

MINUTES OF THE UNIVERSITY SENATE

September 24, 1974

The first University Senate meeting of the 1974-75 academic year was called to order by Chairman Thomas Goodrich at 3:25 p.m. in Pratt Auditorium. He welcomed back the previous members of the Senate, and welcomed the newly-elected members to their new terms. He announced the officers of the Senate: Thomas Goodrich, Chairman; Alice Louise Davis, Secretary; Lorrie Bright, Parliamentarian. Dr. Goodrich indicated that he hoped the Senate as a whole, its members and its committees could work together and with the various segments of the University to make more progress, promote communication and raise issues of interest to all concerned.

Senator William Hassler was absent but accounted for.

The following members of the Senate were absent: Kenneth Brode, John Broughton, Pat Carone, Arlo Davis, Walter Gallati, Bernard Gillis, Carol Goff, Richard Hazley, Crawford Johnson, Joanne Mueller, Esko Newhill, Eugene Scanlon, Marty Cook, Will Glessner, Brian Hart, Claire Kennedy, Don Kenny, David Kirschner, Doug Roblin, Rich Ross, Tina Seehausen, Jeff Turner, and Cathy Wilson.

Chairman Goodrich requested that while the attendance list was being circulated each member make sure that his name and address were included on it. The Chairman also requested that he be notified in advance if members are unable to attend a scheduled Senate meeting. He also announced that the Board of Trustees, at its July 19, 1974 meeting, had approved the actions of the University Senate taken at its May 2, 1974 meeting. Chairman Goodrich requested that anyone having items to be listed on the Senate Agenda should submit them ten (10) days in advance of the meeting. Additional support for the Senate has come about in the form of secretarial help, student senators being given priority during registration, and 1/4 released time for faculty members because of work on the Senate.

Senator McCracken, Chairman of Committee A (Rules) informed the Senate that Committee A intends to institute the following change in the order of committee reports presented to the Senate: Following the report of Committee A, the committee reports will rotate from meeting to meeting with the understanding that Committee A reserves the right to assign priority to committee reports on matters of particular urgency.

Senator Lehman conducted the following elections:

I.U.P. Human Relations Committee - 1 elected

John Worzbyt - elected unanimously
Chancy Rawleigh

Committee A - Rules - 2 elected

<u>Charles Battaglini</u>	47
<u>Margaret Wilson</u>	62
Maher Shawer	37
Victor McGuire	27

Committee E - Faculty Research, et.al. - 1 elected

<u>Sue Richey</u>	55
Robert Runkle	24
Cathy Wilson	17

Committee B1 - Academic Affairs - 1 elected

<u>Donald Seagren</u>	34
Paul Kravitz	24
Patrick McNamara	22
Eleanor Suhrie	16

Committee D - Graduate - 1 elected

<u>Gerard Penta</u>	37
Nelson Bormann	31
Betty Ianham	24

Committee F1 - Student Affairs - 1 elected

<u>Barbara Aierstock</u>	53
Chancy Rawleigh	36

Senator Tompkins, Chairman of Committee B₂ (Curriculum) requested Senate approval of two new courses:

Art 481, Special Topics in Art, 1-3 credits
Art 482, Independent Study, 1-12 credits

There was some discussion about the Independent Study and how it relates to the terms of the new contract, which stipulates that a faculty member may not be assigned more than 9 hours of independent study in any one semester. Upon a motion by Senator Chamberlin, seconded by Senator Seagren, the two new art courses were approved.

Senator Tompkins announced that the Committee hopes to present a new draft of the General Education Revision Proposal before the Christmas recess and urged that anyone who wishes to make comments or recommendations on this proposal get them to him within the next five or six weeks.

Senator Mott, acting for Senator Gallanar as Chairman of Committee D (Graduate) recommended new courses and semester hour changes as listed below:

Senator Woods moved, Senator Knowlton seconded, and the motion passed to approve the following new course:

History 560, Contemporary Diplomatic History - 3 s.h.

