

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19711

UNIVERSITY FACULTY SENATE
303 HULLIHEN HALL
PHONE: 302-738-2829

May 20, 1975

MEMORANDUM

TO: All Faculty Members

FROM: E. Paul Catts, Vice President
University Faculty Senate

SUBJECT: Special Senate Meeting, May 28, 1975



In accordance with Section IV, paragraph 6 of the Constitution, a special meeting of the University Faculty Senate will be held on Wednesday, May 28, 1975, at 4 PM in Room 110, Memorial Hall.

The purpose of this meeting will be to discuss the following agenda items:

1. Proposal to form an ad hoc committee to the Faculty Senate on retrenchment. (Material to be handed out at the special meeting.)
2. Proposal to revise the Student Judicial Policy from the Ad Hoc Committee to the Vice President for Student Affairs. (See attachment.)

The provision of the Constitution of the Faculty dealing with special meetings states:

"The call of a special meeting shall state the purpose or purposes of the special meeting and no business shall be transacted other than that specified in the notice of the meeting."

Attachments are in the hands of your Senators. Distribution also includes one copy for each ten faculty members of each department.

EPC/dpe

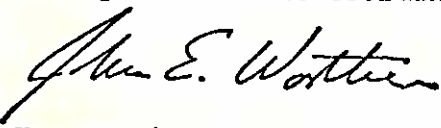
Attachment

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19711

VICE PRESIDENT FOR STUDENT AFFAIRS
218 HULLIHEN HALL
PHONE: 302-738-2707

May 20, 1975

MEMORANDUM TO: Dr. Theodore Braun
President, Faculty Senate
Mr. John Tobin
President, University of Delaware Coordinating Council

FROM: John E. Worthen 

SUBJECT: Report of the Ad Hoc Committee to Recommend a New
University Judicial System

I am attaching a copy of the Report of the Ad Hoc Committee to Recommend a New University Judicial System. It includes a proposed system for the administration of student discipline and a covering memorandum from the Chairman of the Ad Hoc Committee. I request your advice and input on this proposed system prior to my submission of the proposed system to President Trabant and then to Dr. Samuel Lenher, Chairman of the Board of Trustees.

In my view, the Committee has done an outstanding job in meeting its charge and has performed a significant service to the University community. The Committee took its responsibility seriously. It met many times over the course of the past two months and worked constructively and, I am told, in a spirit of cooperation. Differing points of view were debated with vigor. On some points people changed their minds; on others they did not.

Despite the fact that the proposed system represents a compromise in several areas, I am in basic agreement with the Committee's proposal. I believe it will serve the University community well, and it is my intent to recommend to the President and the Board of Trustees that it be adopted with the following changes:

I. With respect to the question of authority and responsibility raised by the Ad Hoc Committee in its covering memorandum, I recommend that it be clarified that the Vice President for Student Affairs has authority for establishing and administering the Student Judicial System consistent with the philosophy formulated by the faculty. Specifically, the Vice President for Student Affairs, under the overall direction of the President, should publish, distribute, and implement the Code of Conduct and administer the Student Judicial System. The Vice President for Student Affairs would

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then be expected to appoint a Council on Student Discipline to advise him on the administration of the Student Judicial System. The Council would be equally representative of students, faculty and professional staff.

My reasons for making this recommendation are as follows: There are two goals which need to be accomplished with regard to the Student Judicial System. The first goal is to establish an equitable Student Judicial System on the campus, one which will provide justice to the entire University community. As a result of the work of the Ad Hoc Committee, considerable progress has been made on the first goal.

The second goal is to insure that the Vice President for Student Affairs has sufficient and clear authority to effectively administer student discipline, a responsibility assigned to him by the President and Board of Trustees. This can be achieved only if there is an appropriate balance between the role of the faculty and the role of the administration. The faculty should formulate the broad parameters within which student discipline is carried out. The broad parameters or underlying principles would comprise a statement of philosophy and purpose for student discipline, the Code of Conduct and requirements that due process be insured and the rights of students not violated. These principles are, in fact, spelled out in the Student Rights and Responsibilities Statement approved by the Faculty Senate in 1970 and should form the basis upon which a student judicial system is established and administered. In other words, the "system" should be the means or the procedure for implementing the principles.

