

UNIVERSITY OF DELAWARE

NEWARK, DELAWARE

1971

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

August 7, 1974

MEMORANDUM

TO: All Faculty Members

FROM: E. Paul Catts, Vice President  
University Faculty Senate

SUBJECT: Regular Senate Meeting, September 9, 1974



In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, September 9, 1974, at 4 PM in Room 110, Memorial Hall.

AGENDA

- I. Adoption of the Agenda
- II. Approval of the Minutes of May 6, 13 and 23, 1974.
- III. Announcements
  - A. Actions of the May 18, 1974, meeting of the Board of Trustees. (See Attachment 1.)
  - B. Annual Report of the Council on Teacher Education. (See Attachment 2.)
  - C. Memorandum from Faculty Senate President Mosberg. (See Attachment 3.)
- IV. Old Business
  - A. Responses to the Senate letters on summer foreign student employment. (See Attachment 4.)
  - B. Continuation of discussion on report and recommendations from the Committee on Promotions and Tenure on tenure policy. (See Attachment 5.)
- V. New Business
  - A. Recommendation from the Committee on Student Life, concerning a replacement of the existing Student Judicial System with a new system. (See Attachment 6.)

- B. Proposed resolution submitted by E. Schweizer. (See Attachment 7.)
- C. 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.

EPC/dpe

Attachments: Attachments 1 through 7  
List of Faculty Senators

UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

EXECUTIVE ASSISTANT TO THE PRESIDENT  
AND UNIVERSITY SECRETARY  
126 HULLIHEN HALL  
PHONE: 302-738-2113

June 11, 1974

MEMORANDUM

TO: Professor Ludwig Mosberg  
President, University of Delaware Faculty Senate

FROM: *Daniel W. Wood*  
Daniel W. Wood  
University Secretary

SUBJECT: Actions by the University's Board of Trustees at  
Their Semi-Annual Meeting held on May 18 that  
Pertain to the University Faculty

I enclose herewith copies of certain resolutions adopted by the Board of Trustees at their meeting on May 18, 1974. I understand that by reason of the collective bargaining agreement certain parts of the Handbook pertaining to salary items and work loads have been superceded by the collective bargaining agreement.

The general approval of faculty personnel actions includes all the promotions reported to the Trustees as of that meeting.

I also enclose the resolution approving Professional Leaves of Absence since it pertains to professional employees who also enjoy faculty status.

I also enclose for your information a revised list of the Trustees that includes Mr. Shapiro.

DWW:g

Enclosures

Committee on Education and Training  
April 16, 1974

6. RESOLVED, That the faculty personnel actions (appointments, reappointments, retirements, resignations and terminations, and promotions) taken by the President of the University since the December 8, 1973 meeting of the Board of Trustees be and the same hereby are confirmed and ratified.

7. WHEREAS, The University's involvement in various aspects of health education creates the need for clinical instructional services embracing medical personnel in various health care centers near the University; and

WHEREAS, A number of clinical appointments have been made experimentally for the academic year 1973-74 and the experience with these appointments has been satisfactory,

BE IT RESOLVED, That the University be authorized to name Clinical Instructors, Clinical Assistant Professors, Clinical Associate Professors, and Clinical Professors.

8. WHEREAS, The faculty of the College of Business and Economics has proposed and the University Faculty Senate has approved a degree of Bachelor of Science in Office Systems Administration; and

WHEREAS, This degree provides greater opportunity for students of the University, and graduates of the program will better meet the needs of area business and industry,

BE IT RESOLVED, That the University is authorized to grant the degree of Bachelor of Science in Office Systems Administration, the first graduates to be at the Spring Commencement, 1975.

9. WHEREAS, The inclusion of additional options will provide suitable new job opportunities for graduate students in chemistry,

BE IT RESOLVED, That the University of Delaware is authorized to grant the degree Master of Arts in Chemistry, effective May, 1974.

10. WHEREAS, A program leading to the degree of Master of Arts in the field of Urban Affairs has been approved by the Committee on Graduate Studies and the University Faculty Senate; and

WHEREAS, The Committee on Education and Training of the Board of Trustees at its meeting on April 17, 1972 authorized the University to grant the Ph.D. in Urban Affairs,

BE IT RESOLVED, That the University is authorized to grant the degree of Master of Arts in Urban Affairs, effective as of May, 1972.

