



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
614 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
Telephone (612)373-3226

SENATE CONSULTATIVE COMMITTEE

October 20, 1983
626 Campus Club
1:15 - 3:00

AGENDA

- 1:15 1. Minutes of October 6 (meeting and conversation; enclosed)
2. Report of the Student Chair
3. Report of the Chair
- 1:30 4. Review of the Sexual Harrassment Board and Procedures
(Enclosed: pages 36-41 of the Senate minutes of
April 16, 1981 including motion of establishment,
policy statement, procedures, and comment.)
- 2:15 5. Discussion of the Task Force Report on Information
Processing and Management. We hope to have
Professor Scott with us. (Copies of the report
have been circulating among SCC members. Call
Meredith if you need access to a copy. See also,
in SCC circulating file, Vice President Keller's
letter dated October 11.)



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MINUTES
SENATE CONSULTATIVE COMMITTEE

APPROVED 11/3/83

October 20, 1983
626 Campus Club
1:15 - 3:15

Members present: Charles Farrell, Virginia Fredricks, Phyllis Freier, Van Hayden, John Howe, Julie Iverson, Marvin Mattson, Lisa McDonell, Jack Merwin, Paul Schulte, Scott Singer, Donald Spring, Deon Stuthman, Burt Sundquist.

Guests: Rick Bale, Julie Bates, Alice Edwards.

1. The minutes of the SCC's October 6 meeting and conversation with President Magrath were approved as distributed.

2. Report of the Student Co-Chair. Paul Schulte.

- Student government is preparing for a vote on the constitution of the Student Senate.
- Siggelkow Student Leadership Retreat will have over 130 University student participants.
- Student representatives to the Board of Regents will be chosen in November.
- Student concern exists over the burning on campus of low-level radioactive waste.
- Mr. Schulte introduced Julie Bates and Alice Edwards, student members of the Sexual Harrassment Board.
- Regarding the Student Experience Task Force, the students and Professor Howe are developing a letter to send Dr. Wallace expressing continuing concern regarding the direction of the task force. Mr. Schulte asked that Vice President Wallace be invited back soon for further discussion with SCC.

Mr. Farrell reported that the Morris Campus Student Association has registered by letter its complaint regarding the method by which a UMM student was chosen to serve on the task force. They are also upset to learn of the non-attendance of that student rep.

3. Report of the Chairperson. John Howe.

- The President has disbanded the anonymous committee which selected Regents professors and will reconstitute a non-secret committee in time to deal with any opening in Regents' professorships.

4. Sexual Harrassment Policy and Procedures: review due.

(Background material distributed in advance, Senate minutes of April 16, 1981.)

Professor Howe reported that Professor Bognanno, chairperson of the Faculty Affairs Committee, has proposed that SCC and SCFA jointly develop a committee to do the required review, both because of the importance of the issue for the University community and because of SCFA's heavy agenda this fall.

Professor Fredricks moved the SCC ask the Faculty Affairs Committee to establish an extended subcommittee to deal with the review. SCC will suggest to SCFA that the constituencies represented include the Faculty Affairs Comm., the students, the civil service, and the Sexual Harrassment Board (presumably one representative from each category). The request to SCFA should refer to the Senate's 1981 action and the need for a motion to the Senate by the spring of 1984.

The motion was carried without dissent.

Additional comments related:

- The Sexual Harrassment Board itself intends to hold open hearings for faculty and students to speak on the question. (Ms. Bates)
- The Board is best informed on how the procedures work. (Prof. Freier)

5. Report of the Task Force in Information Processing and Management.

Guest: Professor Tom Scott, Chairperson of the Task Force.

Professor Howe told Professor Scott the SCC is interested both in the relationship of the report to Senate committees and in the substance of the report. Professor Scott explained that a meeting is presently being arranged between Vice President Keller and the whole task force. Until that meeting occurs, the ownership of the report is unclear.

Professor Scott noted there can be at least two distinctly different reasons for forming task forces: to gather information, and to build a political basis for something.

