

DIGEST OF THE REGULAR MEETING

February 1, 1971

CONVENED: 4:12 p.m.

ROUTINE PROCEEDINGS: Adoption of the agenda.

BILLS INTRODUCED:

S. Res. 38 (Kerner), to provide for CEIP examination of implications of Winterim-type programs and advising the Senate by March 15, 1971. (Text of resolution in February 8 minutes.)

BILLS REPORTED:

S. 37, Faculty Personnel Policy Committee Report. Report approved through Specific Recommendations, Section 2. Amendments detailed in minutes.

ADJOURNED: 5:42 p.m.

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PROPOSAL
FOR THE REVISION OF
UNIVERSITY POLICY
CONCERNING ALCOHOLIC BEVERAGES

This proposal is submitted for review by the University Senate and by the Board of Trustees of the University of Delaware.

The policy shall read as follows:

"UNAUTHORIZED POSSESSION, USE, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES ON OR IN UNIVERSITY PROPERTY IS FORBIDDEN. University policy, consistent with state, county and city laws, restricts on-campus use of alcoholic beverages in specified areas."

The new policy would generate the following general changes:

1. "Unauthorized" use will involve:
 - a. possession, use, or distribution in "restricted areas" of the campus; and/or
 - b. illegal possession, use, or distribution under the provisions of state, county and city law.
2. *The University reminds all members of the University Community that violators of state, county and city ordinances regarding the consumption, sale, possession or manufacture of alcoholic beverages are subject to legal action.*
(See attachment 1)
3. Student violations of University restrictions will be referred to the University Judicial system.

Implementation of the policy would be in accord with the following statements:

I. Group Social Activities: Off Campus

The University accepts no responsibility for the use or distribution of alcoholic beverages at off-campus social functions sponsored by University-related organizations.

All persons planning or attending such an off-campus activity should be aware of the alcoholic beverage laws (state and county and city) which apply to its particular nature and location. Each person participating in the activity assumes responsibility for his own actions.

Violations of pertinent alcoholic beverage laws will be handled by law enforcement authorities having jurisdiction over the specific location where the event is being held.

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II. Group Social Activities: On Campus

Social functions sponsored by recognized University organizations shall have the opportunity to serve alcoholic beverages. It is only appropriate to permit such functions in residence hall lounges and other approved University locations for those of legal age. The procedures listed below must be followed to obtain the use of University facilities for organizational functions:

A. Group Social Activities Sponsored by University Student Organizations

1. Functions sponsored by recognized University Student organizations at which alcoholic beverages are to be served must be registered. Such functions must be limited in attendance to members of the organization and their invited guests.
 - a. Functions held in campus locations other than residence hall lounges must be registered. Registration must be made with the appropriate office in accordance with these guidelines (to be amended as required).
 1. Director of Student Center for Student Center Room
 2. Director of Conference for University extension areas.
2. The sponsoring organization must:
 - a. Be in good standing as a sponsoring organization; i.e., they must be free of censure or restriction imposed by a University Judicial System which would prohibit that organization from sponsoring said functions;
 - b. Designate an officer(s) who will be in attendance at the function, who will assume responsibility for the behavior of the participants at the function;
 - c. Ensure that only members and their invited guests are allowed into the function;
 - d. Ensure compliance with all state, county and city alcoholic beverage regulations--copies of these regulations will be furnished to the organizational representative at the time the function is registered;
 - e. Assume responsibility for the payment of the facilities rental charge (where applicable) and other associated costs.

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B. Group Social Activities Sponsored by Faculty or Staff

1. Functions sponsored by recognized University faculty, administrative or staff organizations at which alcoholic beverages are to be served must restrict their function to only those areas and times recognized by the University as appropriate (See Attachment II). These faculty, administrative or staff organizations must comply with the restrictions (2a-e) noted herein.

C. Functions sponsored by Off Campus Groups in University Facilities

1. Group Social Activities Sponsored by Off Campus Groups at which alcoholic beverages are to be served must restrict their function to only those areas and times recognized by the University as appropriate (See Attachment II). These off campus groups in University Facilities must comply with the restrictions (2a-e) noted herein.

No function will be permitted unless these procedures are followed. Student violations of these procedures will be referred to the University Judicial system.

III. Individual Actions: Off Campus

The University accepts no responsibility for the possession, use and/or distribution of alcoholic beverages by individual students at off-campus locations. Violations of state, county and city laws will be handled by appropriate law enforcement authority.

