

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

March 2, 1981

MINUTES

The regular meeting of the Faculty Senate was called to order on Monday, March 2, 1981 at 4:00 p.m., with President Toensmeyer presiding. Senators not in attendance were:

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|-----------------|----------------|---------------|
| David Ames | Frank Murray | James Soles |
| William Gaither | David Regehr | James Story |
| Nancy King | Norfleet Rives | Tom Watkins . |
| Fred Masterson | | |

Senators excused were: Edith Anderson, Robert Biggs, L. Leon Campbell, Jeffrey Davidson, Frank Dilley, Alexander Doberenz, James Fisher, Mark Sharnoff, David Smith.

I. ADOPTION OF THE AGENDA. President Toensmeyer reported that Prof. Smith was unable to attend, and his report on the Appellate Court (Announcements:2) would be read by Dr. Brooks. The Agenda was adopted with this change.

II. APPROVAL OF THE MINUTES. The Minutes having not yet been distributed, their consideration was postponed until the April meeting.

III. REMARKS. President Trabant reported on the recent campus visit of the Middle States Association of Colleges and Schools site visitation team. He noted that since formal accreditation of the University was not really at issue, by mutual agreement the team had chosen to make a study of the University's self-study and evaluation processes, particularly COPE. He said the team's preliminary, oral report had been very complimentary about the faculty, administration, students and Board of Trustees, but he thought the final written report would probably recommend that perhaps we have too much evaluation on campus. President Trabant said he expected the written report to conclude that the University of Delaware is a vibrant institution and its processes of evaluation must have played a positive role in that development. He added that, although the final report is confidential, he would share its ideas and he believed it would be positive, with good recommendations and observations.

President Trabant also reported on the affects on higher education which he anticipated as a result of changes in the federal government. He expressed concern that under the Reagan administration individual units will have less importance and the system--particularly the economic system--will become most important. He suggested that educators especially should think about that, since he believes that education is personally oriented and he would increase efforts for the individual, particularly when the nation may be moving in the other direction. He also said he anticipated a net decrease in federal funding for direct student aid, affecting possibly as high as 35% of the University's students, but he thought the tuition tax credit concept had a better chance than ever before and that would be an indirect

advantage to Delaware students since, compared to the nation as a whole, they come from more affluent families. He also said he anticipated that what federal funds were made available to higher education would be directed to universities through their state governments, with the possibility that this would lead to more state interference in education to the extent that such institutions were subject to state budgets. He suggested that one area where state governments might become more active would be in establishing their own accreditation processes.

Regarding the Reagan administration's proposal to phase out funding to Sea Grant colleges, President Trabant pointed out that it was in error in justifying the phase-out on the grounds that the money was intended to establish Sea Grant colleges and the process had now been completed; he said the funds were in fact always intended to establish Sea Grant programs within already existing institutions. He also noted that the Sea Grant programs were in line with the economic goals announced by the Reagan administration. He added that, as chair of the Marine Affairs committee of the National Association of State Universities and Land Grant Colleges, he would be presenting these arguments to the appropriate congressional committees.

IV. ANNOUNCEMENTS

1. President Toensmeyer reminded the senators that the Committee on Committees was in the process of soliciting nominations for committee appointments, and he urged the faculty to return their forms to that Committee promptly.

2. President Toensmeyer introduced Dr. Timothy Brooks, Assistant to the Vice President for Student Affairs and Coordinator of Judicial Systems, and the first of the speakers reporting on the Student Judicial System. Dr. Brooks reviewed the philosophy of the Judicial System, noting that it is based on an educational philosophy, and not a punitive one, with the intent being to get students to accept responsibility. He said he thought the system was basically a good one, but that it had been designed 5 or 6 years ago for 50 to 75 cases per year, and in view of the 330 cases projected for this year he thought there was a need to streamline the system without cutting back on due process. He reviewed the kinds of cases being brought to the Judicial System, and expressed the opinion that the increase had occurred not because there are more problems on campus, but because there is more confidence in the system.

In response to a question from Senator Mosberg, Dr. Brooks reviewed the sanctions imposed by the system. In response to a question about cases of academic dishonesty, he agreed that the system had gotten more stringent in that area; he noted that the average sanction was the mandated "F" in the course, plus deferred suspension, which meant that if the student got any other penalty the student would be suspended. Senator Mangone noted that there had been only 2 suspensions, and Dr. Brooks responded that the recidivism rate was low, with only 16 students coming through the system a second time this year.

President Toensmeyer then introduced Ms. Kris Corda, a professional staff member of the Judicial Hearing Board, which has jurisdiction over all cases not dealt with in the residence halls. Ms. Corda described the composition of the Board and its hearing procedures. Senator Reynolds asked whether cases of theft, from the Bookstore for example, are referred to the Newark police; Ms. Corda replied that the person bringing the charge had that choice, and Dr. Brooks added that the Bookstore management has a policy of not taking a student "outside" and refuses to press charges. Senator Kent, also a member of the Judicial Hearing Board, noted that a sanction of probation

could be given for one semester or for longer, up to the duration of a student's academic career at the University, and this serves as a good deterrent.