Senator Landon moved, Senator Ferguson seconded, and the motion passed that the following courses be changed from 2 s.h. to 3 s.h.:

History 501 - Historiography
History 510 - Seminar in Community College Teaching
History 511 - Readings in History
History 512 - Readings in History
History 521 - History Seminar
History 522 - History Seminar
History 544 - History Seminar

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Senator Woods moved, Senator Chamberlin seconded, and the motion passed that the following courses be changed from 2 s.h. to 3 s.h.:

Spanish 511 - Stylistic Studies
Spanish 525 - Hispanic Poetry after 1888

Senator Landon moved, Senator Shirey seconded, and the motion passed that the M.A. and M.Ed. in German be approved with the following new courses:

German 510 - History of the German Language - 3 s.h.
(This is to be dual listed with German 410)
German 511 - Advanced Composition Stylistics - 3 s.h.
German 512 - Advanced Oral Practice - 3 s.h.
German 540 - Seminar on German Literature - 3 s.h.
German 513 - Phonetics and Diction - 3 s.h.
German 520 - Seminar on German Linguistics - 3 s.h.

Extended the temporary approval to permanent approval for:

German 530 - Seminar on German Culture - 3 s.h.
German 553 - Advanced Methodology - 3 s.h.

Approval is to be granted for two years, i.e. Fall 1976, after which there will be a review for the purposes of determining continuation of the program.

Senator Rehner, Chairman of Committee E (Faculty Research, Library, and Educational Services) announced that the committee had met on September 12, 1974 and elected the following officers: Russel Rehner, Chairman; Robert L. Woodard, Vice Chairman; and Merle G. Klingensmith, Secretary.

Committee E recommended that Committee A of the Senate look into the possibility of the placement of Mr. Robert Warren, Vice President of University Services, on Committee E since three of the four areas involved on the Committee come under University Services.

Committee E also recommended that Mr. Richard T. Wolfe, Director of Grants and Awards, be added to this committee.

Senator Hadley, Chairman of Committee F₁ (Student Affairs) moved approval of the following:

1. New Student Organizations:
 - a. I.U.P. American Society of Safety Engineers, Student Section
Mr. R. E. McClay, Advisor
 - b. Associates for Student Development, S. Trevor Hadley, Advisor
2. Reactivation of the Young Democratic Club. New advisor is Mr. Owen J. Dougherty (Mr. Smith and Dr. Oliver, former faculty advisors, resigned.)
3. Co-advisors for the Chess Club: Mr. Patrick McHamara, Physics;
Dr. Wayne Davis, Economics; and Mr. Charles Maderer, Mathematics

The motion was seconded by Senator Chamberlin and passed by unanimous vote.

Senator Hadley reported the election of officers of Committee F₁ as follows: Chairman, S. Trevor Hadley; Vice Chairman, Wayne Davis; Secretary, Maureen Leary.

Upon a motion by Senator Hadley, seconded by Senator Doerr, the new University Judicial Code was approved (copy attached).

Upon a motion by Senator Hadley, seconded by Senator Dakak, and passed by a majority vote, the following received Senate approval:

1. A policy eliminating delayed rushing for Greek organizations on the Indiana campus. Under this new policy, Fall rushing by Greek organizations is permitted for Freshmen and other new students at the University. Specific regulations for implementing this program were left up to the InterFraternity Council and the PanHellenic Association.
2. Dr. Elwood Sheeder - Advisor to the Class of '75.
3. A name change for the student organization ORCHESIS to CONCERT DANCE GROUP, with Mrs. Jane Dakak as Advisor.

