiction over the case shall be required to answer questions, regarding the confidential deliberations on the case being appealed, only before members of the appellate court/board.
- H. After all evidence has been presented, the parties involved in the original case shall be given the opportunity to make a final statement with the person responsible for bringing the appeal presenting last. The chairman shall then dismiss all individuals who are not members of the appellate court/board in order to deliberate on the appeal. The decision of the court/board shall be based on a majority vote of the quorum sitting. *A written decision shall be filed with JUDICIAL POLICY BOARD.*
- I. If the decision of the appellate court/board is to grant the appeal, the appellate court/board may direct the lower court/board:
1. To have a complete rehearing. (In absence of other direction from the appellate court/board, a complete rehearing must be held.)
  2. To consider new information along with the previously heard information.
  3. To disallow previous testimony.
  4. To follow other appropriate directions.
- J. If the decision of the appellate court/board is to grant the appeal on the basis that the procedures as outlined in the Student Judicial

System Document may not have been followed or on the basis that information is now available which was not available at the first hearing, then the appellate court/board must request a reconsideration of all the facts of the case by either the appellate court/board or the court/board which had original jurisdiction. If the appellate court/board feels that a review or rehearing of the case cannot be held by the original hearing court/board without bias, the reconsideration of the case must be held before the appellate court/board. *A written decision shall be filed with JUDICIAL POLICY BOARD.*

- K. If the appellate court/board grants an appeal on the argument that the penalty imposed was inappropriate, the appellate court/board may:
1. *Sustain the lower court.*
  2. *Reduce* the penalty imposed by the lower court/board.
  3. Remand the case to the lower court/board with instructions.

*A written decision shall be filed with JUDICIAL POLICY BOARD.*

- L. Within *two class days* following the conclusion of the hearing, the chairman shall send written notification of the court/board's decision to the person bringing the appeal, the Office of the Dean of Students, the other party involved in the original case, and the chairman of the court/board from which the appeal was made. *Upon conclusion of the hearing the accused shall be informed of the outcome.*

- M. The decision of the appellate court/board shall become effective immediately.

- N. The court/board shall make a written summary record of the proceedings of the hearing *which shall be filed with the Office of the Dean of Students.*

- O. All information relating to the hearing shall be confidential, and not for public discussion by persons involved in the hearing *and used only in the event of an appeal or a review by Judicial Policy Board.*

XI. PROCEDURES FOR ADMINISTRATIVE DISCIPLINARY HEARINGS

- A. *The hearing procedures outlined in Section IX shall apply to all administrative hearings.*

XII. PROCEDURES DURING INTERIM PERIODS

- A. An interim period shall be construed to mean that period of time from the last day of regularly scheduled classes of the Fall and Spring semesters until the first day of classes of the following semester. Normal procedures shall be followed at all other times.
- B. Appellate Court: The quorum for this court shall be reduced from five (5) to three (3) members during an interim period.
- C. Student Court: In the event that at least five members of this court are able to serve during an interim period, no changes in membership shall be required. If, however, less than five members are able to serve during an interim period, the SGCC shall appoint temporary members to bring the membership up to five. During an interim period a quorum shall consist of three students and one advisor.
- D. District Courts: Membership on the court during an interim period shall consist of one representative from each Residence Hall which remains open during the interim period. In the event that the regular representative from a Residence Hall shall be unable to serve during an interim period, that dormitory shall select a temporary representative to serve during the interim period. A quorum for a district court shall consist of a majority of its members and one advisor.

E. Residence Hall Courts: Each Residence Hall or area which remains open during an interim period shall maintain a viable judicial system. In the event that this cannot be accomplished within the provisions of the Residence Hall judicial bylaws the district court for that Residence Hall is empowered to approve a temporary change in the judicial bylaws of that Residence Hall to enable it to maintain a judicial system during the interim period. Such a change should deal only with membership and quorum for the Residence Hall judicial system. It is the responsibility of each court to assure that it will be able to operate during an interim period. *the case shall be heard by the next higher court.*

### XIII. SANCTIONS

A. The following actions and sanctions are available for use by the Student Courts, or an Administrative Hearing Officer.

1. Reprimand - A stern written warning in writing.
2. Disciplinary Probation - A stern warning and A change of status in that the student is no longer in complete good standing.
3. Suspension from the Undergraduate Division

a. Indefinite *Length* Suspension -

Reinstatement possible *after meeting stated requirements.*

Reinstatement to be considered following an absence for the rest of the semester, etc.

b. Term ~~Definite~~ *Length* Suspension - suspension for specific periods of time defined at the time of the suspension.

Students suspended from the Undergraduate Division may take work in the Division of Continuing Education which may count toward his degree when reinstated.



4. Suspension from the University - As above but student may not enroll in any division of the University.
  5. When appropriate the Court may recommend that the student seek special counseling. This action may be in addition to any of the above actions, a separate action not involving any sanctions, or as a prerequisite for reinstatement to complete good standing.
  5. Assessment of charges for damages on a pro-rated basis payable to the University, to cover abuse of University property. Such charges shall not exceed the cost of repairs and/or replacement as determined by the Student Court in consultation with the appropriate University officer(s).
  6. *Other action as deemed appropriate by the hearing agency.*
- B. The representative from the Office of Student Affairs responsible for presenting a case before a Student Court/Judicial Board and the administrative advisor of that court/board cannot be the same individual for any given case.