Dr. Brooks concluded the presentation by reading the report prepared by Prof. David Smith, a faculty member of the Appellate Court. (The report is attached.)

V. OLD BUSINESS. None.

VI. NEW BUSINESS.

Item A, two recommendations for corrections in the charges and membership of certain Senate committees so they will reflect recent changes in administrative titles, was presented by Prof. Chesson for the Committee on Committees. There was no discussion and the following resolutions were approved by unanimous voice vote:

1. *RESOLVED, that the Faculty Senate Bylaws: III, Standing Committee System of the Faculty and its Senate: Undergraduate Admissions and Standing, is changed to read as follows:*

UNDERGRADUATE ADMISSIONS AND STANDING, COMMITTEE ON

This committee shall recommend, for final determination by the faculty or its Senate, the undergraduate educational and academic admissions policies, and, in consultation with the Committee on Undergraduate Records and Certification, the policies of academic standing of undergraduates. The committee shall advise the Dean of Admissions and the Director of Records in implementing these policies. . . . [no change in rest of paragraph]

This committee shall consist of an appointee of the President; the Associate Provost for Instruction; the Dean of Admissions, as an ex officio, non-voting member; two undergraduate students; and a faculty member from each college enrolling undergraduate majors, one of whom shall be chairperson.

2. *RESOLVED, that the Faculty Senate Bylaws: III, Standing Committee System of the Faculty and its Senate: Library Committee (Handbook p. I-18) and Committee on Student and Faculty Honors (p. I-19) are changed to read as follows:*

A. *Library Committee*

This shall consist of the Director of Libraries; one faculty from each of the several colleges, of whom one shall be chairman; one undergraduate student; and one graduate student. [no change in remainder]

COMMITTEE ON STUDENT AND FACULTY HONORS

[no change in first paragraph]

It shall consist of one member from each college, one of whom shall be chairperson; two undergraduate students and one graduate student; and an appointee of the President.

Item B, a recommendation to correct the charge to the Committee on Cultural Activities to accurately reflect changes made by the Senate in September, 1978, was also introduced by Prof. Chesson for the Committee on Committees. There was no discussion and the following resolution was approved by unanimous voice vote:

RESOLVED, that the Faculty Senate Bylaws: III, Standing Committee System of the Faculty and its Senate: Cultural Activities and Public Events, Committee on, paragraph 3 (Handbook p. I-20) is changed to read as follows:

The Cultural Activities and Public Events Committee shall consist of seven faculty members being a chairperson, the three chairpersons of the subcommittees, and one faculty member from each subcommittee as elected by the several subcommittees; one appointment by the Provost; one appointment by the Vice President for Student Affairs; three undergraduate students; and one graduate student.

Senator Warter suggested that the new Associate Provost for Computing should be a member of the Senate Computer Committee, and Prof. Chesson agreed to bring this to the attention of the Committee on Committees.

Senator Braun suggested that the Executive Committee could be empowered to make minor changes in the committees when necessary, so they would not have to come to the Senate floor. President Toensmeyer responded that he did not think it was appropriate for the Executive Committee to have the responsibility for deciding which changes were minor.

There was no further discussion, and President Toensmeyer declared the meeting adjourned at 4:50 p.m.

Respectfully submitted,



H.T. Reynolds
Secretary
University Faculty Senate

Report to the University Faculty Senate
on the
APPELLATE COURT OF THE STUDENT JUDICIAL SYSTEM

As the concept of an Appellate Court implies, our group only considers cases from other judicial bodies in which either the accuser or the accused is dissatisfied with the original decision. Students who have been found guilty of an offense may appeal on three bases: 1) that the decision was contrary to the evidence; 2) that the sanction imposed was unreasonable; 3) that hearing procedures were not followed. The person bringing the original charge (e.g. faculty member in an academic dishonesty case) may appeal on the grounds that procedures were not followed. The Appellate Court then meets in a pre-hearing to consider written evidence (and sometimes the tape of the original hearing) and decides whether or not to grant a new hearing. If the appeal seems supported, a new hearing is convened involving all of the original principle parties. The decision of the Court at such a hearing is final. It should be noted that the Court may either uphold or reduce a sanction, but may in no case increase one.

The cases in which we grant new hearings are, not surprisingly, among the most complicated and difficult in the judicial system, often involving directly contradictory testimony from witnesses. Our deliberations in these cases are made easier by the fact that a quorum of the Court must contain faculty, professional, and student members. This balance provides several perspectives and ensures adherence to the principles of due process.

I would like to conclude by commenting briefly on the nature of the cases we review. Contrary to common opinion, only about 25% of our cases involve academic dishonesty. The majority arise from events in student residence areas and include a significant number of student-student disputes.

David W. Smith
Faculty Member of the
Appellate Court

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