Senator Lenglet, Chairman of Committee G (University Development and Finance) informed the Senate of the following operating policy of Committee G, which the Committee approved at its March 27, 1974 meeting, as follows:

1. That Committee G elect from its membership a person to the Budget Committee. This person would be an observer and non-voting member of the Budget Committee. The responsibilities of this person would be to keep Committee G informed of the activities of the Budget Committee. Committee G elect an alternate to serve in the absence of the regular member.
2. That this observer have all the rights to submit reports and participate in the discussions pertaining to matters under review within the Budget Committee.
3. That Committee G, as a unit, advise the President on budgetary matters when it so desires.
4. That since Committee G is only advisory to the President on budgetary matters, the University Senate not act on these recommendations.

Mr. Lenglet also informed the Senate that Dr. Melvin Woodard was elected by Committee G as an observer to the Budget Committee, with Dr. George Walz being elected as the alternate.

Mr. Lenglet informed the Senate that a bill approving the new Library passed its second reading in the Pennsylvania Senate last week and looks favorable for approval.

Chairman Lenglet moved approval of Committee G's recommendation that the Black Students League continue to use and occupy Stanley House, located on South Eleventh Street, and in addition be permitted to use and occupy a second facility, Richards House, for an activities building and residence for four students. Upon a seconding motion by Senator Seagren, this recommendation was approved.

Chairman Lenglet moved, Senator Isar seconded, and the Senate approved the assignment of the Lewis House to the Educational Opportunity Program for office and counseling space.

Senator Chamberlin, Chairman of Committee H (Faculty Affairs) announced that he had no report on the Pennsylvania Commonwealth University, as discussion on this matter was not completed by the Committee.

Senator Chamberlin, Chairman of the Senate Ad Hoc Committee on Parking, presented the proposed regulations as drawn up by that committee. He indicated that since the beginning of the term the University has been operating illegally with respect to parking on state and borough streets, and urged that some definite proposals be made so that the parking regulations can be submitted to the Board of Trustees at its October 4, 1974 meeting. There was extensive discussion about the matters of parking permits, bicycle decals, reserved parking, etc.

Senator Landon moved that the final decision on parking regulations and changes in parking regulations be made the responsibility of the University Senate. The motion was seconded by Senator Shower, but was defeated by a vote of 26 yes to 52 nays.

Senator Varner moved that Pratt Drive from School Street to Grant Street be returned to faculty parking rather than to employee parking. This motion was seconded by Senator Ferguson and carried by a majority vote.

The meeting was adjourned at 5:27 p.m. due to the lack of a quorum.

Respectfully submitted,

Alice Louise Davis

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Secretary

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INDIANA UNIVERSITY OF PENNSYLVANIA JUDICIAL CODE

PHILOSOPHY:

The Indiana University of Pennsylvania Judiciary Code works within the framework of the English Common Law Tenant that an individual is innocent until proven otherwise. It further adheres to the principle that the University Judicial System should reflect the same basic constitutional procedures and safeguards, rights and privileges afforded American citizens under the fourteenth amendment. However, it is in the best interests of the individual and the university to speed up the judicial processes whenever possible and to evaluate disciplinary cases on an individual basis rather than determining cases on past precedence. Each case and each student is unique.

The intent of all actions taken through the university judicial structure is to create behavioral change in the student rather than to be simply punitive.

The University Judicial Board, working in conjunction with the University Hearing Officer, and the Quad Hearing Officers attempt to alleviate the causes underlying student misconduct by personal counseling and guidance. In this way it is hoped that behavioral change can be effected and that future offenses can be eliminated.

STRUCTURE:

The judicial structure of Indiana University of Pennsylvania is arranged to give the student both on and off campus the fairest system of hearing and appeal possible under due process guidelines as established by the fourteenth amendment. The Indiana University of Pennsylvania judicial system has been simplified to adjudicate all university initiated disciplinary cases as quickly as possible while still affording the student all due process protections.

