

SPECIAL MEETING OF THE UNIVERSITY FACULTY SENATE

May 21, 1970

MINUTES

The special meeting of the Senate was called to order by President Olson at 4:10 p.m. Senators not in attendance were:

Julio Acuna	C. Harold Brown	James R. Krum
T. Allan Comp	Elizabeth D. Cloud	Raanan Liebermann
Irma Ayers	Edumnd S. Glenn	William Pulliam
Elizabeth E. Bohning	Donald W. Harward	John W. Shirley
	Franklin P. Kilpatrick	

I. ANNOUNCEMENTS

The President of the Senate made the following announcements:

1. There is an AAUP meeting at 12 o'clock in 118 Sharp Lab.
2. A week ago today it was my privilege to attend along with the President of the University a session of the Legislature where the President was questioned rather sharply regarding the recent activitites of the students on the campus. It was a privilege to watch a man who was surely provoked by the questions handle them so well that we were much more friendly when we left than when we went in.

II. ADOPTION OF THE AGENDA

Mr. Halio was recognized by the chair and stated that the Vice-President had informed him rather informally that he saw no reason why the Senate should not meet during the summer. At any rate the Senate should be informed of this or debate it. Concerning future meetings, the office should announce today when the regular meetings will be held in the fall so we can have clean blocks of time. As for the order of the agenda, it seems the second item is a bit more pressing. He respectfully submitted reversing the order of the agenda or allot the time of the debate so that both items could be covered.

The chair responded that it is the intention of the officers of the Senate that regularly scheduled meetings will be held on the first Monday of each month. Allow us all to schedule blocks of time at 4:00 p.m. With respect to the meeting on June 8, it was our judgment that the exams needed to be graded and turned in which made a press on all of us which made it more convenient to schedule a meeting on the 8th. If it is the wish of this group to have it scheduled on June 1, we shall accede to your wishes. We shall dispense with

scheduling before the agenda is adopted. A show of hands of those who would prefer to meet June 1 rather than June 8 resulted in a vote to meet June 8.

Mr. Bonner asked that the meeting be scheduled for 4:10 rather than 4:00 because some members teach until 4:00. Mr. Kramer inquired if we could stagger some meetings so that some could meet on Monday, others on Tuesday, etc.? This would help the problems. Mr. Wriston called for hands on summer meetings. We have tentatively scheduled a meeting for July. There will be a number of us unable to attend this meeting. (DeArmond) A show of hands for July 6 at 4:10 indicated that there would be enough to make a quorum.

Mr. Kerner asked what is the agenda for the July meeting? If the agenda is weighty, we should have a meeting. What might be weighty to one individual might not be weighty to others. Mr. Wriston replied that there are three letters from senators which must be placed on the agenda. No reports from standing committees.

A representative of the English Department indicated that half of their staff goes to Europe in the summer. It is very bad to have these meetings in the summer.

Mr. Kerner said he would like to point out that it is inappropriate to discuss the Winterim and disruptive behavior in a summer meeting. The chair replied that it appears that there are a substantial number of people who wish to speak to the question of the Winterim. It seems to me we should attempt to follow Roberts. If a person has a new viewpoint to present, he should do it briefly. Discussion should try to oscillate between viewpoints that are strongly in favor and those strongly opposed. The chair is unable to recognize your viewpoint at this stage.

The Winterim resolution has been moved and seconded and we should talk perhaps to the general question of the Winterim for a period of time not greater than 40 minutes. At that time it is then proper for us to consider the document in detail starting on Page 2. From Page 2 onward it is divided into 10 specific recommendations. It appears that if we took these item by item, it would be possible for those who wish to introduce amendments to these recommendations could do so. I would hope that we should finish our deliberations within an hour.

Mr. Halio moved, seconded by Mr. Hunt, that discussion on disruptive behavior begin by 5:15. We need to get to that. We will treat that as a motion of limiting debate. Motion to place a time limit on debate passed: 30 yeas, 10 nays.

Mr. Moszynski moved, seconded by Mr. Schweizer, to reverse the agenda: change item 4-1 to item 4-2 and vice versa.

Adoption of revised agenda passed.

