

Minutes of University Senate Meeting, May 17, 1973

The meeting of the University Senate was reconvened by Chairman Lorrie Bright on Thursday, May 17, at 3:40 PM in McVitty Auditorium. A quorum was present.

Chairman Bright announced that the results of the election on Tuesday would be made final after absentee ballots have been counted. Ballots may be obtained from Senator Rife.

Senator Ferris re stated his amendment to Section II of University Refund Policy which had been presented at the Tuesday meeting:

Students who withdraw from the University student services, other than meal contracts, but do not totally withdraw from the University will not be granted a refund. Refunds for those students who choose to withdraw from meal contracts, will be in accordance with guidelines set forth in Section IB of this policy.

The amendment passed: 27 ayes, 14 nays.

After discussion regarding prices of meal contracts vs. single meals, explanation of the recommended policy, and the meaning of a contract, Mr. Owen Dougherty, Director of Housing and not a member of Senate, requested permission to speak. On a vote of 43 - 3, he was permitted to speak.

Mr. Dougherty reminded the Senate that off campus students are not required to take a meal contract but may do so at any time of the semester. If a part of the semester has elapsed, said meal contract would be sold on a pro rated basis.

On a call for a vote the amended motion was defeated.

On motion by Mr. Cohen, Chairman of the ad hoc committee on the University Judicial system, and second by Senator Innes moved the adoption of their report:.

BY MAJORITY VOTE THE AD HOC COMMITTEE ON THE UNIVERSITY JUDICIAL SYSTEM SUBMITS THE FOLLOWING RECOMMENDATIONS FOR APPROVAL BY THE SENATE.

THE AD HOC COMMITTEE RECOMMENDS THAT:

1. THE DEAN OF STUDENTS BE THE PERMANENT CHAIRMAN OF THE UNIVERSITY JUDICIAL BOARD (VOTING ONLY IN CASES OF TIES).
2. THE DEANS OF MEN BE REPLACED ON THE UNIVERSITY JUDICIAL BOARD BY TWO FACULTY MEMBERS.
3. THE PRESIDENT OF THE UNIVERSITY OR HIS DESIGNEE ACT IN THE CAPACITY OF A PROSECUTOR PRESENTING EVIDENCE AT HEARINGS BEFORE THE UNIVERSITY JUDICIAL BOARD.

4. GUIDELINE 13 IN THE STUDENT EYE SHOULD BE AMENDED TO READ AS FOLLOWS (SEE ATTACHED GUIDELINE 13)
5. THE DECISION TO SUSPEND SHOULD BE MADE ONLY WHERE THERE IS SUBSTANTIAL EVIDENCE THAT, IF THE STUDENT IS NOT SUSPENDED, IT IS VERY IMMINENT AND PROBABLE THAT THE STUDENT WILL:
  - a. BE SUBJECTED TO GREAT RISK OF LOSS OF HIS OR HER LIFE OR OF INCURRING SERIOUS BODILY INJURY.
  - b. DIRECTLY OR INDIRECTLY THROUGH OTHERS PROVOKE OR INCITE OR ATTEMPT TO PROVOKE OR INCITE STATE OR LOCAL POLICE OR OTHERS TO ENGAGE IN VIOLENCE OR THREATS TO ENGAGE IN VIOLENCE.
  - c. DIRECTLY ENGAGE IN VIOLENCE OR INCITE OR ATTEMPT TO INCITE OTHERS TO ENGAGE IN VIOLENCE, VIOLENCE BEING DEFINED AS UNJUST OR IMPROPER OR UNLAWFUL PHYSICAL FORCE AGAINST PERSON OR PROPERTY.
  - d. DIRECTLY PARTICIPATE IN AND/OR WILL INCITE OTHERS TO PARTICIPATE IN ACTS DESTRUCTIVE OF LIFE OR PROPERTY.
  - e. DIRECTLY PARTICIPATE IN AND/OR WILL INCITE, ENCOURAGE, COUNSEL, AID AND ABET OTHERS IN PARTICIPATING IN ACTS INTERFERING WITH NORMAL CAMPUS ACTIVITIES. "ACTS INTERFERING WITH NORMAL CAMPUS ACTIVITIES" WILL INCLUDE, BUT NOT BE LIMITED TO:
    - (1). GATHERING IN SUCH A FASHION TO HINDER ENTRANCE INTO, EXIT FROM, OR NORMAL USE OF ANY UNIVERSITY FACILITY, AND BLOCK OR OBSTRUCT CORRIDORS, STAIRWAYS DOORWAYS AND BUILDING ENTRANCES.
    - (2). HINDER, BY NOISE OR OTHER MEANS, MEMBERS OF THE UNIVERSITY COMMUNITY FROM CARRYING ON THEIR NORMAL ACTIVITIES.
    - (3). OCCUPY OFFICES, AND OTHER UNIVERSITY AREAS WITHOUT THE CONSENT OF THE OCCUPANT OR THE OFFICIAL IN CHARGE OF ASSIGNING OR SCHEDULING SUCH AREAS.
    - (4). CONGREGATE OR ASSEMBLE WITHIN BUILDINGS IN SUCH A FASHION AS TO DISRUPT THE UNIVERSITY'S NORMAL FUNCTIONS.
    - (5). REFUSE TO LEAVE ANY UNIVERSITY BUILDING UPON BEING LAWFULLY REQUESTED TO DO SO.

