

UNIVERSITY SENATE MINUTES

A special meeting of the University Senate was held in Cogswell Auditorium on Tuesday, March 25, 1969. The meeting was called by Committee H (Student Affairs and Athletics). Time was given at the start of the meeting so that Senate members could study the Policy Statement issued at the entrance of the auditorium. A quorum was present. Two student observers from the Student Government Association, J. Bracken Burns and Roger Abinader, were present. The meeting was called to order by Maurice L. Rider, Vice Chairman.

S. Trevor Hadley, Chairman of Committee H (Student Affairs and Athletics), said the committee wanted to get the policy in the hands of the members of the Senate in advance of the meeting but the duplicating room could not accomplish this. He said the policy was developed by a subcommittee consisting of James M. Oliver, Maurice M. Zacur and student members Rebecca A. Karalfa, Robert Martin, and Richard A. Gutman. The policy was presented at a regular meeting of Committee H where it was approved. He moved and Richard A. Hazley seconded that the policy be adopted.

During the discussion, James M. Oliver said that in the first paragraph of part II, the last sentence should read, "... but not staff or University security personnel)." James W. Laughlin asked whether the regulations applied to persons who were not students. James M. Oliver said this matter was discussed at the meeting but the committee did not see how it could draw up regulations concerning persons who were not students. This also applied to faculty. James W. Laughlin said this then puts the supervisory personnel in a precarious position. S. Trevor Hadley said the security personnel have been very sensitive about the matter of students identifying themselves. James E. Payne said he felt that the matter should be spelled out as what should be done when a person refuses to identify himself when asked to by a security officer. S. Trevor Hadley said they could be turned over to the local authorities.

Irwin W. Marcus said he thought the rules are for the convenience of the administration. He said the matter of civil liberties should be considered, "limit numbers" gives a lot of authority to an individual, and that identification can be used for harassment. James M. Oliver said the supervisor does have broad and arbitrary powers but he will have the power to carry out. Part III was added to help take care of this. Irwin W. Marcus said part III would take a time to implement. He said there should be some guidelines set by Committee H or some other body to provide guidelines to the supervisor. James M. Oliver said this was the purpose of the "statement of rights."

John Chellman asked whether the words "obscene" and "profanity" should be included with regard to signs. S. Trevor Hadley said there are already laws with regard to this. Dr. Brown said there is a fundamental question--can the Senate appoint a person to this position who is not subject to Dr. Hassler's objection. Dr. Hassler is the principal authority in this position and someone could not be appointed without the approval of Dr. Hassler. Arthur F. Nicholson said if Committee H appoints the supervisor and this is sent to the Board of Trustees, this would give the supervisor approval. John E. Merryman said the policy was for planned demonstrations and what about spontaneous demonstrations. James M. Oliver said if there were spontaneous demonstrations, the demonstrators would be out of order if they did not notify the supervisor. Don W. Woodworth said there then is a civil liberties question--spontaneous demonstrations would be illegal. James M. Oliver said this would be decided by the supervisor whether a spontaneous demonstration was illegal or not. The set of rules is not original with Committee H. The items were lifted heavily from Columbia University. S. Trevor Hadley said that in his thinking, a spontaneous demonstration would not be a violation.

Dorothy F. Lucker moved, John E. Merryman seconded, and it carried to add the following: "Unplanned or spontaneous demonstrations shall not be declared illegal by the supervisor unless they are in violation of the regulations above."

Charles D. Leach moved to close debate, John E. Merryman seconded, and the motion carried. A question was called and the report of Committee H was approved:

"POLICY STATEMENT AND RULES TO GOVERN RALLIES, PICKETING, AND OTHER DEMONSTRATIONS

By the nature of its objectives, the University Community often finds itself working toward contradictory objectives. On the one hand, it aims to preserve and transmit culture, while on the other hand, it attempts to innovate and to explore new approaches to individual and group development. Moreover, the University Community consists of several distinct groups, such as faculty, students, and administration, whose purposes and objectives do not always neatly match. The maintenance of balance between the objectives of the University and among the several groups within it can best be accomplished in an atmosphere of openness and frankness and in a University Community where all recognize and share in the responsibility of University government. The faculty, administration, and student body of Indiana University of Pennsylvania commit themselves to the maintenance of this concept of joint responsibility and strongly urge dissident individuals or groups to explore and to exhaust

the existing avenues of negotiations and change before resorting to demonstrations which may have unforeseen and tragic consequences.

"Nevertheless, legitimate differences within the University Community may arise despite open channels of communication and a responsive faculty and administration. In this context, rallies, picketing, and the circulation of petitions may have an important place in the life of the University. They are a vital part of the democratic process and a legitimate means of dissent, as well as, a positive force which may call to the attention of the Community new directions which are possible in the evolution of society.

