

SENATE MEETING

Thursday
April 28, 1955
3:30 P.M.

MURPHY HALL AUDITORIUM

Faculty members entitled to vote for Senate members may be present at Senate meetings but shall not be entitled to vote or make motions. Such faculty may, at their request and with the approval of the Senate, be given the privilege to speak on matters under consideration in which they have an interest.

Members of standing committees who are not members of the Senate, including student members, may be present at a meeting of the Senate during such time as a report of their committee is under discussion and may participate in such discussion, but shall not have the privilege of making motions or of voting.

A special section will be provided for the seating of such faculty and such members of standing committees.

UNIVERSITY OF MINNESOTA SENATE DOCKET

Your Committee on Business and Rules respectfully presents the following matters for your consideration at the meeting of the Senate, April 28, 1955, Murphy Auditorium, 3:30 p.m.

- I. Minutes of March 10, 1955
- II. Senate Committees for 1954-55
- III. Report of the Committee on Institutional Relationships
- IV. Report of the Committee on Student Affairs
- V. New Business

I. MINUTES OF MARCH 10, 1955

Reported for Action

II. SENATE COMMITTEES FOR 1954-55

Reported for Action

The President reports additional appointments as follows:
Student Affairs: Alfred O. Elder to replace James Roberts, Robert H. Palistrant to replace Paul Peyrat, students.

III. REPORT OF THE COMMITTEE ON INSTITUTIONAL RELATIONSHIPS

Reported for Action

1. *Renewal of Accredited Status*. In accordance with the procedures and standards for reviewing private high schools outlined in the *Criteria for the Accreditation of Private High Schools* (Senate Minutes, November 20, 1952, pp. 24-33), the following schools are recommended for accreditation by the University of Minnesota for the normal five-year period subject to the submission of annual reports which satisfy the above *Criteria*:

St. Francis High School, Little Falls
Holy Trinity High School, Winsted
St. Thomas Military Academy, St. Paul
Concordia College High School, St. Paul
Holy Angels High School, Minneapolis
Breck School, St. Paul
Shattuck School, Faribault
De La Salle High School, Minneapolis
Bethany Lutheran Academy, Mankato

The above schools have been recommended for accredited status after review of reports by visiting committees, annual reports and other supplementary information submitted by each school. In each case the recommendation favoring continued accreditation has the concurrence of visiting committees comprised of University, public school, and private school representatives. fifty-six persons have spent at least one full day in this visitation program, a total of sixty-nine days being spent by all.

2. *Accreditation of a New School*. Established four years ago this fall, Our Lady of Peace High School (Portland Avenue, St. Paul) has properly applied for accreditation in terms of the *Criteria for the Accreditation of Private Secondary Schools*. Simultaneously application is being made for membership in the North Central Association. A nineteen-member examining committee was jointly appointed by the two committees to review the self-study of the school. The Cooperative Study of Secondary School Standard's manual, *Evaluative Criteria* was used in the self-study and the later review, by the visiting committee on March 28-30, 1955. Membership on the Visiting Committee under the chairmanship of Professor Robert J. Keller again included representatives of the University, public schools, and private schools but included also a representative of the State Department of Education and members of the State Committee for the North Central Association.

On the basis of its intensive review of the school, the visiting committee unanimously recommended the accreditation of Our Lady of Peace High School both by the University of Minnesota and the North Central Association.

This Senate Committee concurs in this recommendation and recommends that Our Lady of Peace High School be added to the list of private high schools accredited by the University of Minnesota for the normal five year period subject to the submission of annual reports which satisfy the University *Criteria for the Accreditation of Private High Schools*.

ROBERT J. KELLER, Chairman

IV. REPORT OF THE COMMITTEE ON STUDENT AFFAIRS

The Senate Committee on Student Affairs in close co-operation with the All-University Congress has been working throughout this academic year to develop a student judiciary program and to clarify the procedures for exercising the right of appeal as granted by the Basic University Policy Concerning Student Organizations and Their Activities.

As a result of lengthy deliberations the Committee on Student Affairs has prepared the following documents, and its presenting them to the Senate for action.

