

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

December 4, 1972

MINUTES

The regular meeting of the University Faculty Senate was called to order at 4:05 PM. Senators not in attendance were:

|                      |                    |                       |
|----------------------|--------------------|-----------------------|
| Michael L. Barney    | William S. Gaither | Richard Norman        |
| P. Timothy Brown     | Barbara J. Kelly   | Jon H. Olson          |
| Edmunds V. Bunkse    | Kevin Mitchell     | Ernest N. Scarborough |
| John L. Burmeister   | Dorothy H. Moser   | F. Loren Smith        |
| William D. DeColigny | Thomas D. Myers    | Jonathan E. Taylor    |
| Ralph V. Exline      | Robert M. Nielsen  | Edward A. Trabant     |

In the absence of the President of the University Faculty Senate, Mr. Robert N. McDonough, Vice President, presided.

The agenda was adopted by general consent, and the minutes of November 6, 1972, were approved as distributed.

1 The following changes in committee assignments made by the Committee on Committees were approved by the Senate:

Committee on Committees - College Representative, Marine Studies -  
Prof. Vytautas Klemas

Committee on Promotion and Tenure -

Resignations: Professors H. Harlan, H. Hutchinson, and M. Termini

Appointments: Professors Allen Granda, C. Roy Rylander, and  
Byron Shurtleff (all for one-year terms)

2 Provost Campbell distributed to each senator a copy of "Justification and Explanation of the Request of the University of Delaware to the State of Delaware for Operating Funds for 1973-74." This document will be distributed throughout the University, as will a document on the request for capital funds. Both of these documents will be discussed at the regular meeting on January 8, 1973. Provost Campbell offered his assistance in answering questions personally for anyone unable to attend the January 8 meeting.

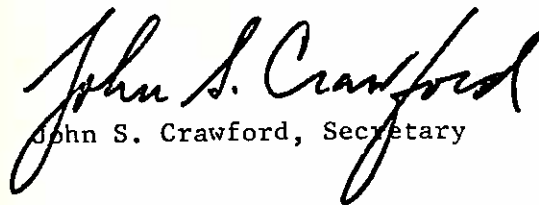
There will be a regular meeting on January 8, 1973. One item on the published agenda will be a discussion of the University budget request.

3 A report from the Committee on Undergraduate Studies recommending approval of the proposed degree Bachelor of Science in Secondary Education was adopted. The Bachelor of Science degree replaces the Bachelor of Arts in Secondary Education. This report will be submitted to the President for transmission to the Board of Trustees. (Recommended guidelines are attached.)

4 A report from the Judicial Policy Board recommending certain changes in the Student Judicial System document was adopted. (Attached)

5 The report from the Committee on Academic Freedom was received. An editorial change was made to the resolution and it was adopted. (Attached)

The meeting adjourned at 4:50 PM.

  
John S. Crawford, Secretary

## PROPOSED BACHELOR OF SCIENCE DEGREE IN SECONDARY EDUCATION

## RECOMMENDED GUIDELINES

## GENERAL STUDIES

44 credit hours

- Area A - Communication Skills 9 hours  
(From at least two departments.  
Includes E 110 and courses from  
Departments of English, Speech and  
Communication, and Languages.  
Other department courses in the  
College of Arts and Science as well  
as other Colleges of the University  
that are approved by the Committee  
on Undergraduate Studies in Education  
(C.U.S.E.) may be added.)
- Area B - History and Social Science 12 hours  
(From at least two departments.  
Includes H 203 and courses from  
Anthropology, Black Studies,  
Economics, Geography, History,  
Political Science, Psychology,  
Sociology and other department  
courses in the College of Arts  
and Science as well as other  
Colleges of the University that  
are approved by C.U.S.E.)
- Area C - Natural Science and Mathematics 11 hours  
(From at least two departments.  
Includes Astronomy, Anthropology  
(Physical), Biological Sciences,  
Chemistry, Geography (Physical and  
Meteorology), Geology, Mathematics,  
Philosophy (Logic), Physics,  
Physical Science, Psychology  
(Physiological), Statistics and  
Computer Science as well as other  
department courses in the College  
of Arts and Science and other  
Colleges of the University that  
are approved by C.U.S.E.)
- Area D - Humanities and Fine Arts 12 hours  
(From at least two departments.  
Includes courses from Departments  
of Art, Literature, Art History,  
Dramatic Arts, English (Literature),  
and Music as well as other department  
courses in the College of Arts and  
Science and other Colleges of the  
University that are approved  
by C.U.S.E.)