III. UNFINISHED BUSINESS

A. Disruptive Behavior Report (copy attached to these minutes)

Mr. Wriston presented this report. Upon conclusion of the reading of the report, Mr. Halio moved, seconded by Miss DeArmond: RESOLVED, That it shall be the responsibility of the faculty, further, to engage in surveillance of any action by security forces (internal or external) which may, under no circumstances, prevent, impede or inhibit the faculty from exercising this responsibility.

In defense of his motion, Mr. Halio stated that we should not turn our campus over to outsiders without our knowing what is going on. Mr. Lippert asked have you checked this through legal counsel? It is very important that this be legally possible. How can you tell the State police what to do? Mr. Halio responded that he cannot speak of legality here but he thinks students should have witnesses. Mr. Crawford commented that the amendment as read does not limit the action of the State police in any way. It allows disinterested individuals to become involved. Mr. Anapol suggested that the Government in essence would be the referee. You have a situation where you cannot tell the Federal Government what to do.

Mr. Moszynski stated that we must make this statement indicative of the University intention to pursue legal means against security forces. We cannot limit what the police do. We do have the enforcement power to ask the University to go to court on the part of students mistreated by the police. Mr. Kerner suggested that we should establish a matter of public declaration of a policy that this faculty believes in. Mr. Wriston stated that if adopted by the Senate, it would have the force of University policy. Mr. Denn suggested a very minor modification might get around the difficulties. Change "may" to "should." It sounds very legalistic to a statement of strong intent.

The question was called for. Vote on the question to limit debate was passed.

Vote on the Halio amendment: 28 yeas, 10 nays.

Mr. Dilley asked the question could a suit be brought against officers of the faculty or against the faculty as a collective group should we not live up to our responsibility? The question was unanswered.

The following discussion relates to a proposed amendment from Mr. Halio, seconded by Miss DeArmond: Disruptive behavior carried out by a student organization acting as such shall be treated not on an individual basis but on the basis of an illegal group activity, and charges shall be pressed against the group rather than individuals. Appropriate sanctions shall be involved as they are defined by the Judicial Policy Board, which also defines the appropriate hearing body.

Mr. Kramer suggested the use of the word "should" instead of "may." In response to a question by Mr. Wriston as to why this issue was not brought up in January, Mr. Halio replied that he did not raise a question in January, but in the last month it has become an issue. The amendment is offered on its own merits. Mr. Tingey responded that he wanted to speak about its demerits. An individual member should not be held responsible for what the entire membership of the group does. Mr. Kerner, in support of Mr. Tingey's comments, stated that he would like to comment in the same tone. The word that bothers him is "shall." It makes it mandatory and ties our hands. He stated that he would like to suggest and introduce an amendment that the word "shall" on lines 2 and 3 be changed to "may." Mr. Halio rebutted he has in mind the Black Students' Union. The SDS action that was taken last year at this time. No single member suffered any penalty. But the organization was thrown off the campus. If we carry out the logic of Tingey, the students in the Honors Day disruption should not be given their diplomas. The black group took collective action but the individual students are being tried. We should have a consistent policy.

Mr. Kerner introduced an amendment to the amendment, seconded by Mr. Denn, that the word "shall" be changed to "may."

Mr. Salsbury stated that in terms of the Black Students' Union problem: (1) What should be our attitude toward an official organization? (2) Individuals within an organization can take action and that should be dealt with. Are we not limiting ourselves under this kind of amendment? A lot of the black students were not in sympathy with what the group did. We would be better off not trying to tie the hands. Let the proposal go without this kind of amendment.

The question was called for and passed by voice vote.

The vote on the Kerner amendment to the Halio amendment: 29 yeas, 9 nays.

Mr. Salsbury commenting on the Halio amendment said we can either act against individuals or the group but we cannot do both. If individuals misbehave, what action can we take against them? What are we doing here?

Mr. Bonner indicated that he very much opposes the document. We should deal with individuals. We should act against both individuals and the organization. We should allow the judicial process to answer this question rather than legislate it.

Mr. Worthen stated it is difficult for me to know how any group situation which is disruptive can be a situation in which we should not or could not hold the individual responsible for his actions. Any individual is held accountable for his behavior. He stated opposition to the motion. University sanctions against individuals are extremely limited. Withdrawal is the only sanction.