Reported for Action

1. CHARTER OF ALL-UNIVERSITY JUDICIARY COUNCIL

Preamble

A judiciary system operating under the policies and regulations of the University of Minnesota is established in order to:

Provide a more comprehensive judiciary structure for the protection of the interests of the individual, the group, and the University;
Bring the responsibility of judicial action as close to the governed as possible;

Serve to strengthen and expand organizational judiciaries;
Provide for increasing joint student-faculty participation in decisions relative to student conduct;

Contribute to the education of students through development of individual and group responsibility to the University-wide community and

Adjudicate disputes in accordance with such policies of the University of Minnesota as the Basic University Policy Concerning Student Organizations and Their Activities, the Consultation Policy, the Conduct Control Policy, the rehabilitation policy governing disciplinary action, and other fundamental policies of the Senate Committee on Student Affairs and cases of non-compliance of student organizations with University policies and regulations established by other agencies than the Senate Committee on Student Affairs.

Article I. Authority and Jurisdiction

Section 1. The All-University Judiciary Council shall have jurisdiction in conflicts arising out of the operations and activities of student organizations. All student organizations at the University of Minnesota shall be subject to the rulings of the Judiciary Council in instances properly within jurisdiction of the Judiciary Council. The Judiciary Council, however, shall respect the integrity of lower judiciary bodies within the limits of their established authority and shall act in cooperation with these bodies and with the Office of the Dean of Students, the All-University Student Disciplinary Committee, the college offices, and any other related agencies to provide an inclusive judiciary structure.

Sec. 2. Judicial powers of the Senate Committee on Student Affairs shall be delegated to the All-University Judiciary Council, the decisions of which shall have the same binding authority as those of the Senate Committee on Student Affairs.

Sec. 3. The jurisdiction of the Judiciary Council shall extend to cases arising from:

1. behavior of individual members in connection with the functions of student organizations, and
2. non-compliance of student organizations with policies of the Senate Committee on Student Affairs or with organizational regulations.

Sec. 4. The Judiciary Council shall serve two functions as follows:

1. It will exercise original jurisdiction in cases which are, in the first instance, of All-University significance; cases which are not properly subject to the jurisdiction of boards existing at the time of their occurrence; and cases in which lower judiciary boards or student organizations do not assume jurisdiction or take action.

At all times, however, cases shall be heard in the first instance on the lowest possible level, consistent with the principle that the responsibility for judicial action be as close to the governed as possible.

2. It will exercise appellate jurisdiction when one of the parties to a controversy, or the Dean of Students, submits a request through the Secretariat of the Judiciary Council, in accordance with the policy of appeals as defined in Article V of this Charter.
- Sec. 5. Within one to three years after the ratification of the Charter of the Judiciary Council, study shall be initiated by the Senate Committee on Student Affairs, or an organization which it designates, as to the possibility of integrating the jurisdiction over infractions arising out of the operation and activities of student organizations with the jurisdiction over individual conduct now exercised by the All-University Student Disciplinary Committee.

Article II. Authority for Review and Recommendation

- Sec. 1. Non-compliance of a student organization with policies or regulations of the University of Minnesota established by committees, departments, or agents other than the Senate Committee on Student Affairs, or with decisions by University administrative officers based on other than Senate Committee on Student Affairs regulations or policies shall be heard by the Judiciary at the request of either party concerned.
- Sec. 2. The All-University Judiciary Council shall have the power to make recommendations to either or both parties for resolution of the problem.
- Sec. 3. Recommendations of the All-University Judiciary Council in these cases will be reviewed by the Senate Committee on Student Affairs before being forwarded to the parties concerned.