ACADEMIC STUDIES (including major and related studies) 36-54 credit hours

PROFESSIONAL STUDIES 21 credit hours

Area I - Behavioral and Humanistic Studies 9 hours  
(Includes 6 credits of educational psychology (such as 209 and 410) and one of the following: ED 258, 240, 247 or other courses as approved by C.U.S.E.)

Area II - Teaching Methodology and Related Areas 6 hours  
(with laboratory and clinical experiences.) (Includes ED 380 and one of the following: ED 522, ED 642, ED 660, or other courses approved by C.U.S.E.)

Area III - Practicum 6 hours  
(Includes ED 400)

TOTAL CREDITS REQUIRED FOR COMPLETION OF DEGREE --- 127 credit hours

JUDICIAL POLICY BOARDMORE PROPOSED REVISIONS OF THE STUDENT JUDICIAL SYSTEM  
DOCUMENT SUBMITTED FOR REVIEW TO THE FACULTY SENATE

On November 9, 1972, the Judicial Policy Board unanimously (by a 5-0 vote, with the following present: W. Ewing, S. Lewis, Dr. W. Moody, Dr. R. Rothman, and Dean J. Madson) moved to send these proposed revisions of the Student Judicial System document (as recently published by the Faculty Senate) which were made by previous Judicial Policy Boards to the Faculty Senate for (hopefully) formal inclusion in the Student Judicial System document.

(The Judicial Policy Board considers these proposed revisions, in view of their nature, as having been and being immediately effective.)

Part II (Judicial Policy Board), Section C (Membership), Subsection 1:

Change "The Vice President for Student Affairs"

To "The Vice President for Student Affairs or his designee."

Part IV (Student Court), Section B (Jurisdiction), Subsection 1:

Change "Student Services"

To "Student Affairs"

Part IV (Student Court), Section C (Membership), Subsection 2:

Change "Student Services"

To "Student Affairs"

Part V (Judicial Bodies Below the Student Court), first sentence:

Change "Residence Hall Judicial Bodies and/or Men's or Women's Courts and/or such other judiciaries subordinate to the Student Court as "

To "Judiciaries subordinate to the STUDENT COURT, as"

Part VII (Administrative Disciplinary Hearings), Section A, first sentence:

Change "Student Services"

To "Student Affairs"

Part VIII (Hearing Procedures and Student Rights Before the Judiciary),  
preface:

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

Part VIII (Hearing Procedures and Student Rights before the Judiciary),  
Section G:

- Change "The charge(s) shall be presented by the member of the Student Services staff who has been appointed by the Vice President for Student Affairs as administrative adviser to the court."
- To "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."

Part VIII (Hearing Procedures and Student Rights before the Judiciary),  
Section L:

- Change "Should the student request a typed transcript of the tape, this shall be prepared for him at his expense as promptly as feasible."
- To "The student(s) may request a duplicate copy of the tape recording of the court proceedings from the Office of Student Affairs. The student(s) will be expected to pay for the cost of the tape(s) and its duplication."

12/4/72

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UNIVERSITY FACULTY SENATE  
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November 22, 1972

MEMORANDUM

TO: Prof. R. N. McDonough, Vice President  
University Faculty Senate

FROM: John J. Beer, Chairman *J.J.B.*  
Committee on Academic Freedom

SUBJECT: Report from the Committee on Academic Freedom

RESOLUTION

Drawing on experience gained from a recent case brought before the University Committee on Academic Freedom alleging violation of academic freedom of department members whose chairman had transmitted tape recordings of departmental business meetings to the appropriate college dean: We, the Faculty Senate recommend to all colleges, departments and other such units which conduct their business in democratic fashion that:

1. They prepare written minutes of every business session and submit the same for correction and approval at the next business meeting;
2. That such minutes record all decisions taken, and when necessary, summarize the views expressed; however, that for the sake of uninhibited and free participation by all members, the names of individual speakers and the manner in which each individual voted be omitted from the record.

BACKGROUND AND CHARGES

A letter to this Committee dated October 23, 1972, from two professors, alleged that their own academic freedom and that of all other departmental colleagues had been jeopardized by the misuse of taped

recordings of their department's meetings. They charged that their departmental chairman had acted improperly in delivering the tapes to the college dean in connection with the latter's investigation of an earlier charge made to the dean by the same two professors mentioned above, that their departmental chairman was incompetent.