The question was called and passed by voice vote.

Vote on the Hailo amendment: 6 yeas, 35 nays.

Mr. Kerner presented the following amendment, seconded by Mr. Rees:

It is the desire of the University community to maintain full control of its own affairs. IT IS THE POLICY OF THE FACULTY UNDER ITS RESPONSIBILITIES WITH RESPECT TO STUDENTS, THAT THE INITIATION OF ANY CALL FROM THE UNIVERSITY FOR OUTSIDE SECURITY FORCES BE DONE WHENSOEVER POSSIBLE WITH THE PRIOR CONSULTATION OF THE OFFICERS OF THE FACULTY SENATE THEN AVAILABLE. Such forces will be called only when there is clear AND IMMINENT danger of bodily injury or loss of life, SIGNIFICANT danger to property, or other serious disruption of the University. The following principles shall guide the University community during such a crisis: (1) Violence shall be avoided by adequate opportunity to desist peacefully BOTH BEFORE AND AT THE TIME OF CONFRONTATION by outside security forces; (2) Outside security forces shall be EXPLICITLY enjoined AT THE TIME OF THEIR CALL to use the minimum necessary restrained force to secure the peace, BEING TO THE EXTENT POSSIBLE FORCES SPECIALLY SO TRAINED, AND BEING PARTICULARLY ENJOINED TO AVOID TO THE UTMOST EXTENT POSSIBLE THE USE OF FIREARMS. (3) It shall be. . .

Mr. Wriston in response to a question on what his attitude towards this amendment would be stated that it strikes him personally the fold type is not restrictive or hand tying. He did not think it is a damaging statement, but helpful. He does not see that a hand-tying policy exists.

Mr. Worthen indicated that he questions the first part of the amendment-- "the initiation of any call . . . available." When to call outside security must be done on the spot, or within a short period of time, there may be a case when the person would have to make the decision because delay would cause danger to life or property. Mr. Williams stated that he would like to respond to the last remarks. In a few of the cases he is familiar with, a number of faculty were in contact with the President. A number of others were present in situations that could have led to a call of outside bodies. The faculty can influence decisions of this kind.

On a point of information, Mr. Bonner asked if the President is not available, who is responsible for action? Mr. Kerner stated that this amendment has to do with establishing a policy without specifying a person to act.

The question was called for and passed voice vote.

Vote on the Kerner amendment: 29 ayes, 16 nays.

Mr. Kerner withdrew the amendment relating to page 3, lines 22 and 23. The amendment was ". . . and disruptive behavior, however, are not acceptable tactics in such an environment on the part of persons within or without the University Community, for they. . ."

Mr. Salsbury moved, seconded by Mr. McLaughlin, that we remove the time limit on debate of disruptive behavior. Vote: 26 yeas; 10 nays.

Mr. Harward stated that many of us were impressed with the intention of Mr. Halio's first amendment but distressed with the logistics of that amendment. He suggested an amendment very much like Mr. Halio's ". . . which we had agreed to earlier which permits an either/or statement action against individuals or action against a group or both."

Mr. Worthen commented the student comment was in error. What you are proposing is possible. Judicial Policy Board has full power to decide or bring charges.

Miss Bedingfield asked if they decide to take action against a group, who brings the action? Are there any students involved in this group?

Mr. Halio commented he is not interested in reviving corpses. It was his idea to define the body. The Student Activities Committee has never acted as a hearing body.

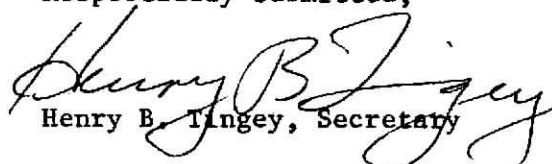
Mr. Harward withdrew his amendment.

Mr. Kramer proposed the following amendment, seconded by Miss DeArmond:

In such a community, criticism and dissent about what is true and what is known play an essential role, and this kind of dissent must be tolerated and encouraged. On the other hand, a distinction must be drawn between those who would attempt to bring change in legitimate University processes through violence or are attempting to use the University to bring about changes outside the University's power."

The meeting was adjourned due to lack of a quorum at 5:45 p.m.

Respectfully submitted,


Henry B. Tingey, Secretary