Article III. Composition

- Sec. 1. The All-University Judiciary Council shall be composed of four students and three faculty members, the latter ranking as instructor or above, and a non-voting Secretary. Of the voting membership, one must be a faculty member from the Law School and one must be either a student or faculty person from the St. Paul Campus. Graduate students shall be eligible to serve as student members.
- Sec. 2. The members of the Judiciary Council shall be selected as follows:
 1. The President of the University shall appoint the student members of the Judiciary Council upon recommendation of the All-University Congress. This recommendation shall be made at the same time as, and by procedures similar to those used for, the selection of students to be recommended by the Congress to the President for Senate and Administrative Committees. The recommendations by the Congress must be made in accordance with the specifications of this Charter and consideration for attaining the broadest possible composition of the Council in terms of college, living area, organizational contact, and experience.
 2. The President of the University shall appoint the faculty members of the Judiciary Council at the same time that he appoints the student members. Selection of faculty members must be in accordance with the specifications of Article III, section 1, and should represent a broad coverage of the various colleges.
 3. The Secretary shall be a professional person appointed by the President of the University from the staff of the Dean of Students.
 4. In the event of a vacancy in the membership of the Judiciary Council in midterm, the Judiciary Council shall inform the proper authority (the All-University Congress or the President of the University). Such vacancies shall then be filled in accordance with the appropriate procedures for selection.
- Sec. 3. To be eligible for membership on the Judiciary Council a student must:
 1. Be regularly enrolled as a student of the University of Minnesota;
 2. Meet the All-University eligibility requirements; and
 3. Certify that it is his present intention to be in residence at the University as a student for the length of the term for which he is applying.
- Sec. 4. The term of office for members of the Judiciary Council shall be governed as follows:
 1. Three faculty members and two student members shall be appointed to serve a term of two years. Two student members shall be appointed to serve a term of one year. In the initial selection of members, however, two faculty members shall be appointed to serve a term of two years and one faculty member shall be appointed to serve a term of one year, and the All-University Congress shall recommend to the President one student to serve a term of two years and three students to serve a term of one year in order that the terms may subsequently be alternated so as to insure continuity of membership. The term of office of members of the Judiciary Council in succeeding years shall be subject to the previously mentioned specifications.
 2. The term of office of each member shall begin on the first Monday following the announcement by the President of his appointment, and shall be terminated when the appointment of his successor becomes effective.
 3. The term of office of the Secretary shall be indeterminate, the Secretary remaining in office at the discretion of the President of the University.
 4. During the term of office, any member may disqualify himself from sitting on a particular case on the grounds of close association with or involvement in the case to be considered.
 5. A member shall be allowed to serve his term during good behavior; however, he may be removed from office by the President of the University upon recommendation by a majority vote of the All-University Congress and the Senate Committee on Student Affairs.
- Sec. 5. The Judiciary Council shall elect its own chairman from among its student members to serve a term of one year. The Chairman shall preside over the meetings, voting only in case of a tie.
- Sec. 6. Five voting members of the Judiciary Council shall constitute a quorum.
- Sec. 7. The first official meeting of the Judiciary Council shall be called by the Secretary within two weeks subsequent to the date at which the appointments of members become effective. After the election of a Chairman, meetings may be called by him or by the Secretary.

Article IV. Secretariat

- Sec. 1. The Secretary of the All-University Judiciary Council shall set up a permanent agency known as the Secretariat of the Judiciary Council.
- Sec. 2. The duties of the Secretary shall include the following:
 1. To provide assistance and make recommendations to the All-University Judiciary Council and its chairman in the determination of correct jurisdiction for a disciplinary situation, preparation of agendas or dockets, preparation of relevant materials, and arrangements for meetings.
 2. To maintain necessary centralized records of disciplinary incidents and actions occurring on the campus.
 3. To assist in preparation and presentation of cases.
 4. To consult with individuals and groups referred to, or asking for a hearing by, the Judiciary Council; and to consult with appropriate University officials concerning disciplinary cases occurring in the areas of their responsibility.
 5. To advise the Judiciary Council as to alternative types of action consistent with University regulations, organization, and experience with student discipline and rehabilitation.
 6. To follow up the actions of the Judiciary Council.
- Sec. 3. The Secretary shall have the right to attend all meetings of the Judiciary Council with the privilege of participation in its deliberations in accordance with the duties of the Secretary as outlined in Section 2. This privilege shall not include the rights of the vote and the original motion.
- Sec. 4. The duties of the Secretary shall be executed in the name of the Judiciary Council, and shall be subject to review by the Judiciary Council.