The judicial system consists of a University Judicial Board (UJB) which has full delegated authority from the President for adjudicating all student disciplinary cases as well as being the primary appeals board for the judicial system. The board consists of five faculty and/or administration members and five students in addition to the Vice President for Student Affairs who is the permanent Chairman of the UJB. All board members are randomly selected from a faculty and student roster at the beginning of a semester. From this random pool five student members and three alternates and five faculty-administrative members and three alternates are selected. Each member serves voluntarily for one semester; however, spring semester members serve through the following summer.

When violations of university rules as outlined in "The Eye", the official student handbook, originate in a university residence hall, a student's case is adjudicated by a Quadrangle Hearing Officer who is the Residence Coordinator of the particular quadrangle where the case originated. In those circumstances where a student appears before a Quad Hearing Officer, the student has the right to have his or her case adjudicated by the UJB or appealed to the UJB should the student not agree with the adjudication. The UJB has established standardized penalties within which the Quad Hearing Officer must work. Either the student or Hearing Officer may refer the case to the UJB or appeal the adjudication.

With cases involving off-campus students or incidents being referred from campus security, the Dean of Student Life serves as the University Hearing Officer with the following guidelines. He determines if sufficient evidence exists and/or

that a case is severe enough to be referred to the UJB. He refers all cases to the UJB where he feels suspension or separation from the University is a possibility. He is granted leeway to discuss with students the nature of the complaint and adjudicate the case as he sees fit. He will not exceed the penalty guidelines as determined by the UJB. Students called in before the University Hearing Officer, may have their cases adjudicated by the UJB or can appeal the Hearing Officer's decision should they determine said decision to be unfair or inequitable. In all cases involving either the Quad Hearing Officer or the University Hearing Officer, students have three days from the time they are officially notified in writing of the University charges against them to respond. The University Hearing Officer as well as the Quad Hearing Officers are compelled as is the defendant to either refer the case to the UJB or appeal a decision within six school days. *Where acts have been committed on the Indiana University of Pennsylvania campus which may constitute a violation of any state, federal, county, or municipal statute, code, ordinance, rule, or regulation, the nature of the acts and any relevant information related to the acts should be transmitted to the Vice President for Student Affairs or his designees as soon as possible. The Vice President for Student Affairs or his designees will make a determination as to whether it is appropriate to notify the civil authorities on behalf of the University.*

Appeals from UJB decisions can be made directly to the President of the University.

JUDICIARY GUIDELINES:

1. Accusation of a violation as *identified in the Eye* (Student Handbook) can originate from any of the following persons: Residence Hall Counselors, Residence Managers, Students, faculty, administrators, and Campus Police Officers. Accusers must report in writing the charge and the pertinent details of the case to the appropriate Hearing Officer within three days of the incident *unless justifiable circumstances make such notification impossible or impracticable. The UJB will make the final determination as to whether a late notification was justified; if not, the case will be dropped.*
2. The student accused of a violation shall be immediately informed in writing of the specific charge and given a minimum of three days notice before a Hearing Officer or the University Judicial Board.
3. The notification of charges against the defendant shall include but not be limited to the following information: The specific charge and the accuser, the time and place of the hearing, and a notification to the defendant of his right to select an advocate. It is the Hearing Officer's duty to inform the defendant of his opportunity to appeal.
4. No member of a Board may sit in judgement in his own case.
5. The student has the right to be secure from unreasonable searches and seizures under University procedure.
6. No student shall be compelled to be a witness against himself nor be deprived of liberty or property without due process.