11. WHEREAS, The University Faculty Senate has approved a degree of Master of Science in the Conservation of Artistic and Historic Objects; and

WHEREAS, This program, together with the Winterthur, Hagley, Longwood, and Museum Studies programs at the University will make the University of Delaware the foremost institution in the United States to prepare students for museum work,

BE IT RESOLVED, That the University is authorized to grant the new degree of Master of Science in the Conservation of Artistic and Historic Objects, the first graduates to be at the Spring Commencement, 1975.

12. WHEREAS, It is the opinion of the faculty and the appropriate administrators and committees that a doctoral program in political science will fulfill an unmet need at the University and will make a substantial contribution to the various levels of public service,

BE IT RESOLVED, That the University of Delaware is authorized to grant the new degree of Doctor of Philosophy in Political Science effective May, 1975.

22. RESOLVED, That the policies, procedures, and regulations appearing in the Faculty Handbook, 1974, be and hereby are adopted as the official University policies, procedures and regulations pertaining to matters covered in the Faculty Handbook.

23. RESOLVED, That the Professional Leave Policy appearing in the docket for the May 2, 1974 meeting of the Executive Committee on pages 18 through 21, be and the same hereby is approved and adopted.



UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

OFFICE OF THE DEAN  
COLLEGE OF EDUCATION  
PHONE: 302-738-2312

June 4, 1974

MEMORANDUM

TO : Dr. Ludwig Mosberg,  
President, University Faculty Senate  
  
Dr. L. Leon Campbell,  
Provost and Vice-President for Academic Affairs

FROM : Daniel C. Neale, *Daniel C. Neale*  
Chairman, University Council on Teacher Education

SUBJECT : Annual Report

As directed by President E. A. Trabant in his letter of appointment, I am submitting the attached Annual Report, 1973-74, of the University of Delaware Council on Teacher Education.

It was intended that the report be made available to Senators and to members of the Academic Council.

DCN:er

Attachment

cc: President Trabant  
Members of the Council on Teacher Education

# UNIVERSITY OF DELAWARE COUNCIL ON TEACHER EDUCATION

## ANNUAL REPORT, 1973-74

This is a report on the activities of the University Council on Teacher Education, as requested by President Trabant in creating the Council.

### Establishment of the University Council on Teacher Education

The University Council on Teacher Education was appointed on June 21, 1973, by President Trabant, "to consider such matters relating to teacher education as the Executive Committee of the Council may determine".

The history of the Council may be traced to a resolution adopted by the Board of Trustees on June 4, 1938:

"Be it resolved that the School of Education shall be recognized as a University school, with responsibility for establishing and integrating the several curricula of teacher training in the University and that the Director (now Dean) of that School be instructed to hold such conferences or meetings as shall be necessary to these ends."

From time to time, since 1938, a University-wide Committee on Teacher Education has functioned, with varying degrees of effectiveness. In November, 1971, the Design Commission on Academic Structure and Organization recommended that such a body be re-established. After consultation with the Provost, the President of the

Senate, and the Dean of the College of Education, President Trabant appointed the present Council, making it advisory to the Provost and to the Dean of Education. Chairmen of appropriate Senate committees were placed on the Council to provide liaison with the Senate.

An Executive Committee, appointed by the Chairman, was created to facilitate the work of the Council.

The membership of the Council and the Executive Committee is given in Appendix A.

#### Activities of the Council, 1973-74

The Executive Committee of the Council met on six occasions during the year. The full Council met twice: on October 8, 1973, and February 26, 1974. The major accomplishments of the Council are as follows:

Department of Public Instruction evaluation of teacher education programs. At the direction of the Executive Committee, the University Council on Teacher Education played a major role in the evaluation of teacher education programs at the University. During Fall, 1973, an on-site evaluation was conducted by the State Department of Public Instruction for the purpose of approving certification programs. The Council was an important mechanism for communicating with members of the University community about the evaluation, and the Fall semester meeting was devoted to this purpose. Members of the Council participated in the on-site evaluation,



and the University was commended in the evaluation report for the establishment of the Council.

The Council studied the final report of the evaluation, and placed on its agenda for next year the consideration of recommendations in the report for improving teacher education at the University.