Unfortunately, the present system does not permit this balance which is essential for a successful student judicial system because the responsibility for determining the means for carrying out student discipline is presently in the hands of a Faculty Senate committee. Section D, page three of the Student Judicial System document states, "The responsibility for establishing and revising policies governing judicial bodies and their effective operation shall rest with the Judicial Policy Board (emphasis added)"⁷ Therefore, both the establishment of underlying principles and the administration of the system rests with the Faculty Senate. My recommendation will restore a more appropriate balance.

II. In Section III-B and Section V-B of the Proposed System it is stated that the Chairpersons of the Hearing Board and the Appellate Court must be faculty members. There is no substantive reason why professional members should not be Chairpersons of these two bodies.

I, therefore, recommend that these sections be modified to read:

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III-B Composition: The Hearing Board shall be composed of four (4) undergraduate students, two (2) professional members, and two (2) faculty members. A Chairperson and Assistant Chairperson shall be elected by the Board from among the faculty and professional members of the Board.

D. Chairperson: The Chairperson shall be responsible for conducting hearings according to the judicial procedures outlined in Section VII and shall be a voting member. In the absence of the Chairperson, the Assistant Chairperson shall preside.

V-B. Composition: The Appellate Court shall be composed of three (3) undergraduate students, two (2) professional members, and two (2) faculty members. A Chairperson and Assistant Chairperson shall be elected by the Court from among the faculty and professional members of the Court.

D. Chairperson: The Chairperson shall be responsible for conducting hearings according to the judicial procedures outlined in Section VII and shall be a voting member. In the absence of the Chairperson, the Assistant Chairperson shall preside.

III. With regard to Section VIII - Disciplinary Sanctions, the Ad Hoc Committee has done an excellent job of clearly defining and increasing the range of sanctions available to the Hearing Board. However, there seems to be no advantage to placing maximum time limits on the sanctions. Since the Hearing Board and Appellate Court consist of representatives from the entire University community, it is appropriate to give the Hearing Board the discretion to establish time periods for sanctions.

Therefore, I recommend the removal of maximum time limits in Section VIII-B - Disciplinary Probation, C - Deferred Suspension, D - Suspension from the Undergraduate Division, and E - 1 - Suspension from the University.

I look forward to receiving your comments on this important matter.

JEW:jf


Attachment

cc: President E. A. Trabant
Dr. Ludwig Mosberg
Mr. Daniel W. Wood
Ad Hoc Committee

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19711

May 15, 1975

MEMORANDUM TO: Dr. John E. Worthen
Vice President for Student Affairs

FROM: Raymond O. Eddy, Chairman 
Ad Hoc Committee to Recommend a
New University Judicial System

SUBJECT: Report of the Ad Hoc Committee to
Recommend a New University Judicial System

In accordance with your memorandum of March 24, 1975, the Ad Hoc Committee to Recommend a New University Judicial System submits the attached proposal for your consideration. We believe that this proposal speaks to all of the points contained in the Committee's charge. The proposal includes a statement of purpose, judicial bodies which have representation from all segments of the University campus, and a procedural section which ensures due process. We feel that the proposal will provide justice to those students accused of violating University regulations, those persons bringing charges, and to the University community as a whole.

In arriving at the contents of the proposal the members of the Committee often unanimously agreed on a given point. On other occasions the Committee members differed markedly. Therefore, the proposal represents the majority opinion of the Committee. For those Committee members who continue to feel strongly about one point or another which was not decided as they wished, I have encouraged them to communicate their feelings directly to you or through their appropriate representative body (Faculty Senate or University of Delaware Coordinating Council).

The Committee found a significant problem in reaching agreement on an authority and responsibility section for the proposal. Basically speaking, the problem centers around a lack of clarity in those portions of the Trustee By-laws which read:

"The faculty shall: formulate rules and regulations for the government and discipline of the student body." (Trustee By-laws, Chapter 2, II, C.1.)

and a later section which reads:

"Under the direction of the President, the Vice President for Student Affairs shall develop, coordinate and implement the

total program of student services consistent with regulations promulgated by the faculty and trustees, including the following specific functions...student discipline." (Trustee By-laws, Chapter 2, III, E.).