Article V. Procedures

- Sec. 1. In accordance with the Conduct Control Policy, organization officers and staff members of the Student Activities Bureau will endeavor to secure compliance with policies, regulations, and administrative rulings. Instances of non-compliance shall be reported by student officers, faculty advisers, and staff members of the Student Activities Bureau to the judiciary body having jurisdiction. Appeals from organizational and intermediate judiciaries may be made by either students or staff members, and must be presented in writing to the Secretary of the Judiciary Council. Here a determination will be made, subject to the consultation and reviewability clauses previously set forth in Article IV of this charter, concerning the appropriateness of requesting a rehearing before the judiciary whose decision is being appealed, or placing the case on the docket of the Judiciary Council, or of refusing to grant the appeal.
- Sec. 2. Any appeals from the decision of the All-University Judiciary Council shall be made to the Senate Committee on Student Affairs in accordance with the appeal procedures of that body.
- Sec. 3. The following shall be the recognized grounds for appeal to the All-University Judiciary Council:
 1. the decision violates an over-riding University policy or regulation;
 2. the decision was based on a policy or regulation which does not apply;
 3. evidence not available at the time of the decision, but now available, would effect the decision itself;
 4. the case was initiated or conducted according to improper procedure;
 5. the decision embodies an inappropriate penalty; or
 6. the decision is contrary to the weight of evidence.
- Sec. 4. Appeals based only on (3) above, "Evidence not available at the time of the decision, but now available, would affect the decision itself," shall be brought for review before the body whose decision is being appealed.
- Sec. 5. Appeals must be requested within ten class days after the hearing in a lower court, and, if granted, must be heard by the Judiciary Council within thirty class days after receipt of the written request.
- Sec. 6. In order that procedures may be developed for regularizing the operation of the Judiciary Council, the Judiciary Council shall be required to draw up and submit to the Senate Committee on Student Affairs a set of by-laws before commencing its judicial activities. No cases may be heard by the Judiciary Council prior to approval of these by-laws by the Senate Committee on Student Affairs.
- Sec. 7. The Judiciary Council shall submit a yearly report of its operations

to the All-University Congress and the Senate Committee on Student Affairs at least two weeks before the expiration of the regular terms of its members.

- Sec. 8. The operation in theory and in practice of the All-University Judiciary Council shall be reviewed at least every two years by the All-University Congress and the Senate Committee on Student Affairs separately.

Article VI. Amendments

- Sec. 1. Amendments to this Charter may be proposed to the Senate Committee on Student Affairs by any student organization on the campus upon a vote of a majority of its membership.
- Sec. 2. Such amendments shall become effective when approved by the Senate Committee on Student Affairs.

Article VII. Ratification

This Charter shall become effective immediately upon approval by the Senate Committee on Student Affairs.

2. APPEAL PROCEDURES FOR STUDENT ORGANIZATIONS

Preamble

By constitutional provision the Board of Regents delegates to the Senate and to the Senate Committee on Student Affairs broad powers to establish policies governing the operation and supervision of student organizations and student affairs. The Central Administration of the University has assigned to the Office of the Dean of Students responsibility for helping student organizations develop programs and conduct activities within the framework of the University policies including those of the Senate and of the Senate Committee on Student Affairs. The Office of the Dean of Students assists committees and administrative agencies of the University to gain compliance with University policies on the part of student organizations.

The Basic Policy Concerning Student Organizations and Their Activities, approved by the Senate, grants to student organizations the right of appeal from decisions and actions affecting their operations. Appeals may also be made on the substance of a policy. In exercising these rights, the student organization shall observe the following procedures established by the Senate Committee on Student Affairs.

This document shall not be interpreted to be in conflict with the Basic University Policy Concerning Student Organizations and Their Activities.

Classification of Appeals

Appeals fall into two major classifications:

- I. Appeals on the substance of a policy.
- II. Appeals on the applications or interpretations of policy and from administrative decisions involved in enforcement of policies and regulations of the University.

The appellants shall declare in advance and in written form, according to the procedures outlined below, on which basis they wish their appeal to rest. Once such selection is made, the procedural course appropriate to it shall be followed.

I. Appeals on the Substance of a Policy

A. Definition

Appeals on the substance of a policy may challenge the merits of any established policy, rule, or regulation of the Senate or Senate Committee on Student Affairs and other University legislative bodies. The appellant may (a) propose a specific revision in the policy or (b) recommend the elimination of the policy or (c) propose the establishment of an entirely new policy.

B. Procedure

1. Appeals on the substance of a policy shall be made in the first instance to the Senate Committee on Student Affairs.
2. The appeal must be presented in writing to the Chairman of the Senate Committee on Student Affairs.
3. The Secretary of the Senate Committee on Student Affairs shall notify the appellants of the time and place for the hearing. Appellants may be represented by counsel and shall have full opportunity to present oral arguments in addition to their written brief.
4. The Senate Committee on Student Affairs may approve the proposed changes or reaffirm its own policy.
5. Appeals beyond the Senate Committee on Student Affairs on the substance of its own policy may be taken to the University Senate, according to the established procedures of that body. The right to appeal on the substance of a policy may be exercised both by recognized student organizations and by administrative officers whose activities and programs may be affected by the policy. In hearing appeals on the substance of a policy, the Committee shall consult with both student organization representatives and administrative officers.
6. After hearing appeals based on the substance of policies established by bodies other than the Senate or the Senate Committee on Student Affairs, the Senate Committee on Student Affairs shall make recommendations to the proper legislating body.