Graduate study in occupational teacher education. On October 24, 1973, the Executive Committee of the University Council authorized the creation of a Sub-committee on Graduate Education for Occupational Teachers. Members of the Sub-committee, whose names appear in Appendix B, developed a proposal for Master of Science Degree Options in Occupational Teacher Education, which was subsequently endorsed by the University Council on Teacher Education and approved by the University Senate on May 13, 1974. The new program established a common format and core offerings for degree programs in Agricultural Education, Home Economics Education, Business Education, Distributive Education, and Industrial Education. Four College faculties are involved in the Program.

#### Teacher Supply and Demand

On September 19, 1973, a Sub-committee on Teacher Supply and Demand (see Appendix B) was appointed to study the implications of the supply and demand situation for teacher education programs at the University of Delaware. Under the leadership of Dr. Willard E. Baxter, Chairman, the Sub-committee reported to the

Council at both meetings. A proposed statement on teacher supply and demand is scheduled for consideration at the next meeting of the Council.

Follow-up of Teacher Education Graduates

On February 5, 1974, a Sub-committee under Dr. Robert M. Hannah, Chairman, was established to advise the office of Student Services for Teacher Education, College of Education, on the conduct of a follow-up study of teacher education graduates at the University. The Sub-committee helped to prepare a questionnaire, which was then reviewed by the Executive Committee of the Council before circulation to graduates.

Other activities. The Executive Committee also created a Sub-committee on Accreditation and Certification to review the existing accreditation of teacher education programs and the certification of teacher education graduates at the University (see Appendix B). This Sub-committee is scheduled to report next Fall. Also, the Executive Committee made recommendations to President Trabant about the appointment of institutional representatives to the American Association of Colleges for Teacher Education (AACTE), (see Appendix B).

Respectfully submitted,

*Daniel C. Neale*

Daniel C. Neale,  
Chairman  
and  
Dean, College of Education,  
University of Delaware

DCN:er

June 4, 1974

## APPENDIX A

### LISTING OF MEMBERSHIP, UNIVERSITY COUNCIL ON TEACHER EDUCATION, 1973-74

* Daniel C. Neale, Chairman	Dean, College of Education
Orlando Barone	President, Education Graduate Student Association
Ralph P. Barwick	Assistant Dean, College of Agricultural Sciences
Willard E. Baxter	Chairman & Professor, Department of Mathematics
* Catherine V. Bieber	Assistant Dean, College of Home Economics
John A. Brown	Chairman & Professor, Department of Curriculum and Instruction
Kenneth E. Fahsbender	Chairman & Professor, Department of Music
Robert M. Hannah	Chairman, Division of Men's Physical Education
* Howard Harlan	Professor, Department of Sociology
Charles R. Marler	Assistant Professor, Department of Educational Foundations
John R. Mather	Chairman & Professor, Department of Geography
John I. Matthews	Associate Professor, Department of Professional Services & Director, Occupational Teacher Ed.
* John H. Miller, III	Assistant to the Chairman & Associate Professor, Department of Physics
James Morrison	Assistant Professor, Department of Secretarial Studies and Business Education
Franklin B. Newman	Professor, Department of English
John J. Pikulski	Associate Professor, Department of Curriculum and Instruction
Adelle F. Robertson	Associate Director, Academic Programs, Division of Continuing Education
Norman Sasowsky	Assistant Professor, Department of Art
* Samuel Tomaino	President, Undergraduate Student Council of the College of Education
* Edward E. Schweizer	Professor, Department of Chemistry

\* Members of the Executive Committee

## APPENDIX B

### SUB-COMMITTEES OF THE UNIVERSITY COUNCIL ON TEACHER EDUCATION

#### Sub-Committee on Graduate Education for Occupational Teachers

John I. Matthews, Chairman  
Ralph P. Barwick  
James L. Morrison  
Mary Lou Thomas

#### Sub-Committee on Accreditation and Certification

Billy E. Ross, Chairman  
George H. Gibson  
Howard Harlan  
John Pikulski  
Edward Schweizer  
Samuel Tomaino

#### Sub-Committee on Teacher Supply and Demand

Willard Baxter, Chairman  
Catherine V. Bieber  
John A. Brown  
Franklin B. Newman  
Samuel Tomaino

#### Sub-Committee on Follow-up of Teacher Education Graduates

Robert M. Hannah, Chairman  
Franklin B. Newman  
Daniel F. Paskewitz, ex officio  
Norman Sasowsky  
Robert L. Uffelman  
Orlando R. Barone