GUIDELINE 13

Part I

In all cases where final action on civil charges is pending, the status of the student will neither be altered nor will

his right to be on campus and attend classes be suspended, except for reasons relating to his physical or emotional safety and well being, or for reasons related to the safety and well being of students, University personnel and University property.

### Part II

Authority to suspend rests with the President. Prior to the exercise of this authority, the President shall, where time and circumstances permit, request the University Judicial Board (U.J.B.) to convene for the purpose of conducting a hearing and examining the evidence and to make a recommendation to the President as to whether an immediate suspension is warranted.

### Part III

Where time is of the essence and other emergency circumstances preclude the President from convening the U.J.B. prior to an order suspending the student, the following procedural guidelines shall be complied with.

- A. Within 48 hours from the effective date of the suspension, the President shall file a written complaint against the student with the U.J.B. A copy of this complaint shall be immediately placed in the hands of the student affected.

The U.J.B. shall convene and conduct a hearing of the complaint within 48 hours after receipt of the complaint. Such complaint need not be filed nor a hearing conducted where the affected student signs a written waiver of such a hearing.

- B. At the hearing, the student shall be advised of his right to be represented by counsel, including attorneys at law. The student shall also be apprised of the charge which has been brought against him. The student shall be asked if he waives the right to counsel. If there is a waiver, the hearing may proceed to the merits of the case. If counsel is requested, the hearing shall be postponed to a future date upon which all parties may mutually agree. The student shall remain on suspension during the postponement.
- C. At the hearing, the President shall introduce evidence to substantiate the charge that the student's presence on campus constitutes a clear and present danger to either himself and/or the University community. The student

or his counsel shall have the right to cross examine the President or other witnesses for the University.

After the President, or his designee, has concluded his case, the student shall have the right to introduce evidence on his behalf. The President or his designee shall have the right to cross examine the student or any witness testifying for the student.

- D. After the student has concluded his case, the U.J.B. shall retire to weigh the evidence. If the U.J.B. finds that substantial evidence has been presented which substantiates the President's suspension order, the U.J.B. shall affirm the President's order and the student shall remain on suspension. If the U.J.B. finds that there was not substantial evidence sufficient to substantiate the President's suspension order, the U.J.B. shall recommend to the President that the student be reinstated forthwith.
- E. Where the U.J.B. affirms the suspension order or where the President rejects the U.J.B.'s recommendation of reinstatement of the student, the student shall have the right to appeal to the Board of Trustees. A decision by the Board of Trustees adverse to the student shall be final, provided, that the student has the right to file an action in the appropriate court of law.

#### Part IV

Where time and circumstances permit the President to convene the U.J.B. prior to rendering an order of suspension, the following procedures shall be complied with.

- A. The President or his designee shall file a written complaint against the student with the U.J.B. A copy of the complaint shall be placed immediately in the hands of the student affected.

The U.J.B. shall convene and conduct a hearing of the complaint within 48 hours after receipt of the complaint. Such complaint need not be filed nor a hearing conducted where the student signs a written waiver of such a hearing.

- B. Same as in B of Part III above.
- C. Same as in C of Part III above.

- D. After the student has concluded his case, the U.J.B. shall retire to weigh the evidence. If the U.J.B. finds that substantial evidence has been presented which substantiates the President's charge, the U.J.B. shall recommend to the President that the student be suspended. If the U.J.B. finds that there was not substantial evidence to substantiate the President's charge, the U.J.B. shall recommend to the President that the student not be suspended.
- E. Where the U.J.B. recommends that the student be suspended or where the President rejects the U.J.B.'s recommendation not to suspend the student, the student in either case shall have the right to file an appeal with the Board of Trustees. The Board of Trustees may grant or, in its discretion, deny the appeal. A decision by the Board of Trustees which is adverse to the student shall be final, provided, that the student has the right to file an action in the appropriate court of law.

#### Part V

A student temporarily suspended under the foregoing provisions may request a review of his case by the U.J.B. If the U.J.B. decides that the reasons for the suspension no longer exist, the U.J.B. shall recommend to the President that the suspension be lifted and the student reinstated forthwith.