The Committee feels that the Board of Trustees must clarify whether or not the words: "formulate rules and regulations for the government and discipline of the student body" gives the Faculty and its Senate the authority and responsibility, beyond establishing the Code of Conduct, for establishing, approving and amending the judicial system document. Or, whether or not the words: "shall develop, coordinate and implement the total program of student services consistent with regulations promulgated by the faculty and trustees, including...student discipline" gives the Vice President for Student Affairs the authority and responsibility, after receiving the Code of Conduct from the Faculty or its Senate, for establishing, approving and amending the judicial system document. Upon clarifying this question an authority and responsibility section may be easily written and included in the document. Additionally, Sections X, C. and XI can be completed and a section may be written to correspond with a section which appears in the current judicial system document speaking to the question of a final appeal.

While we feel that our proposal is basically complete with the exception of the authority and responsibility section, there are several matters which we feel that an appropriate committee within the System should address. These matters are as follows:

1. Whether or not it is desirable to subdivide the Code of Conduct into major and minor violations?
2. Whether or not it is desirable to establish minimum and maximum sanctions for any given violation of the Code of Conduct?
3. Whether violations of the proprietary rules and regulations governing the conduct of students in the residence halls, as outlined in the Residence Halls Handbook, should be handled by the judicial system?

Additionally, the Committee recommends that those persons appointed by the Selection Committee to fill positions on the Hearing Board and Appellate Court be appointed for staggered terms. This will ensure a level of continuity which we feel is most important.

Dr. John E. Worthen

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Exercising a chairman's prerogative, I would like to underscore the seriousness with which each Committee member approached this task. Attendance at all Committee meetings was excellent. The statesmanlike approach which each Committee member took coupled with a fair measure of patience in hearing each member out was outstanding. The input and support which the Committee received from Assistant Dean of Students Marsha A. Duncan and Mr. Walter J. Ciecko, Assistant Director of Residence Life, was also outstanding. Considering the time constraints within which the Committee worked, I believe that we have done an excellent job.

The Committee would be glad to make itself available to you if there are any questions or points of clarification related to the proposal which you might wish to raise.

ROE:dee

cc: All members of the Ad Hoc Committee

PROPOSED SYSTEM FOR THE ADMINISTRATION OF STUDENT DISCIPLINE

- I. AUTHORITY AND RESPONSIBILITY
- II. STATEMENT OF PURPOSE
- III. THE HEARING BOARD
 - A. Jurisdiction
 - B. Composition
 - C. Quorum
 - D. Chairperson
 - E. Term of Office
- IV. ADMINISTRATIVE HEARINGS
- V. THE APPELLATE COURT
 - A. Jurisdiction
 - B. Composition
 - C. Quorum
 - D. Chairperson
 - E. Term of Office
- VI. SELECTION/STANDARDS/REMOVAL OF JUDICIAL MEMBERS
 - A. Selection of Judicial Members
 - B. Standards for Judicial Members
 - C. Removal of Judicial Members
- VII. PROCEDURES FOR DISCIPLINARY HEARINGS
 - A. Administrative Procedures
 - B. Rights of the Accused
 - C. Conduct of Hearings
 - D. Requests for Appeal
 - E. Term of Office
- VIII. DISCIPLINARY SANCTIONS
- IX. PROCEDURES DURING INTERIM PERIODS
- X. ENFORCEMENT SUSPENSION
- XI. JUDICIAL BODIES BELOW THE HEARING BOARD

I. AUTHORITY AND RESPONSIBILITY

The By-laws of The Board of Trustees provide that:

"The faculty shall: formulate rules and regulations for the government and discipline of the student body" (Trustee By-laws, Chapter 2, II, C.1.); and,

"Under the direction of the President, the Vice President for Student Affairs shall develop, coordinate and implement the total program of student services consistent with regulations promulgated by the faculty and trustees, including the following specific functions:...student discipline." (Trustee By-laws, Chapter 2, III, E.).

II. STATEMENT OF PURPOSE

This judicial system is established for the purpose of providing a reasonable and fair means for hearing and determining charges of violations of the Code of Conduct and establishing appropriate sanctions.