### INSTITUTIONAL REPRESENTATIVES TO THE AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION

Willard E. Baxter  
Catherine V. Bieber  
Kenneth E. Fahsbender  
Robert M. Hannah  
Howard Harlan  
Daniel C. Neale  
Billy E. Ross


UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

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

August 7, 1974

MEMORANDUM

TO: University Faculty Senate

FROM: Lou Mosberg, President   
University Faculty Senate

As some of you may know, I became Chairman of the Department of Educational Foundations, effective July 1, 1974. Since the University views department chairmen as administrators, this is the first time that a President of the Senate holds an administrative position. While the Senate Constitution does not bar a Chairman or any other elected senator from holding a Senate office, the situation is unique in the history of the Senate. In addition, the fact that I would become a Chairman was not known at the time I was elected President. I believe, therefore, that the Senate ought to have the opportunity to review and discuss the advisability of my continuing to serve as Senate President.

The issue, I believe, is whether or not such a dual responsibility involves a conflict of interest. I recognize that the President of the Senate is, to an extent, the spokesman for the faculty. In addition, the President sits on the AAUP Steering Committee as an ex-officio member. While in my own case I do not consider that a conflict of interest exists, I can readily understand the opposing viewpoint.

With the above considerations in mind, I plan to seek the advice of the Senate as to whether or not it deems it appropriate or advisable for me to continue to serve as President. I would be happy to do so provided the Senate concurs. In this regard, the Dean of my College has assured me that I will receive additional release-time in order to carry out my dual responsibilities. If on the other hand, the Senate advises that it would not be in the best interests of the Senate for me to remain as President I will gladly step down with full understanding and appreciation for the Senate's position in this matter.

LM/dpe



UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

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

May 24, 1974

Dear

It is the sense of the University Faculty Senate of the University of Delaware that the following resolution be forwarded to you:

*"WHEREAS a ruling of April 19, 1974, by the United States Immigration and Naturalization Service prohibits off-campus summer employment by foreign students in the United States without direct approval of the Immigration and Naturalization Service; and*

*"WHEREAS this ruling severely restricts summer employment opportunities for foreign students (who in the summer of 1973 accounted for only 30,000 of a work force of 80 million) and thereby jeopardizes the educational opportunities of many of them; and*

*"WHEREAS this ruling could bring retaliatory measures from foreign governments against American students studying abroad--the elimination, for example, of their eligibility for financial aid and for equal tuition rates; Therefore be it*

*"RESOLVED, that the Faculty Senate of the University of Delaware deplors the curtailment of those training opportunities derived from and during summer employment enabling many foreign students to continue their education in this Country and urges that our Government, recognizing the cultural benefits of young foreigners studying in the United States, attempt to aid rather than to impede present student exchange programs."*

Sincerely yours,



Ludwig Mosberg, President  
University Faculty Senate

LM/dpe

United States Senate

WASHINGTON, D.C. 20510

June 6, 1974

Ludwig Mosberg, President  
University Faculty Senate  
University of Delaware  
Newark, Delaware 19711

Dear Professor Mosberg:

Thank you for sending me a copy of the resolution passed by the University of Delaware Faculty Senate concerning foreign students and their need for summer employment.

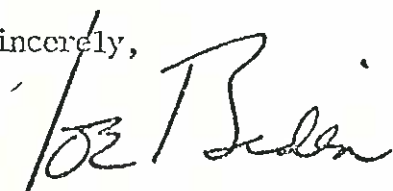
This matter had been brought to my attention previously, as a result I had been in touch with the Immigration and Naturalization Service. INS advises that because of the high unemployment rate among U. S. students, foreign students will generally not be allowed to hold jobs while in the United States. However, each case will be considered on its own merits. The student should file the same application normally required for employment (Form I-538), he must also obtain the endorsement of his advisor indicating the unforeseen circumstances which make employment necessary. Once the documents have been submitted the facts will be considered and a decision will be rendered.

I trust the above information will somewhat clarify the INS position concerning this matter.

If I can be of further assistance, please do not hesitate to let me know.