Senator Hadley moved to table the report. On second by Senator Smith motion to table passed.

It was determined that new Committee F members be elected, with assignment to Committee F<sub>1</sub> or F<sub>2</sub> being determined by the committee itself.

On a motion by Senator Rife duly seconded, the report of Committee E was accepted:

Committee E has received a report from the Subcommittee on Faculty Research that its work to name the recipient of the Outstanding Scholar Award had been completed. This name will be revealed at the May commencement exercises.

The following resolution has been adopted by Committee E and is submitted for consideration by the Senate.

WHEREAS scholarly activity and research at the forefront of knowledge is an integral part of a university, and

WHEREAS the quality of research and the ultimate status of the university depend upon the professional status of its individual faculty members, and

WHEREAS faculty scholarship has been formally recognized and financially supported at IUP in the past primarily by the University Foundation, and

WHEREAS the University Foundation can no longer support such activities,

THEREFORE, we strongly urge that a budget line item be incorporated into our university budget as soon as the current financial predicament allows, which will give appropriate financial support to faculty research.

Upon introduction of new business Senator Lenglet moved the adoption of the report of Committee G. (Printed in full in minutes of Senate meeting of March 13, 1973)

Upon a second by Senator Warren, motion passed.

Senator Chamberlin moved that election of Committee I members be suspended until fall.

On a second by Senator Maguire, motion passed.

Senator Murdoch suggested that Committee A next year streamline the election process.

The results of nominations and elections follow: (Elected members are starred).

Committee D (Faculty members nominated as at-large were re-nominated for faculty segment)

<u>Nominated</u>	<u>Votes at-large</u>	<u>Votes faculty segment</u>
*Joseph Angelo (at-large)	17	
*Edward Mott	9	23
*Dale Landon	12	22
Robert Seelhorst	7	16
Don Chean Chu	7	14
William Grayburn	5	11
George Walz	2	10
Chancy Rawleigh	3	8
Nelson Borman		6
Cruz Mendizabal	7	4

Committee E (Faculty members nominated as at-large were re-nominated for faculty segment)

<u>Nominated</u>	<u>Votes at-large</u>	<u>Votes faculty segment</u>
*John Broughton (at-large)	15	
Margaret Fails (student)	12	
*Norman W. Sargent	10	36
*Charles Cashdollar		31
*Jerry Eddy	10	28
Merle Klingensmith		24

Committee E (continued)

<u>Nominated</u>	<u>Votes at-large</u>	<u>Votes faculty segment</u>
Ronald Ferguson	9	19
Edward Chaszar	4	18
George Walz	4	15

Committee FAt-large Seats

*Dale Landon	15
Cleo McCracken	14
Frank Cutitta	10
Vincent Ferrara	6
Wayne Davis	3
Margaret Fails	1
Harry O'Hare	1
Neil Lehman	1
Douglas Roblin	1

Faculty segment (All nominated were elected)

*Wayne Davis
*Neil Lehman
*Vincent Ferrara
*Lorrie Bright

Student segment

*Maurine Leary	36
*Gary Gates	33
*Margaret Fails	30
*Ted Lockwood	29
*Harry O'Hare	28
*Douglas Roblin	26
*Martha Givler	25
*Richard Ross	25
Robert Kunkle	23
Larry D. Erb	19
Richard Eimsporn	16
Peter Hammond	16
Frank Cutitta	11

Committee GNominations at-large

*Melvin Woodard	23
Merle Klingensmith	8
William Reefer	6
Ralph Ferguson	5
Douglas Roblin	3
Robert Kunkle	2
Gary Gates	2
Martha Givler	1
Richard Ross	1
David Zug	1
Claire Kennedy	0

Committee G (continued)Faculty segment

*Merle Klingensmith	45
*George Walz	45
*Jo Anne Mueller	44
*Ronald Ferguson	44
*John Broughton	43
Chancy Rawleigh	30

Student segment

*Gary Gates	34
*Martha Givler	21
*William Reefer	21
David Zug	20
Douglas Roblin	18
Robert Kunkle	12
Louis Busovski	9

Committee H

*Esko Newhill	26
*Richard Heiges	19
*Ronald Ferguson	19
Howard Tompkins	18
Herbert Isar	16
George Walz	16
Vincent Ferrara	14
Wayne Davis	14
Edward Chaszar	11

Results of other ballots, mailed earlier, are as follows:

Representatives to the President's Cabinet:

Walter Gallati

Wayne Smith

Representative to University Foundation:

Jane Mervine

Faculty Representative on Admissions Committee:

Lorrie Bright

Senator Landon moved a vote of thanks to outgoing officers.

Meeting adjourned at 5:15 p.m.



Cleo McCracken

Secretary