In order to carry on its work of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward. Implicit in the community's recognition of the rights of the individual student is an obligation on the part of the individual student to accept his or her responsibilities toward the community.

The University has established a Code of Conduct to which students are expected to adhere. If violations of the Code of Conduct occur, the University community must respond in ways which protect the rights and freedoms of all members of the community. In all such instances the welfare of the individual student and of the University community are primary concerns.

III. THE HEARING BOARD

The Hearing Board shall determine the guilt or innocence of the student(s) charged and decree sanctions.

A. Jurisdiction: The Hearing Board (or Administrative Hearing Officer) shall have original jurisdiction over alleged violations of the Code of Conduct except in cases where jurisdiction is given to subordinate judicial bodies. The Hearing Board shall also hear appeals from the lower judicial bodies.

- B. Composition: The Hearing Board shall be composed of four (4) undergraduate students, two (2) professional members, and two (2) faculty members with one of those faculty members to be elected as Chairperson by the members of the Hearing Board.
- C. Quorum: A quorum shall consist of five (5) members. At least one (1) undergraduate student, one (1) professional member, and one (1) faculty member must be present.
- D. Chairperson: The Chairperson shall be responsible for conducting hearings according to the judicial procedures outlined in Section VII and shall be a voting member. In the absence of the Chairperson, the other faculty member present shall preside.
- E. Term of Office: Faculty and professional members of the Hearing Board shall be appointed for two (2) year terms beginning on the last day of the Spring Semester. Student members shall be appointed for two (2) year terms unless Seniors are appointed. All members may be renominated and appointed for additional terms. Vacancies will be filled in accordance with the Selection Procedures in Section VI.

IV. ADMINISTRATIVE HEARINGS

Administrative Hearings shall be conducted by the Dean or Associate Dean of Students when a student requests an administrative hearing or when a student fails to meet with the Assistant Dean of Students within the time specified in the charge letter. The Administrative Hearing Officer shall determine the guilt or innocence of the student(s) charged and decree sanctions. Administrative Hearings shall be subject to all of the procedures in Section VII.

V. THE APPELLATE COURT

- A. Jurisdiction: The Appellate Court has solely appellate jurisdiction over decisions and sanctions of the Hearing Board and the Administrative Hearing Officer.
- B. Composition: The Appellate Court shall be composed of three (3) undergraduate students, two (2) professional members, and two (2) faculty members with one of those faculty members to be elected as Chairperson by the members of the Appellate Court.
- C. Quorum: A quorum shall consist of three (3) members. At least one (1) undergraduate student, one (1) professional member, and one (1) faculty member must be present.

- D. Chairperson: The Chairperson shall be responsible for conducting hearings according to the judicial procedures outlined in Section VII and shall be a voting member. In the absence of the Chairperson, the other faculty member shall preside.
- E. Term of Office: Faculty and professional members shall be appointed for a two (2) year term beginning on the last day of the Spring Semester. Student members shall be appointed for two (2) year terms unless Seniors are appointed. All members may be renominated and appointed for additional terms. Vacancies will be filled in accordance with the Selection Procedures in Section VI.

VI. SELECTION/STANDARDS/REMOVAL

A. Selection

All members of judicial bodies shall be selected by May 1 with orientation taking place during the month of May. The courts shall be installed at the end of the second semester.

For each position at least two (2) persons will be nominated. If there are not enough nominees forwarded to the Selection Committee within ten (10) days of the date requested, the Selection Committee shall appoint the remaining necessary individuals for each position. All members shall be appointed from the nominees (except as noted above) by the Selection Committee composed of the Dean of Students, the University of Delaware Coordinating Council President, the President of the Faculty Senate (or their designees), and the student member with the most seniority from the highest judicial body. Three alternate members shall also be appointed (one (1) from the undergraduate student body, one (1) from the faculty, and one (1) from the Division of Student Affairs). Alternates may sit on the judicial body to which they are appointed for the purpose of constituting a quorum. Faculty nominees shall be solicited from the Faculty Senate, student nominees from the University of Delaware Coordinating Council, and professional nominees from the Vice President for Student Affairs.