IV. Individual Actions: On Campus

Within the limits of restrictions established by state, county, and city laws, students who are twenty-one years of age, or older, may possess and consume alcoholic beverages on the campus and installations of the University only where explicitly permitted by University regulation.

Policy for Residence Facilities:

1. An important educational goal of residence hall living is to develop a sense of adult responsibility and maturity. Accordingly, persons over twenty-one years of age should be treated as adults in all respects. It seems appropriate, then, to permit students of legal age and their guests of legal age to possess and consume alcoholic beverages on an individual basis in the privacy of their residence hall rooms.

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This policy recognizes that the percentage of the University community eligible to consume or possess alcoholic beverages in their residence hall rooms is indeed small. Moreover, because of the physical conditions of a dormitory, the possession and consumption of alcohol in the privacy of a dormitory room shall not infringe upon the privacy and peace of other individuals. Any infringement upon such privacy and peace of an individual inhabitant of the dormitory shall be considered a violation of community behavior and shall be dealt with in the manner prescribed in the appropriate judicial system.

The University wishes to emphasize the strict provisions of the Delaware Code for those who provide alcoholic beverages to minors and for minors who possess or consume alcoholic beverages. (See Attachment I) The University views undignified or unruly behavior associated with the use of alcohol as a serious breach of the expectations of the University community which will not be tolerated. In such cases, the consumption of alcoholic beverages will be considered as aggravating rather than mitigating the situation.

2. The Office of Director of Residence shall provide a procedure for permitting students to elect to live with someone not 21 years of age or older and thereby to live with a student who cannot legally possess or consume alcohol. Moreover, the office of Director of Residence should arrange for those students of legal age who wish to possess and consume alcohol in the privacy of their rooms the opportunity to reside in a dormitory where students living in that dormitory meet the legal requirements for sharing similar preferences. It would then be understood that students who cannot (because they fail to be of legal age) or who do not choose to live in a situation where most of the dormitory inhabitants share similar preferences would be living in areas where the privileges outlined in part IV of this policy would have no application for the majority of the residents.

3. The Residence Hall Association must establish a procedure whereby individual residence halls shall determine how this policy could be implemented and enforced by their own residence hall. These procedures must be submitted for approval to the Judicial Policy Board.

4. Although fraternal organizations are operated and governed differently than residence halls, the principles outlined above apply equally to these living units. Accordingly, The Central Fraternity Government must establish procedures whereby individual fraternity houses shall determine how they are to implement and enforce this policy. These procedures must be submitted to the Judicial Policy Board for approval.

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V. Campus Restrictions

Alcoholic beverages may not be possessed, consumed, manufactured, or distributed in any University facility or property under the jurisdiction of the University unless either the area has been described in this policy or the area is designated by the University, at some future date, as one where alcoholic beverages may be possessed or consumed.

Dr. Gordon Bonner
Mr. Peter J. DiBona
Dean Raymond Eddy
Dr. Donald W. Harward (Chairman)
Mr. Charles Montgomery
Mr. Royeric G. Pack
Dr. Barbara Settles

Attachment I

4 Delaware Code paragraph 904 makes it unlawful to purchase alcoholic liquor for or give it to a person under 21 years of age, and also makes it unlawful for a person under 21 years of age to consume alcoholic liquor or to have it in his possession. Both offenses are punishable by fine and consequently, by definition, are crimes against the State so that anyone who assists a person committing such a crime in order to hinder or prevent his apprehension, trial or punishment, would be an accessory after the fact.

Violations of 4 Delaware Code paragraph 904:
A fine of not less than \$100.00 nor more than \$500.00 for the first offense and fines of not less than \$500.00 nor more than \$1,000.00 for subsequent offenses.

The punishment for being an accessory after the fact is a fine of not more than \$1,000.00 or imprisonment for not more than three years or both.

Attachment II

In addition to those areas described herein, the University may consider it desirable to list other properties and times recognized as appropriate for the serving and consumption of alcoholic beverages.

[The ad hoc committee suggests that all persons responsible for the use of University properties not noted in this document be requested to register their decisions regarding whether or not it would be appropriate to serve or consume alcoholic beverages on that property. We suggest that during the remainder of the spring term 1971 such registration be made to the office of the Dean of ~~Men~~^{Students}. This information can be attached to the publication of the general policy and can be amended as the campus physically changes.]

Attachment III

It is the unanimous request of this ad hoc committee that the various student-life and residence hall organizations be given enough time to plan for the implementation of a new policy. For that reason we suggest that the Senate put a date of implementation on any new policy.