With best wishes,

Sincerely,

  
Joseph R. Biden, Jr.  
U. S. Senator

JRB/cmc

JUN 11 1974

CO 214f-C

Ludwig Hosberg, President  
University Faculty Senate  
University of Delaware  
Newark, Delaware 19711

Dear Mr. Hosberg:

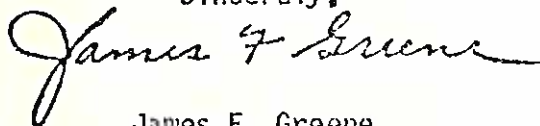
This is in response to your letter concerning the summer employment program for foreign students.

The decision has been made to withhold authority this year from school officials to act on foreign student requests for summer work permission. This determination is intended to protect work opportunities for American youth, including Vietnam veterans and members of minority groups. For several years the Manpower Administration has advised that unemployment among American youth is of such magnitude that summer employment of aliens is depriving young Americans of needed job opportunities.

Under the summer program policy, foreign students were allowed to engage in employment without regard to any unforeseen change in their financial circumstances. In view of the unemployment rate among young Americans, this policy is no longer warranted. Each job taken by an F-1 student under the liberal summer work program is significant. The significance lies in the job opportunity closed to a deprived American youth or Vietnam veteran. What is of paramount concern is not the number of foreign students involved, but rather each individual American who is adversely affected.

There is ample provision in the regulations of the Immigration and Naturalization Service (8 CFR 214.2(f)(6)) for "F-1" students to apply to the Service for work permission. Any "F-1" student in need of employment for economic reasons due to unforeseen change in circumstances which arose after entry into the United States may apply. Upon graduation, "F-1" students may also apply to the Service for permission to engage in practical training in a field related to their course of study. Field offices of the Service have been directed to expedite action on these applications.

Sincerely,



James F. Greene  
Deputy Commissioner

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 214f-C

JUN 13 1974

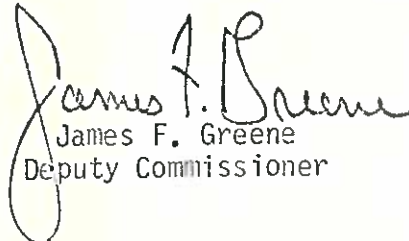
Ludwig Mosberg, President  
University Faculty Senate  
University of Delaware  
Newark, Delaware 19711

Dear Mr. Mosberg:

Your letter of May 24, 1974 to the President has been referred to this office for attention since it concerns foreign student employment, a matter within the responsibilities of the Service.

I can add nothing to my previous reply to you of June 10, 1974 except to emphasize that foreign students may submit their applications to accept employment to the Service, all offices of which have been directed to expedite their processing.

Sincerely,

  
James F. Greene  
Deputy Commissioner

PIERRE S. (PETE) DU PONT  
DELAWARE  
AT LARGE

COMMITTEES:  
FOREIGN AFFAIRS  
MERCHANT MARINE

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

June 14, 1974

PLEASE REPLY TO:  
5021 FEDERAL BUILDING  
844 KING STREET  
WILMINGTON, DELAWARE 19801

Ludwig Mosberg, President  
University Faculty Senate  
303 Mulliken Hall  
University of Delaware  
Newark, Delaware

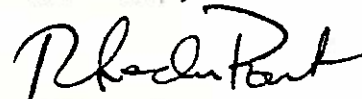
Dear Mr. Mosberg:

Thank you for your recent letter to my office in the form of a resolution deploring the curtailment of training opportunities for foreign students in summer employment.

I am in complete agreement with your resolution and I have written to the Commissioner of the Immigration and Naturalization Service strongly protesting the action. As soon as I have received a reply, I will be in further contact with you.

With best wishes, I am

Sincerely,



Pierre S. duPont  
Member of Congress

PSduPont



WILLIAM V. ROTH, JR.  
DELAWARE

4327 DIRKSEN SENATE OFFICE BUILDING  
TELEPHONE: 202-225-2441

COMMITTEES:  
FINANCE  
GOVERNMENT OPERATIONS

## United States Senate

WASHINGTON, D.C. 20510

July 5, 1974

Dr. Ludwig Mosberg, President  
University Faculty Senate  
University of Delaware  
303 Hullihen Hall  
Newark, Delaware 19711

Dear Dr. Mosberg:

Thank you very much for sending me the resolution of the University Faculty Senate of the University of Delaware with respect to the ruling of the United States Immigration and Naturalization Service (INS) prohibiting off-campus summer employment by foreign students without direct approval of INS.