B. Standards for Judicial Members

- 1. All members of the judicial system shall be expected to act with dignity and respect toward individuals who come before the judicial body, as well as fellow judicial members.

2. Attendance at judicial hearings shall be a priority with judicial members. Frequent absences may be grounds for removal.
3. An objective attitude must be maintained throughout the hearing. A member has an obligation to disqualify himself or herself from a hearing when he or she feels that objectivity as to the evidence presented at the hearing cannot be maintained.
4. The nature or status of any disciplinary situation may be discussed only with other judicial members or those individuals directly responsible for the administration of the judicial system.
5. A member approached by a person whose intent is to influence a case shall report the incident to the Chairperson of the judicial body.

C. Removal of Judicial Members

1. A judicial member may be removed from office if he or she is found to have violated any of the standards set forth in Section VI-B.
2. Any member of the University community may request the removal of a judicial member for cause. Such a request should include the specific standard that the member allegedly violated and any supportive information. The request shall be forwarded to the Assistant Dean of Students.
3. The Assistant Dean shall inform the accused person and all other members of that person's hearing judicial body. A meeting of that judicial body shall be scheduled to hear the request for removal and the response from the accused member.
4. If a majority of the judicial body members find that a member has violated a standard, a recommendation to remove the member will be forwarded to the Selection Committee.
5. The Selection Committee shall make the final decision by majority vote and inform the appropriate persons.

VII. PROCEDURES FOR DISCIPLINARY HEARINGS

A. Administrative Procedures

1. Any member of the University community may initiate a complaint against an undergraduate student with the Office of the Dean of Students. If the circumstances surrounding the complaint indicate that a violation of the Code of Conduct may have occurred, disciplinary charges shall be brought against the student.
2. The student shall be informed of the charge(s) by certified mail. The notice of charges shall state:
 - a. The specific rule or regulation which the student is alleged to have violated, stating the time, date, place of the occurrence, the name of the individual(s) bringing the charge(s), and any witnesses.
 - b. The student's rights including a statement of the hearing procedures and the possible sanctions, and,
 - c. A request to meet with the Assistant Dean of Students within one (1) week of the receipt of the letter.
3. When the student meets with the Assistant Dean, the charge(s), the information to be presented at the hearing, the date and time of the hearing, and the hearing procedures shall be discussed. The student shall be presented with the following options:
 - a. To admit the charge(s) and request a hearing by the Hearing Board or the Administrative Hearing Officer for the purpose of determining a sanction.
 - b. To deny the charge(s) and request a hearing by the Hearing Board or the Administrative Hearing Officer.
4. In case of minor violations, the Assistant Dean of Students may take disciplinary action if the accused student and the person(s) bringing charge(s) agree.

5. If the student fails to meet with the Assistant Dean within the specified period of time the case will be referred to an Administrative Hearing. The student shall have the right to appeal any disciplinary decision according to the Appellate procedures.

B. Rights of the Accused

If a judicial hearing or appeal is conducted, a student accused of a violation is entitled to:

1. A hearing, normally within ten (10) class days after the charge(s) are brought. Postponements may be granted for cause by the Assistant Dean, Chairperson, or the Administrative Hearing Officer.
2. A written notice 48 hours prior to the hearing stating the time and place of the hearing.
3. Review all available evidence and documents and an outline of the testimony to be presented prior to the hearing.
4. Appear in person and present information in his or her behalf, call witnesses, and ask questions of anyone present at the hearing.
5. Elect not to appear at the hearing. Absence shall be noted without prejudice and the hearing shall be conducted in the student's absence.
6. Refuse to answer any question(s) or to make a statement. However, the Court shall make its decision on the basis of evidence available to it.
7. Be assisted by an advisor of his or her choice from among the members of the University community. The advisor, upon request of the student, may:
 - a. Advise the student on the preparation and presentation of his or her case;
 - b. Accompany the student at all disciplinary hearings; and,
 - c. Advise the student in the preparation of appeals.

The advisor shall not assume responsibility for conducting the defense of the accused except that he or she may question witnesses. The Assistant Dean of Students shall be informed of the name of the advisor prior to the hearing so that the advisor may be informed of the judicial procedures.