Peggy A. Bedingfield
c/o H. B. Tingey
Statistics & Comp. Sci.

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

February 1, 1971

MINUTES

The regular meeting of the University Faculty Senate was called to order at 4:12 p.m. by President Olson. Senators not present were:

Irma Ayers	Raanan Liebermann	Byron P. Shurtleff
Albert Branca	J. R. Moszynski	Mary J. Strattner
Elizabeth D. Cloud	Thomas D. Myers	Edward A. Trabant
Jay L. Halio	William Pulliam	Marenes R. Tripp
James B. Heck	Myron Sasser	Ferd E. Williams
Barbara Kelley	Robert E. Sheridan	Laszlo Zsoldos
Franklin P. Kilpatrick	John W. Shirley	

President Olson apologized for the late notice of the meeting and then moved to the agenda.

I. ADOPTION OF THE AGENDA

Motion by Mr. Crawford, seconded by Mr. Wriston, to adopt the agenda as distributed passed voice vote.

II. NEW BUSINESS

Mr. Kerner was recognized and indicated that he wished to submit a resolution on Winterim under New Business. He distributed copies of his resolution.

III. UNFINISHED BUSINESS

A. Faculty Personnel Policy Report

Mr. Wriston was given the floor and prior to proceeding with the FPPC Report, he indicated that the committee had been active in regard to the notice of non-renewal of contract of an assistant professor in the Department of Languages and Literature. He had previously discussed the circumstances regarding this situation.

Mr. Wriston indicated that the Report of the Faculty Personnel Policy Committee had been endorsed by the Academic Freedom and Responsibilities Committee of the Senate of the College of Arts and Science.

Mr. Denn was recognized and called for the previous question on the report through the General Recommendations section. Mr. Nielsen seconded the motion. Motion was defeated 20 ayes, 18 nays.

Mr. Glenn suggested that the words "consider the" be inserted between the words "to" and "use" on page 4, line 5, and after the word "use" insert the word "of." Mr. Wriston indicated for the committee that they would accept this change without going through the formality of a motion from the floor.

Item (5) was debated to some extent, especially the first sentence. Motion by Mr. Denn seconded by Mr. Weil to remove the words inserted in line 5 of page 4 as recommended by Mr. Glenn. Some debate followed.

Mr. Crawford moved the previous question seconded by Mr. Glenn and passed voice vote. The Denn motion was defeated overwhelmingly. Mr. Schweizer then called for the previous question on the General Recommendations section of the FPPC Report, seconded by Mr. Salsbury. Question was passed by voice vote. Vote on General Recommendations: 42 ayes, 0 nays. Motion carried.

A motion by Mr. Krum seconded by Mr. Hunt: On page 7, line 12, add the words "or reappointed" after the word "selected." Further, to move the sentence in line 14 to after the words "academic affairs" in line 12. After some debate, Mr. Brown called the previous question seconded by Mr. Harward. Question passed by voice vote. The Krum motion passed 42 ayes, 2 nays.

Motion made by Mr. Harlan seconded by Mr. Comings to delete the word "conformity" in line 13 of page 7 and add in its place "after consideration of their judgment." Debate followed. Motion was made by Mr. Crawford to call the previous question, seconded by Mr. Schweizer, passed voice vote. The Harlan motion was defeated 12 ayes, 26 nays.

Motion was introduced by Mr. Harlan seconded by Mr. Schweizer to remove the phrase "except under the most unusual circumstances" in line 5, page 7. After a period of debate, Mr. Schweizer moved the previous question seconded by Mr. Brown and passed voice vote. Harlan motion passed 23 ayes, 15 nays.

Mr. Schweizer moved the previous question on Specific Recommendations Section 1 seconded by Mr. Brown, passed voice vote. Vote on Specific Recommendations, Section 1: passed unanimously.

A motion was made by Mr. Lippert seconded by Mr. Crawford to adopt Specific Recommendations Section 2. Passed voice vote.

Discussion on Section 3 under Specific Recommendations was deferred until a discussion of Section 5.

Motion by Mr. Crawford to change "March 1" to "December 15" on line 12, page 8. Motion died for lack of a second.

Motion by Mr. Worthen seconded by Mr. Comings to strike Item c, page 8, line 20, and add the words "and subsequent" after "second" on line 16. This motion was tabled without a formal motion from the floor.

The meeting adjourned at 5:42 on a motion by Mr. Wriston seconded by Mr. Anapol.

Respectfully submitted,

Henry B. Tingey, Secretary

HBT:psb