STUDENT JUDICIAL SYSTEM

I. STATEMENT OF PHILOSOPHY

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II. JUDICIAL POLICY BOARD

A. Responsibility

\* \* \*

B. Authority

1.

\* \* \*

2. The authority of the JUDICIAL POLICY BOARD, the various courts herein provided for, and the Student Government of College Councils with respect to the care, control and government of the students, is derived from and is subject to the powers of the faculty, which powers may be exercised by the faculty in such manner as they shall determine, subject, however, to the by-laws of the Board of Trustees.

- a. The minutes of each Judicial Policy Board Meeting will be forwarded directly to the Vice President for Student Affairs and the President of the Faculty Senate.
- b. The Vice President for Student Affairs and the President of the Senate will have two weeks to review the JPB minutes. If there is no response from either in the two-week period, all actions in the minutes will become a part of the Judicial System Statement.
- c. If either the Vice President for Student Affairs or the President of the Senate determines that the JPB has passed a substantive change in the Judicial System with which either may disagree, they should communicate directly with the Chairman of the Judicial Policy Board.
- d. The Chairman of the Judicial Policy Board will then schedule a special meeting to meet with the Vice President for Student

Affairs and/or the President of the Faculty Senate to discuss the issue and reach a compromise.

- e. If no compromise is reached, the issue will be referred to the Senate Committee on Student Life which will have fourteen class days to make a decision. This decision may be appealed to the Senate.

Adopted April 25, 1974

May 1, 1974

NOMINATIONS TO THE COMMITTEES OF THE UNIVERSITY FACULTY SENATE

The following persons have been nominated by the Committee on Committees of the University Senate to serve for the academic years 1974-76. We have attempted to contact all of those nominated to insure their willingness to serve, but I'm sure we have missed several of you. If your name appears below and you do not wish to serve next year please contact the Senate Office (2829).

Many of you who indicated a willingness to serve on a committee will not find your name listed below. Please realize that we must weigh considerations such as balance from the differing units of the University, distribution across faculty ranks, and specific requirements for committee membership in making these nominations. Should you disagree with our judgments, nominations from the floor of the Senate can be made at the May 6 meeting.

Committee on Committees

D. E. Ingersoll, Chairman *DEI*

ACADEMIC FREEDOM

Norfleet W. Rives

ACADEMIC CEREMONIES

Henry A. Robertson

CULTURAL ACTIVITIES & PUBLIC EVENTS

C. Carnahan, Chairman

PERFORMING ARTS

David E. Lamb, Chairman

Thomas S. Watson

James Kidd

Maurice E. Cope

Henry N. Lee

SPEAKER'S BOARD

Robert K. Alexander

Judith A. Runkle, Chairman

Roger S. Ulrich

Jeffrey A. Raffel

William G. DeColigny

VISITING SCHOLARS

Janet Pholeric, Chairman

David E. Sheppard

Edmund S. Glenn

Robert M. Stark

Peter J. McCarthy

FINE ARTS AND EXHIBITIONS

Stephen G. Tanis

Edmunds V. Bunkse

Thomas E. Pickett

Julio Acunha

James Newton

PHYSICAL PLANNING & UTILIZATION

George Nocito

Norman E. Collins, Chairman

Ann S. Thompson

Ronald G. Rainey

ACADEMIC SERVICES

Marie A. Parnell

Dennis R. Klinzing

COMPUTER COMMITTEE

Victor R. Martuza, Chairman



INSTRUCTIONAL RESOURCES

Virginia L. Franklin  
Juan A. Villamarin  
Richard B. Herr, Chairman

LIBRARY COMMITTEE

Lewis P. Kelsey  
Richard J. Agnello  
Byron E. Anshus  
Dene G. Klinzing, Chairman  
Dennis F. Polis  
Virginia L. Franklin

ADJUNCT ACADEMIC AFFAIRS

Richard L. Daugherty  
Suzanne Steinmetz  
Helen L. Tang  
Daniel P. Poteet, Chairman

EDUCATIONAL INNOVATION & PLANNING

T. W. Fraser Russell, Chairman  
David G. Onn  
Elizabeth E. Bohning

GRADUATE STUDIES

Frank B. Murray  
Carolyn A. Thoroughgood  
Raymond A. Callahan  
Stanley I. Sandler

UNDERGRADUATE ADMISSIONS AND STANDING

Ernest N. Scarborough  
Stephen J. Wolfe  
Elizabeth D. Cloud

UNDERGRADUATE STUDIES

Evanelle I. Guy  
John Pikulski, Chairman  
Shirley Cudney  
Rowland Richards

DEI/dpe

WINTERIM

Kenneth E. Fahsbender  
Robert E. Neeves  
E. Naudain Simons

FACULTY-STUDENT APPELLATE COURT

Samuel L. Gaertner '76  
Leslie Goldstein '76

FACULTY WELFARE AND PRIVILEGES

Ludwig Mosberg  
Mary Ann Petry  
Reed Geiger, Chairman

INTERNATIONAL STUDIES

Marjorie R. Recke  
Ivo Dominguez

JUDICIAL POLICY BOARD

Louise V. Little '76

PROMOTIONS AND TENURE

Mary Jane Strattner  
E. Jane Porter

RESEARCH

Peter M. Weil  
Robert F. Colman  
Roger J. Steiner, Chairman  
Mabel A. Wandelt  
John K. Rosenberger

STUDENT AND FACULTY HONORS

Frederick A. Costello  
Thomas M. Church  
Jack A. Robinson

STUDENT LIFE

William W. Breslin  
Albert A. Branca