8. The accused may challenge any member of the hearing body on grounds of prejudice. The hearing body shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member should sit on that case. If this results in lack of a quorum, the hearing will be rescheduled and the alternate as designated by the Selection Committee shall sit on that case.

C. Conduct of Hearings

The Chairperson or Administrative Hearing Officer shall be responsible for conducting the hearing according to the following procedures. If a procedural ruling is required during the course of a hearing, any member of the judicial body may require the body to go into private session to discuss and decide a ruling by majority vote.

1. All hearings (original or appellate) shall be closed unless the student charged requests that it be open to members of the University community. In order to attend an open hearing, a member of the University community must inform the Office of the Dean of Students 24 hours prior to the time of the hearing. In the event that any person disrupts the hearing, the judicial body may vote to exclude that person and proceed with the hearing. Additionally, the disruptive person(s) may be charged with a violation of the University's Disruptive Behavior Policy.
2. All hearings shall be conducted as an informal discussion between the members of the judicial body and the accused within the procedural limits established in this document.
3. The person(s) bringing the charge(s) shall be required to attend the hearing. All hearings shall be open to the person(s) bringing charges, to the accused, to his advisor, to the Assistant Dean of Students and to witnesses. Witnesses shall be present only during the time they are testifying.

4. Cases shall be presented by a member of the Student Affairs staff, or the person(s) bringing the charges, or both.
5. Evidence of guilt must be established beyond a reasonable doubt. Evidence or testimony not bearing specifically on the case shall not be admissible. Only evidence introduced during the hearing and matters of which judicial notice may be taken shall be considered by the judicial body in its deliberations.
6. After all evidence has been presented and the accuser and the accused have been given an opportunity to make a final statement, the Chairperson shall dismiss all individuals who are not members of the judicial body. The judicial body shall then discuss the case and reach its decision in private session. Decisions shall be by majority vote. A tie vote shall constitute a finding of not guilty. If a decision of guilt is reached, information concerning the student's past disciplinary record will be presented to the judicial body by the Assistant Dean of Students for its consideration in determining an appropriate sanction.
7. The Assistant Dean of Students shall make a tape recording of all judicial hearings. The accused student shall have the right, upon request, to listen to the tape in the presence of a Student Affairs staff member. The student may request a duplicate copy of the tape at his or her own expense. The student charged and the Chairperson of the judicial body shall be notified prior to the erasure of the tape of any hearing.
8. The Chairperson, or his or her designee, shall be responsible for ensuring that a written report of the hearing be filed consisting of:
 - a. Statement of the charges,
 - b. A summary of the information presented at the hearing.
 - c. The findings of the judicial body and the rationale for the findings,
 - d. The sanction(s) and the rationale for the sanction(s),
 - e. A statement regarding the right to appeal and the procedures.

The report shall be forwarded to the Assistant Dean of Students (normally within 72 hours of the conclusion of the hearing), who shall forward copies to the accused student, by certified mail, and to the individual(s) who brought the charges by campus mail. Those individuals shall have seven (7) calendar days from the date of the receipt of the decision in which to request an appeal (as outlined in Section VII-D). If there is no request within seven (7) calendar days, the Assistant Dean shall implement the decision.

9. The Assistant Dean shall make a monthly report to The Review of the charges heard and the decisions of the Hearing Board, Administrative Hearing Officer, and Appellate Court. A copy of all judicial decisions shall be maintained in the Office of the Dean of Students and be available to any member of the University community exclusive of the names of the participants in the hearing. Public information shall not include the names of participants in the hearing.
10. The Hearing Board or Administrative Hearing Officer (whichever heard the case) may grant a new hearing if the accused student files a written application for a new hearing specifically identifying newly discovered information that may alter the original decision within three (3) months from the date of the decision.

D. Requests for Appeal

1. Either party to a hearing may present a written request for an appeal to the Chairperson of the Appellate Court within seven (7) calendar days of receipt of the original decision.
2. Either party to the hearing may request an appeal on the grounds that the hearing procedures were violated. The request must state the specific procedure(s) allegedly violated and provide any available information to substantiate the allegation.
3. The student(s) charged may request an appeal on the grounds that:
 - a. The sanction imposed is inappropriate, unreasonable, or unjust, or
 - b. The decision is contrary to the evidence.