7. In all proceedings, the accused has the right to a speedy and public hearing by an impartial judiciary body, to be confronted with any witnesses against him and to have compulsory process for obtaining witnesses in favor of him.
8. Evidence obtained outside University procedure shall be inadmissible.
9. The right of freedom from unreasonable coercion and excessive punishment shall not be denied.
10. The right of the student to be considered innocent until judged otherwise, to be judged as an individual not as a member of a group and to receive the rationale for the decision of the judiciary body shall not be denied.
11. A student charged with a violation of a University regulation has the privilege of pleading guilty and having his case adjudicated by a Hearing Officer within the framework of the prementioned guidelines.
12. Should a student choose not to appear before either a Hearing Officer or the University Judicial Board, his case will be adjudicated without prejudice.
13. All UJB hearings are private unless the defendant requests a public hearing, but *the UJB Chairman may regulate access of spectators to the hearing.*
14. A defendant may challenge any member of the jury sitting in judgement of his or her particular case. Upon hearing the details of the challenge, the jury will, by majority vote (challenged member not voting) either uphold the challenge and appoint an alternate juror or deny the challenge. Jury members may withdraw from sitting on a jury hearing any case in which the juror feels that he or she could not reach a fair and objective decision.
15. In all cases where final action on civil or criminal charges are pending the status of a University student will be determined thus: Subject to prompt review, the Chairman of the University Judicial Board with approval of the President, or the President himself, may summarily suspend a student from the University when in his best judgement such immediate action is necessary for protecting the safety and welfare of the University community or the suspended member himself. Within 48 hours of the issuance of suspension, the Chairman will convene the University Judicial Board which will review the circumstances. The board will then either uphold or reject the Chairman and/or the President's recommendation. If the suspension is not upheld, the student will be immediately reinstated and granted excused absences from all classes and responsibilities missed for the time lost during the suspension.

The burden of proof when summary suspensions are authorized lies with the University and not the defendant, and it is the University's obligation to readmit a summarily suspended student immediately upon the cessation of the clear and present danger circumstance. Should the clear and present danger circumstance not exist, the status of the student will neither be altered nor will his right to be on campus and attend classes be suspended until such time as his case is fully adjudicated to a conclusion in civil or criminal court. Upon such conclusion the University Judicial Board will review all civil and/or criminal court cases to determine if any additional University sanctions should be imposed upon those students convicted in civil and/or criminal court.

MEMBERSHIP AND DUTIES OF UNIVERSITY JUDICIAL BOARD:

I. Chairman

- a. Schedules and presides over all meetings of the Board.
- b. Receives all charges addressed to the Board including appeals from Hearing Officers.
- c. Informs the defendant of the Board's decisions.
- d. Oversees the compliance of the penalty to the Board's decision.
- e. Maintains records of the Board's decisions and keeps factual records of all proceedings.
- f. Votes only in case of ties.

II. The Board Member

- a. Attends all sessions of the Board which the Chairman schedules.
- b. Renders just and impartial decisions on the basis of the evidence.
- c. Advises the Chairman of matters pertaining to the Board.
- d. Abstains from voting when having prior knowledge of a case.

All members are selected from a random pool of names for a term of one semester. The only exception is the Vice President for Student Affairs who is the permanent Chairman of the University Judicial Board.

PROCEDURE:

1. All decisions of the Board shall require a majority vote of all Board members present.
2. The Chairman, with compliance from the Board, shall have the power to declare any meeting or case closed to the public.
3. The defendant and/or claimant may bring any persons to the Board who are directly related to the case as determined by the Board. The Board shall have the power to request the presence of these persons.
4. A charge may be filed by any member or representative of the administration, the faculty, the student body, or the community.
5. All charges must be filed with the Chairman who schedules the hearing no sooner than three days nor longer than 15 school days from the date of notification of the charge. No case may be heard unless the charges have been properly filed.
6. The defendant may choose an advocate of his choice to consult with during this hearing.
7. In all circumstances a defendant, if he so desires, plead guilty and have his case adjudicated by a hearing officer. All decisions made by Hearing Officers are appealable to the University Judicial Board.

DECISIONS AND PUNISHMENT:

1. A positive vote of the majority of the members of the board present shall be

required for conviction. A quorum shall consist of five members of which two must be students.