"At the same time, while minimum restraints and a high degree of freedom are necessary to the fulfillment of the objectives of the University, it must be recognized that the University must maintain order and that picketing and other mass demonstrations conducted without reasonable restraint may have detrimental consequences for the entire University Community. First, they may prevent large numbers of teachers and students from pursuing their instructional and scholarly activities. Second, the course of demonstrations is difficult to predict and to control, and demonstrations conducted without restraint may create an atmosphere in which highly reprehensible individual acts, such as the burning of records or research papers, may be committed. Third, if the University Community is unable to regulate itself in these matters, it is highly probable that agencies outside the University, such as the police or the responsible legislative bodies, will intervene.

"While the University has previously approved The Joint Statement on Rights and Freedoms of Students it seems appropriate at this time to quote from pertinent sections of that statement and to state that the rules governing demonstrations are meant to be interpreted in its light.

'College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off the campus.'

REGULATIONS

"I. Picketing, rallies, and other demonstrations are in violation of University regulations if participants

- a) gather in such a fashion as to hinder entrance to, exit from, or normal use of any University facility.
- b) hinder, by noise or obstruction, members of the University Community from carrying on their normal activities.
- c) employ force or violence against persons or property.
- d) congregate or assemble within University buildings in such a fashion as to disrupt the University's normal functions or violate the following:
 1. No group or individual may be admitted into a private office unless invited by the occupant, and then not in excess of the number designated or invited by the occupant.
 2. Corridors, stairways, doorways and building entrances may not be blocked or obstructed in violation of governmental or University fire regulations. Passageways must be kept open at all times.
 3. Rooms in which instruction, research, or study normally takes place may be occupied only when assigned through established procedures.
 4. Any noise which interferes with the work or study of persons in a building will not be permitted.
 5. Buildings must be cleared at the normal closing time unless other arrangements have been approved in advance.
 6. The supervisor shall be informed twenty-four hours in advance of the time and place of demonstrations prior to any public announcement of plans for a demonstration. He may prescribe only such limitations on the areas in which demonstrations are held as are reasonably necessary to avoid physical harm or physical conflict between groups of demonstrators. He should advise students as to whether their planned demonstration is consistent with the rules. Decisions of the supervisor as to the number of demonstrators permitted in a room or building, and as to the area in which a demonstration may be held, shall be binding unless they are reversed by or modified by the appeal agency (standing sub-committee of Committee H -- see below)."

"I. Persons (by persons it is meant any student enrolled at the University) who violate the above rules will be subject to University disciplinary regulations. This statement assumes that disciplinary procedures now in effect are sufficient and provide adequate procedural safeguards for the rights of the students. Therefore, no new disciplinary procedures are suggested.

"II. Committee H shall appoint a University official (hereafter known as the Supervisor) who will have principal authority for the enforcement of these rules. It is assumed he may delegate his authority to other University officials (either faculty or administration, but not staff or University security personnel).

"A. Should any member of the University Community believe that an assembly, rally, or mass demonstration violated the above rules, he may notify the Supervisor. If the supervisor finds that the assembly violated the rules, he shall prescribe modifications in the conduct of the assembly and allow a reasonable time for the necessary adjustments. If the assembly fails to make the prescribed adjustments, the Supervisor shall rule that assembly is in violation of regulations and must be terminated. Participants and spectators who fail to disperse shall be liable to University discipline. Students who engage in repeated demonstrations of a similar characted, after a declaration that the first demonstration was unlawful, and a warning that penalties would ensue if it was not terminated, need not be given additional warnings. A warning need not be given if a demonstration is an obvious and deliberated violation of the rules.

"B. The decision of the Supervisor may be appealed (see below), but pending a decision by the appeal agency, his decision will stand.

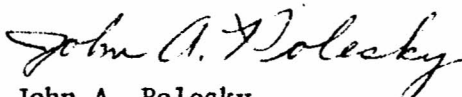
"C. Any student engaged in a demonstration declared in violation of the rules must, upon request, identify himself to the Supervisor or his agents (it is assumed here that the agents may be University security personnel, and that students who fail to properly identify themselves are in violation of the regulations)."

"III. Question of interpretation may arise from these rules. In this case, a standing sub-committee of Committee H, consisting of three student members of the committee to be appointed by the President of the Student Government, the Dean of Students, and two faculty members of Committee H to be appginted by the Dean of Students, shall render an interpretation. Appeals arising from the judgment of the Supervisor will be heard by the same committee. In both cases, the sub-committee is admonished to render decisions as rapidly as possible."

William W. Hassler said he would like to commend the committee on the fine job done and also for consulting him. The statement of the committee was submitted to the Attorney General and he said it was legal.

The meeting was then adjourned.

Respectfully submitted,


John A. Polesky
Secretary