I have been in contact with Dean Lomis about this matter and have sent him correspondence from the Immigration and Naturalization Service outlining their views. It is my understanding that the ruling does not exclude foreign students from being employed, but transfers the authority to give permission to the Service itself.

Sincerely,



William V. Roth, Jr.  
U. S. Senate

WVR/km

PIERRE S. (PETE) DU PONT  
DELAWARE  
AT LARGE

COMMITTEE  
FOREIGN AFFAIRS  
MERCHANT MARINE

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

July 22, 1974

PLEASE REPLY TO:  
5021 FEDERAL BUILDING  
844 KING STREET  
WILMINGTON, DELAWARE 19801

Ludwig Mosberg, President  
University Faculty Senate  
303 Mullinen Hall  
University of Delaware  
Newark, Delaware

Dear Mr. Mosberg:

Enclosed you will find a copy of the reply I recently received from the Department of State and also a guideline statement sent to me by the Immigration and Naturalization Service with reference to recent decisions made with regard to foreign students.

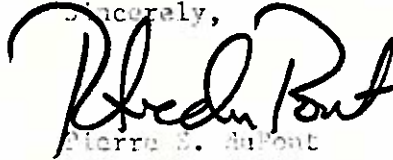
Actually, these decisions are not a revision of the law as it pertains to foreign students, but rather, it is the application of the law as it was originally written.

In past years, there has been a great deal of leniency on the part of the Immigration and Naturalization Service with regard to part-time employment for foreign students, but the Service decided that the unemployment among American youth is of such magnitude that summer employment of aliens may be threatening the job opportunities of young Americans. This is their reason for reverting back to the original interpretation of the law.

Nevertheless, there is still the provision in the regulations for a foreign student to apply to the Immigration and Naturalization Service for work permission, and any "F" student in need of employment for economic reasons due to unforeseen changes in circumstances which arose after entry into the U. S. may apply.

I hope that this helps to explain the reasons behind the stricter following of the law as it applies to foreign students, and if I can be of any further assistance, please do not hesitate to let me know.

With best wishes, I am

Sincerely,  
  
Pierre S. DuPont  
Member of Congress

PSduP:asm  
enclosure

127 CANNON HOUSE OFFICE BUILDING  
5021 FEDERAL BUILDING 844 KING STREET

WASHINGTON, D.C. 20515  
WILMINGTON, DELAWARE 19801

(202) 225-4165  
(302) 571-6181

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

The decision has been made to withhold authority this year from school officials to act on foreign student requests for summer work permission. This determination is intended to protect work opportunities for American youth, including Vietnam veterans and members of minority groups. For several years the Manpower Administration has advised that unemployment among American youth is of such magnitude that summer employment of aliens is depriving young Americans of needed job opportunities. Because such determination may not realistically be made far in advance of the period it is to cover, it is not possible to give earlier notice to the schools.

The nonimmigrant student, by definition in the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) enters the United States solely for the purpose of pursuing a full course of study at an approved institution of learning. He is required to establish to the American consular officer acting on his visa application that he has sufficient funds available to him to cover his expenses without working while in the United States.

There is no provision in the law for the "F" student to accept employment in this country, but the Service has provided by regulation for emergent aid where the student finds himself with insufficient funds. He may apply to this Service for permission to accept part-time employment because of economic necessity. Such permission may be granted for employment up to 20 hours a week while school is in session if the applicant can establish that the necessity is due to unforeseen circumstances arising subsequent to his entry, and if an authorized school official will certify that such employment will not interfere with his ability to carry successfully a full course of study.

Under the summer program policy, foreign students were allowed to engage in employment without regard to any unforeseen change in their financial circumstances. In view of the unemployment rate among young Americans, however, this policy is no longer warranted. Each job taken by an "F" student under the liberal summer work program is significant. The significance lies in the job opportunity closed to a deprived American youth or Vietnam veteran. What is of paramount concern is not the number of foreign students involved, but rather each individual American who is adversely affected.

There is still the provision in the regulation of the Service (8 CFR 214.2(f)(6)) for "F" students to apply to the Service for work permission. Any "F" student in need of employment for economic reasons due to unforeseen change in circumstances which arose after entry into the United States may apply. Also, upon graduation, "F" students may apply to the Service for permission to engage in practical training in a field related to their course of study.

Field offices of the Service have been directed to expedite action on all applications filed for student employment.