A request on either of these grounds must include a specification of the application of such grounds to the facts of the case.

4. Upon receipt of the request for appeal, the Chairperson of the Appellate Court shall send a copy of the request to other parties involved in the original hearing with a request to respond in writing within five (5) calendar days.
5. At the end of the five (5) calendar day period, the Chairperson shall meet with a quorum of the Appellate Court to examine the request for an appellate hearing and the responses. An appellate hearing shall be granted if a majority of the quorum find that the grounds for appeal are substantiated. A tie vote shall result in an appeal hearing being granted.

E. Appellate Hearing Procedures

1. Major parties involved in the case being appealed will be notified in writing at least 48 hours prior to the scheduled appellate hearing of the time and place of the hearing. Postponements may be granted for cause by the Assistant Dean or the Chairperson of the Appellate Court. Major parties include: the student charged in the original hearing, the individual(s) who brought the original charges, the Chairperson of the Hearing Board (or the Administrative Hearing Officer), and the Assistant Dean of Students.
2. The individual who initiated the appeal is required to attend the hearing and the Chairperson of the Hearing Board or Administrative Hearing Officer may be required to attend the hearing.
3. All of the parties involved in the hearing being appealed shall have the right to be present and respond to all information presented and to present information on their behalf if it is relevant to the basis for the appeal.
4. The Chairperson of the Appellate Court shall open the hearing by reading the request for appeal and informing the person(s) involved of the jurisdiction of the Court and its procedures. The Chairperson shall ascertain that all the parties involved are aware of their rights and shall answer any questions they have in regard to these matters.

5. If the appeal has been granted on the grounds that hearing procedures may have been violated or on the grounds that the decision was not supported by the evidence, the Appellate Court will hold a re-hearing and reach a decision as to the guilt or innocence of the student and establish an appropriate sanction.
6. If the appeal has been granted on the grounds that the sanction is inappropriate the Appellate Court will review the information presented at the original hearing and make a decision by a majority vote to uphold the sanction, or reduce the sanction. A tie vote will result in upholding the sanction of the lower judicial body.
7. Within 72 hours following the conclusion of the hearing, the Chairperson shall make a written report of the hearing consisting of the grounds for the appeal, the decision of the Appellate Court, the rationale for the decision. Copies of this report shall be forwarded to the major parties in the appellate case as defined in Section VII-E-1.
8. The decision of the Appellate Court shall be implemented immediately by the Assistant Dean of Students.

VIII. DISCIPLINARY SANCTIONS

The following are sanctions which may be imposed upon a student for an infraction of the Code of Conduct of the University of Delaware. This list is not to be taken as exhaustive, but is in order of severity.

- A. Disciplinary Warning: An official written notice to the student of disapproval in that his or her conduct is in violation of University rules or regulations.
- B. Disciplinary Probation: A more severe sanction than a warning to include a period of review and observation during which the student must demonstrate his or her ability to comply with University rules or regulations and other requirements stipulated for the probation period. The probation may not exceed two (2) years.
- C. Deferred Suspension: A definite period of observation and review. If a student is found guilty of again violating a major University rule or regulation or an order of the Hearing Board or Administrative Hearing Officer, his or her suspension will take effect immediately. The period of deferred suspension may not exceed two (2) years.

- D. Suspension From the Undergraduate Division: A separation from the Undergraduate Division of the University. Students suspended from the Undergraduate Division are eligible to take a maximum of two (2) courses in Continuing Education.
1. Definite Length Suspension: A severance of the student's undergraduate status. The specific period of time must not be less than the remainder of the semester in progress, or more than two (2) semesters beyond the semester in which the sanction is decreed.
 2. Indefinite Suspension: Reinstatement possible after meeting requirements stated by the judicial body.
- E. Suspension From the University: A separation from all divisions of the University.
1. Definite Length Suspension: The period of definite suspension from the University must not be less than the remainder of the semester in progress or more than two (2) years beyond the date the sanction is decreed.
 2. Indefinite Suspension: A reinstatement is possible after meeting requirements stated by the judicial body.
- F. Expulsion From the University: A permanent separation of student from all divisions of the University. A sanction of expulsion shall not be effective until approved by the President of the University.