2. A positive vote of the majority of the members of the Board present shall be required to determine punishment.
3. The Board in relation to hearing students conduct cases shall have the power to punish for contempt, with contempt being defined as:
 - a. Disorderly conduct by spectators or participants in a hearing.
 - b. Perjury by the witnesses.

Punishments for contempt on the part of students shall be at the discretion of the Board.

4. Decisions of the UJB may include:
 - a. An agreement for behavioral change.
 - b. Failure on a student's part to honor a commitment to alter an inappropriate behavioral pattern will be cause for referral to the University Judicial Board as a second offense.
 - c. Letter of Warning: A warning letter may be sent either by a Hearing Officer or the University Judicial Board to the student indicating that he has been found guilty of violating a University regulation and that failure to comply with University regulations in the future will result in an automatic referral to the University Judicial Board to be handled as a second offense.
 - d. Disciplinary probation for a specified period of time is an indication that a student's status is in a critical state during the probationary period. During the probationary period should the student be found guilty before the University Judicial Board for a like or equally serious offense, will mean automatic suspension for at least one semester.
 - e. Suspension: The Board may at its discretion suspend a student for a period determined by the Board. Suspension implies that a student must remove himself from University premises and not attend classes, social activities, or occupy any building or University space during the period of the suspension.
 - f. Separation: In very serious cases or when a defendant appears before the Board after having already been suspended the University Judicial Board may recommend to the President that the student be separated from the Institution. Separation differs from suspension in that suspension is for a specified period of time whereas separation is permanent.
 - g. All the above "powers" are obviously subject to approval or disapproval action by the President of the University and/or its Board of Trustees.

The possible actions listed above do not limit the Board to the use of these penalties exclusively. It may impose any reasonable penalty suitable for a given offense. Perjury and repeated offenses will result in more severe penalties.

VOTING:

1. The Chairman shall vote only in case of a tie.
2. A quorum shall consist of five members, two of whom must be students.

JURISDICTION:

1. The University Judicial Board shall have *original jurisdiction* over all cases which involve the student body as a collective whole.
2. The University Judicial Board shall have the power to hear cases heard before a Hearing Officer.
3. The University Judicial Board shall have the power to uphold or lessen the decisions of the Hearing Officers.
4. The University Judicial Board shall hear:
 - a. All cases referred to it by the University Hearing Officer.
 - b. All appeals.
5. The University Judicial Board will also act as a grievance board for all student complaints, except those dealing with instructional or marking practices, when in the judgement of the complainant the cause of such complaint has not been alleviated through such departmental and school mechanisms as are regularly and normally available. Complaints or grievances involving instructional or marking practices are handled by a standing committee of the University Senate, (Committee B1, The Academic Procedures Committee).

APPEALS:

1. Upon receiving an adjudication from a Hearing Officer a student may appeal for any of the following reasons:
 - a. Denial of a fair and reasonable hearing.
 - b. New evidence (applies only when there is an acceptable reason to explain why the evidence could not be presented at the original hearing).
 - c. Excessively harsh or cruel punishment.
2. Procedure for appeal:
 - a. Student must present a written request for appeal to the Hearing Officer which rendered the decision within six school days after the decision.
 - b. The Hearing Officer receiving the appeal shall present it along with any other relevant information to the Chairman of the University Judicial Board.
 - c. The Hearing Officer may appear before the University Judicial Board in support of his or her decision.

3. Denial of appeal: In all cases the University Judicial Board by majority vote may refuse to hear an appeal if they believe sufficient cause to be lacking.

4. Restrictions upon the University Judicial Board as an appellate body:

The University Judicial Board may either reverse the decision of the Hearing Officer, sustain the decision or lessen the severity of a punishment. It may not increase the severity of a punishment *unless there is new or sufficient evidence to do so.*

Submitted by:

Student Affairs Division Judicial Committee
and Senate Ad Hoc Committee, Chaired by
Dr. Cohen. Reviewed by: Attorney Jack Solomon,
Deputy Attorney General.

September 10, 1974