DEPARTMENT OF STATE

Washington, D.C. 20520

Honorable Pierre S. Du Pont  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Du Pont:

Thank you for your letter of May 9 concerning the interest of Dr. Dean C. Lomis, International Student Adviser of the University of Delaware, in the Department's revised instruction on financial requirements for aliens seeking to enter the United States as students.

The Department of State believes that international educational and cultural exchange plays a vital role in international affairs and that the long-term benefits of this exchange, both to the United States and to the world, are incalculable. For this reason, it is our policy to promote and support these exchanges in every proper way. We are particularly mindful of our responsibilities under the Mutual Educational and Cultural Exchange Act of 1961.

Along with that responsibility, it is our duty to administer the immigration laws insofar as they concern the Department and the Foreign Service. There is no evidence to indicate that the Congress at any time desired to exempt aliens who participate in international educational and cultural exchange from the provisions of the Immigration and Nationality Act. We feel therefore that we have no alternative but to apply the law in the manner we believe to have been intended by the Congress to these aliens as well as to all others.



It has been alleged that application of the revised guidelines will reduce foreign student population by 20 percent or more. We do not intend that such a reduction occur, and we consider this view speculative. The claim is also made that the type of student will change in that only the wealthier or the subsidized will qualify. We do not intend this either, and we also consider this view to be speculative. Whatever may be the validity of these two contentions, we cannot administer the law in such a way as to ignore or distort what we believe to be its intent.

With regard to summer employment, the Immigration and Naturalization Service has announced that school officials will not be authorized to permit foreign students to accept employment during the coming summer vacation period. Any student in need of employment for economic reasons due to unforeseen circumstances which arose after entry into the United States may, however, apply to the Service for work permission. Given this situation in 1974, we believe it unwarranted for consular officers to assume at this time that summer employment will generally be available in the future.

I hope you will call on me if you believe that we can assist you further.

Cordially,

A handwritten signature in cursive script that reads "Linwood Holton".

Linwood Holton  
Assistant Secretary for  
Congressional Relations



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.

---

<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."

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.
6. The above provisions 1 through 5 shall apply to discontinuous as well as continuous faculty appointments. (5/13/74)

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. <sup>+</sup>[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 members of the Board. The Faculty Senate Committee on Committees has the authority to remove a person from the chairmanship.
- + 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 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.
- + 2. 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.
- + 3. 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, they should communicate directly with the Chairman of the Judicial Policy Board.
- + 4. 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.
- + 5. 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.

#### 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.

2. + Four nonvoting advisors. Two of these advisors shall be members of the faculty appointed by the Judicial Policy Board; two shall be professional members appointed by the Vice President for Student Affairs. The advisors from the Vice President's Office 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.

4.+ 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.

C. Within 24 hours following the imposition of an enforcement suspension, the University officer taking that action shall review the circumstances of the case and determine whether he will continue the enforcement suspension. Promptly following this review, he shall file a complete report of the circumstances leading to the action specifying the present status of the individual(s) with the chairman of the JUDICIAL POLICY BOARD.

D. Enforcement suspension is an emergency measure +device and the suspended individual shall have his case heard +suspension reviewed by the appropriate court within three class days, + or when the University is not in session as soon as possible.

#### VIII. ADMINISTRATIVE DISCIPLINARY HEARINGS

A. Administrative disciplinary hearings shall be conducted by the Vice President for Student Affairs, or other +another Student Affairs Officer(s) designated by him in the following circumstances:

1. In those types of cases designated by the JUDICIAL POLICY BOARD.

2. In any case referred to him by the judicial body having primary jurisdiction over the offense.

2. +In any case when the Vice President for Student Affairs or his designee determines that timely action (normally within ten class days) is not possible by the judiciary which normally would hear the case; an exception may be made when both the accused and the accuser agree to postpone the case for a longer period of time. A student charged under this procedure is guaranteed a student court hearing should he request such a hearing.

3. In any case when the student chooses not to appear before a judicial body and requests an administrative disciplinary hearing.

4. In any case when the Vice President for Student Affairs or his designee determines that timely action (normally within ten class days) is not possible by the judiciary which normally would hear the case.

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. Hearsay: Unless no other evidence is available hearsay evidence shall not be permitted. When hearsay evidence is permitted because of 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.