This Committee was asked to investigate these events and to evaluate their implication for the academic freedom of the faculty of the department in question. More specifically, this Committee was requested to consider recommending that the Senate (1) censure the above mentioned dean and chairman, (2) condemn such a process of administrative functioning, (3) supervise the return of the tapes to the department, their transcription into minutes, and their destruction, (4) demand that any information gained from hearing the tapes now in the hands of administrators be destroyed, and (5) invite the Faculty Welfare and Privileges Committee to determine if this episode has not, in fact, created improper and intolerable working conditions.\*

#### INVESTIGATIVE PROCEDURE

In proceeding with its investigation, this Committee met with the plaintiffs on October 23, with their department chairman on October 30, and with the dean on November 3, 1972. All testimony was tape recorded, then transcribed in summary form into a preliminary rough draft which was then circulated for correction and additions to all the participants of each hearing. Thus amended, the testimony was transcribed into formal minutes after which the tapes and rough drafts were destroyed. The entire record of the case was then reviewed by our Committee on November 20-21, 1972.

#### FINDINGS

The above mentioned taping of department business sessions began in the Fall of 1970, when no member could be persuaded to act as recording secretary. Though it was reported that some members were not comfortable with the taping they either said nothing or spoke indecisively for the issue did not come to a vote. Hence, taping was actively or tacitly endorsed by all present. The chairman initially intended that the tapes be transcribed into regular minutes by the departmental secretary but this was not done because of the frequently poor quality of the recording and the difficulty of identifying the voice of the various speakers.

\*This paragraph is a near verbatim quote from the letter of October 23, 1972. Only the specific names of the parties involved have been omitted.



Hence no written minutes were ever presented for departmental correction and approval. The chairman apparently made private notes of actions taken and of items to be brought up at future meetings. The tapes were stored in an unlocked cabinet, easily accessible to those who had missed a departmental meeting.

For two years no one challenged the above procedure of using tapes unedited and untranscribed as the main record of departmental business.

Whether or not the tapes were equivalent to traditionally public, written and approved minutes became an issue only in October, 1972, when the chairman, responding to the dean's request for records relevant to the latter's investigation, handed over, without consulting his faculty, such written records of departmental meetings as were at hand (mostly informal aide-memoire notes and agenda) plus all the tapes. When the plaintiffs heard of this they protested that the tapes were not official minutes; that the tapes were confidential unless and until their transmission to anyone outside the department was approved by majority vote of all departmental colleagues. The tapes they said were likely to contain unguarded remarks by individuals which, if heard by an administrator, out of context of the then-existing departmental circumstances, could endanger the job security and hence the academic freedom of individuals in the department. They brought these concerns to our Committee with the specific request outlined in "Background and Charges" above.

It is the unanimous opinion of our Committee that in view of the plaintiffs' acquiescence for two years to the tape recording of departmental meetings, they did in fact tacitly agree with other colleagues that these tapes substituted for the more usual written and duly-approved minutes. Since on their initiative the chairman was investigated by the dean, the chairman in self defense was not out of order in presenting the tapes to the dean, provided he handed over all the tapes in unedited form, which he evidently did. Furthermore, since by default the tapes were the closest equivalent to public minutes, the chairman was not improper in forwarding the tapes without securing official departmental approval.

The dean, in turn, was not improper in making use of the tapes since they were crucial evidence. Furthermore, the dean's use of the tapes appears to have been responsible throughout. He listened for information relating to specific allegations made against the chairman. He made criptic notes to the approximate location of such relevant information on the tape. He recorded no names or sensitive dialogue. He returned the tapes to the department.

Within the context of this investigation, we cannot censure the chairman or the dean for deliberately acting in ways harmful to the job security and academic freedom of the plaintiffs. The specific issue brought before us does not warrant further investigation and action by the Faculty Welfare and Privileges Committee.

This Committee has neither the power or desire to interfere with departmental autonomy. The disposition of the returned tapes is a matter for that department to decide.

We can and do recommend that if departmental decisions now on tape have not yet been transcribed into writing, they be so recorded for the sake of administrative clarity and convenience. In addition, we have urged the department to return to its former practice of writing up its minutes for approval at subsequent business meetings.

Lastly, we noted that informal procedures appear also to characterize other aspects of that department's organization. The department lacks written bylaws and formalized criteria for promotion and tenure.

JJB/dpe