

UNIVERSITY OF DELAWARE  
NEWARK, DELAWARE  
19711

UNIVERSITY FACULTY SENATE  
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May 14, 1974

MEMORANDUM

TO: All Faculty Members

FROM: E. Paul Catts, Vice President *EPC/dpe*  
University Faculty Senate

SUBJECT: Continuation of Regular Senate Meeting of May 6, 1974

The Executive Committee of the Faculty Senate has agreed unanimously to call for the May meeting to reconvene at 2 PM on Thursday, May 23 in 110 Memorial. The reason for this change in time is to provide sufficient time for all faculty to study and respond to the referendum concerning the tenure policy. Also note that this meeting will begin at an earlier hour to help assure that the published agenda for the May meeting can be completed without need for additional meetings. Past experience shows that additional meetings at this time of year are not likely to produce a quorum.

AGENDA

IV. New Business (Continued)

- E. Continuation of deliberation of the report and recommendations from the Committee on Promotion and Tenure on Tenure Policy (see attachment on the referendum sent to all faculty.)
- F. (This item was acted upon May 13, 1974.)
- G. Recommendation from the Committee on Student Life, concerning a replacement of the existing Student Judicial System with a new system (see Attachment 3 with call for May 6 meeting and an addendum to Attachment 3 which is enclosed herewith).
- H. Proposed resolution from the Committee on International Studies presented by Prof. Jack Ellis (see attachment with the call for the continued meeting on May 13).
- I. Proposed resolution submitted by Prof. E. Schweizer (see attachment with the call for the continued meeting on May 13).
- J. 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 in September.)

EPC/dpe

Attachment

RECOMMENDATION FROM THE COMMITTEE ON STUDENT LIFE

STUDENT JUDICIAL SYSTEM

Please update your copy of the STUDENT JUDICIAL SYSTEM, Attachment 3  
by:

Replace the following pages - 4, 7, 8, and 11.

Add the following page - 13a.

Remove "Addendum."

5/8/74

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

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.

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.

*The Student Court shall select 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.*

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.

*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.