5/15/74



PROPOSED RESOLUTION SUBMITTED BY E. SCHWEIZER

Be it resolved that the Officers and committees of the University Faculty Senate be enjoined to refrain from aiding the President of the University in naming or appointing faculty members to the Board of Trustee Committees unless the faculty members who are so nominated to represent this faculty are to be full members of the committees on which they are to serve.

Be it resolved also that this body forbid its President or any of its Committee Chairpersons or members to attend Board of Trustee Committee meetings (as members thereof) as representatives of this faculty unless they are treated as full members of those committees as described below.

Full membership on a Board of Trustee Committee is understood to mean that a member is notified of all committee meetings and receives the full agenda of the meetings far enough in advance of the meeting so as to allow for attendance. Full membership also entails the right to vote on the questions before the committee.

May 6, 1974

May 1, 1974

UNIVERSITY FACULTY SENATE

1974-75

Acunha, Julio	Art	2242
Barbieri, Denise	Undergraduate	737-9974
Barlow, David A.	Physical Education	2261
Bishop, John B.	Counseling	2141
Bockrath, Joseph T.	Marine Studies	1212
Bonner, Gordon R.	Business Administration	2555
Brown, P. Timothy	Physical Education	2261
Campbell, L. Leon	Vice President for Academic Affairs	2101
Carl, Mary K.	Dean, Nursing	2381
Catts, E. Paul	Entomology	2526
Dick, Richard I.	Civil Engineering	2431
Dominguez, Ivo	Languages and Literature	2580
Ellis, Jack D.	History	2378
Feely, Theodore M., Jr.	Education	2331
Finner, Stephen L.	Sociology	2858
Finnie, W. Bruce	English	2366
Flaherty, Colin	Undergraduate	737-9836
Gaither, William S.	Dean, Marine Studies	2841
Glass, Billy P.	Geology	2569
Goodrich, Raymond F.	Mathematics	2653
Greenfield, Irwin G.	Acting Dean, Engineering	2401
Haenlein, George F. W.	Animal Science	2521
Hepburn, Andrew	Dramatic Arts	2206
Hill, Robert N.	Physics	2673
Hodson, Robert C.	Biological Sciences	2283
Hogenson, Robert	Music	2577

Holsoe, Svend E.	Anthropology	2797
Hutchinson, Harry D.	Economics	2564
Ilyas, Mohammed	Secretarial Studies	2562
Kingsbury, Herbert B.	Mech & Aero Engineering	2423
Klinzing, Dene	Home Economics	2304
Leathrum, James F.	Statistics & Computer Science	2712
Lewis, Kenneth	Economics	2564
Lippert, Arnold L.	Dean, Graduate Studies	2147
Mangone, Gerard J.	Marine Studies	1212
May, Barbara N.	Library	2239
McDaniel, William E.	Dean, Agriculture	2501
McHugh, Helen F.	Dean, Home Economics	2301
McLaughlin, John P.	Psychology	2271
McMahon, Sheila	Nursing	1253
Morehart, Allen L.	Plant Science	2531
Mosberg, Ludwig	Education	2326
Moyne, Ernest J.	English	2362
Neale, Daniel C.	Dean, Education	2311
Norman, Richard	Dean, Business and Economics	2551
Palmer, Lucia	Philosophy	2380
Pikulski, John	Education	2307
Rasmussen, Arlette I.	Home Economics	8407
Recke, Marjorie	Nursing	2383
Reynolds, Henry T.	Political Science	2355
Rosenberry, Edward H.	Acting Dean, Arts and Science	2351
Runkle, Judith A.	Speech-Communications	2777
Sandler, Stanley I.	Chemical Engineering	2543
Schweizer, Edward E.	Chemistry	2465

Smith, F. Loren	Psychology	2271
Stafford, Barbara	Art History	2781
Tarpley, Richard W.	Military Science	2217
Trabant, Edward A.	President, University of Delaware	2111
Ulrich, Roger S.	Geography	2294
Wolters, Raymond	History	2378
Worthen, John E.	Vice President for Student Affairs	2707
Wriston, John C.	Chemistry	2462

Total Senate .....	62*
Total Elected Senate .....	50
Total Elected Senators Needed for Quorum .....	26

*Faculty Senators	48
Undergraduate Senators	2
Graduate Senators	0
Ex Officio	<u>12</u>
TOTAL	62