C. Time Limits

The initial hearings of the appeal of the Senate Committee on Student Affairs must be held within ten (10) class days of the receipt of the request for such a hearing. Action upon the appeal must be taken by the Committee within thirty (30) class days following the submission of the written request. Appeals received less than ten (10) class days before the final examinations of Spring quarter shall be heard during the first thirty (30) class days of Fall quarter.

II. Appeals on the Application or Interpretation of Policy and from Other Administrative Decisions

A. Appellate Bodies

1. The Senate Committee on Student Affairs has jurisdiction over matters of policy and regulations relating to student organizations and student activities including broad judicial powers. Through the establishment of the Conduct Control Policy and by endorsement of the charters and constitutions of specific organizations, the committee on Student Affairs delegates judicial powers to student organizations, intermediate judiciaries, and to the All-University Judiciary Council.
2. Appeals on the application or interpretation of policy and appeals from administrative decisions may be made in ascending order to the following bodies which have judicial and appellate powers as delegated:
 - (1) Judiciary body of a student organization
 - (2) Intermediate governing board or co-ordinating council judiciary body (e.g. Dormitory Judiciary Board, I.F.C. Judiciary, etc.)
 - (3) All-University Judiciary Council
 - (4) Senate Committee on Student Affairs

B. Definition and Grounds for Appeal

1. Appeals from decisions affecting student organizations may be made by organizational officers, administrative officers of the University, or individual students. Any one or all of the following grounds may be alleged by the appellant(s) as the basis for an appeal:
 - a. The decision violates an overriding University policy, regulation or ruling.
 - b. The decision is based upon a policy which does not apply.
 - c. The decision embodies an inappropriate penalty.
 - d. Evidence not available at the time of the decision, but now available, would affect the decision itself. (Appeals based solely on this ground shall be brought for review before the body whose decision is being appealed.)
 - e. The decision is contrary to the weight of evidence.
 - f. The case was initiated or conducted according to improper procedures.

C. Procedures and Time Limits

(These procedures and time limits apply to all appellate bodies as defined in II-A. Additional or more specific procedures may be adopted by appellate bodies provided these broad procedures and time limits are not violated.)

1. All appeals must be submitted in writing to the chairman or secretary of the appropriate appellate body and to the appellee within ten (10) class days after the decision in question. The written statement must include all grounds for the appeal which is being presented. The appellee then has 10 (class) days after receipt of such notice of appeal to submit to the Secretary or Chairman of the appropriate judiciary body all the reasons why the appeal should not be granted with a duplicate copy to the appellant.
2. Appeals initiated by administrative officers of the University shall be reported through the channels indicated in the preamble to this document.
3. Appeals from decisions made by administrative officers, but not based on a Senate or Senate Committee on Student Affairs policy shall be referred only to the All-University Judiciary Council and not to lower judiciary bodies.
4. The appellate body shall operate under general judicial procedures wherein the appellants have the right to counsel and full presentation of their case. The judiciary body shall also hear all other parties to the dispute. Neither the appellants nor counsel shall participate in the subsequent deliberations of the appellate body except at the request of the chairman.
5. If an appeal is denied, the appellants may submit an appeal to the next highest appellate body as defined in II-A of this document. In such instances, the chairman of the judiciary body receiving the appeal shall notify the chairman or secretary of the judiciary body whose decision is being appealed. This latter judiciary body shall then submit to the higher judiciary body a summary of its proceedings and findings on the case in question.
6. Appeals must be heard within thirty (30) class days after receipt of the written request except that appeals received less than ten (10) class days before the final examinations of Spring Quarter shall be heard during the first thirty (30) class days of Fall Quarter.
7. No appellate body, except the Senate Committee on Student Affairs, will reopen and reconsider any judicial action taken or will rehear a case once a decision has been made unless:
 - (1) such a rehearing is ordered by a higher judiciary or by the Senate Committee on Student Affairs, or
 - (2) the appeal is based upon the single ground that evidence not available at the time of the decision, but now available, would affect the decision itself.

KENNETH E. CLARK, Chairman

V. NEW BUSINESS