Restitution: Assessment of charges in an amount not in excess of damage or loss incurred. Restitution may be required when appropriate with any sanction.

IX. PROCEDURES DURING INTERIM PERIODS

- A. An interim period shall be construed to mean that period of time from the last day of regularly scheduled classes of the Fall and Spring semesters until the first day of classes of the following semester. Normal procedures shall be followed at all other times.
- B. Appellate Court: The quorum for this court shall remain at three (3): one (1) student, one (1) faculty member and one (1) professional member.

- C. Hearing Board: In the event that at least five (5) members of this Board are able to serve during an interim period, no changes in quorum shall be required. During an interim period a quorum shall consist of one (1) student, one (1) faculty member, and one (1) professional member.
- D. Subordinate Judicial Bodies: Each subordinate judicial body (when appropriate) should make provision to maintain its operation during interim periods. In the event that this cannot be accomplished the case shall be heard by the next higher judicial body.

X. ENFORCEMENT SUSPENSION

- A. In instances where an individual or group fails to demonstrate responsibility by repeating or persisting in an offense, the Vice President for Student Affairs, or his designated representative, may, for the sole purpose of enforcement, impose a temporary suspension. This is an interim action effective immediately designed to prohibit the presence of the student on the campus or in the residence halls until his case can be resolved in accordance with prescribed judicial procedures. The enforcement suspension is not entered on the student's record and does not affect his status except as described above.
- B. An enforcement suspension may be used in cases where the continued presence of the individual on campus poses a threat to his well-being or to the rights and property of other members of the University community.
- 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 Chairperson of the (?).
- D. Enforcement suspension is an emergency action and the suspended individual shall have his suspension reviewed by the appropriate court within three (3) class days.

XI. JUDICIAL BODIES BELOW THE HEARING BOARD

Judiciaries subordinate to the Hearing Board, as may be required, may be established and assigned responsibilities for hearing cases and decreeing sanctions for violations of residence hall rules and other rules of conduct appropriate to the level of the judiciary. The authority and responsibility for establishing lower judiciaries shall rest with the _____.

May 15, 1975

Prepared by the Ad Hoc Committee to
Recommend a New University Judicial System

RESOLUTION FROM THE COMMITTEE ON COMMITTEES

RESOLVED, that the Senate establish an ad hoc committee to formulate for Senate consideration and forwarding to the Board of Trustees, policies and procedures as they affect faculty appointments in a situation of financial exigency.

AD HOC COMMITTEE ON RETRENCHMENT

CHARGE

To formulate for Senate consideration and forwarding to the Board of Trustees, recommended appropriate procedures as they affect faculty appointments because of financial exigency.

These recommendations should include consideration of the following:

1. Definition of financial exigency.
2. Procedures for determining financial exigency
 - a. Faculty role in decision process
 - b. Information necessary to make decision and the existence of financial exigency.
3. Due process for affected faculty members (grievance and appeal).
4. Severance benefits, retraining, replacement and outside placement procedures in the case of termination of appointment.
5. Relation of all procedures to collective bargaining contract.

Report to be delivered to Senate at its regularly scheduled meeting in November or December, 1975.

MEMBERSHIP

1. One member of the Senate Committee on Faculty Welfare and Privileges.
2. Three elected faculty senators, one of whom shall be Vice President of the Senate.
3. Two additional faculty members who are not senators.
4. The Assistant Provost for Budget Planning and Evaluation (non-voting member).

The chairperson of the Committee shall be an elected senator. At least one of the voting Committee members shall be a woman; at least one of the voting Committee members shall be a former administrator.

(over)

Committee on Committees' nominees for membership to the Committee:

Stephen Finner, Chairperson

Stephen Finner } Elected Senators
George Cicala }

Paul Catts, Vice President of the Faculty Senate

Gordon Bonner, Member, Committee on Faculty Welfare and Privileges

Anthony Graziano, Assistant Provost for Budget Planning and Evaluation

Two full-time faculty members

5/28/75