SCC members are interested in finding ways for appropriate parts of the Senate structure to respond to the work of task forces. Professor Scott commented that neither the Senate nor central administration will give up its ability to set its own agenda and pursue questions independently.

Asked in what way the Senate should pay attention to the Report of the Task Force on Information Processing and Management, Professor Scott singled out:

- Financial implications. Following the recommendations would mean investment for a new program at a time when the University is cutting back elsewhere. The Senate ought to be interested in the process by which such decisions are made.
- The proposal for leasing faculty across existing unit lines. That may have some relation to the question of faculty revitalization and of how to generate progress in a time of contracting means.
- How to deal with the faculty and the students of a program being ended.

Professor Howe added the question of

- Where the proposed interdisciplinary unit would report.

A timely opportunity missed. Professor Spring remarked that the Senate some time ago, through its Educational Policy or Library Committee, should have initiated a review based on programmatic concern, before the University came to the resource allocation issue. When it became evident from the college plans that the existing program would be phased out, he recalled, people asked how the University could consider closing its library school at the time we are moving into an information age.

Professor Scott mentioned that at some universities there were faculty or administrators who saw the impending fiscal dangers and worked to constitute a revised program that would be viable in changed financial circumstances.

Other questions and comments. Mr. Hayden requested documentation of how a "significant undergraduate teaching mission would generate revenue for the other elements of the new program," as the report authors claim. Professor Scott replied that one could make the case that money ought to come to the unit by virtue of its service contribution. Minnesota can learn from other schools in this respect, he said.

In response to another question, Professor Scott said he did not know why there were no students on the task force.

Mr. Singer asked why there could be no member of the Library School on the proposed advisory committee. Professor Scott said the task force did not want to constrain whoever would constitute the advisory committee, but noted the report says the body could include current members of that faculty.

Mr. Singer also asked what would encourage students to take advantage of the service courses which would not count toward their major requirement. Professor Scott replied that the task force held the naive hope that if courses were good students would want to take them. Or, other programs might incorporate the courses into theirs.

Ms. Iverson said she believed students would want to take such courses and that the policy on the proportion of instructional cost students would have to pay would be critical in their determining whether they could afford what they wanted.

Ms. Iverson noted the importance of the proposed program in outreach and of its availability through extension classes, points not addressed in the report. Professor Scott said he agreed those were important and said the task force discussed that aspect but did not carry it far enough for incorporation into the report.

Professional degrees. Professor Howe asked whether the proposed new program was a first step toward a professional degree program.

Professor Scott said the degree program envisioned is a masters degree with an 'information' designator. The task force also foresees something in terms of a degree program for undergraduates. But, he said, task force member Gerald Kline persuaded the group the program should not start with those, but rather with the assembling of a core faculty, and some Ph.D. students, to develop an intellectual basis and intellectual coherence to the program. Following progress along this line other programs, including a masters degree, should be developed. He stressed that the task force doesn't want to risk the program's rapidly turning into a degree mill. The intention is to develop the program in a deliberate way, building upon the expertise of the participants, and to structure initially against being a service unit.

Even if nothing happens as a result of the task force's report, said Professor Scott, a lot of related work will go on in pockets of the University.

SCC response to task force reports generally.

SCC briefly discussed how it wanted to deal with the various task force reports already in and those anticipated, and where to direct committee response.

- Professor Fredricks asked that SCC attend to reports which cross college lines since no other faculty group will be doing so.
- Professor Stuthman urged SCC not to treat lightly the question of what to do with its discussions on such reports.
- Professor Howe suggested SCC might send a ^lprécis of ... questions and issues the committee identified to the Vice President of Academic Affairs, or to the Educational Policy Committee, or to both.

The meeting adjourned at 3:15.

Respectfully submitted,

Meredith Poppele, Executive Assistant



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
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October 25, 1983

Professor Mario Bognanno
Chairperson, Senate Committee on
Faculty Affairs
537A Management and Economics

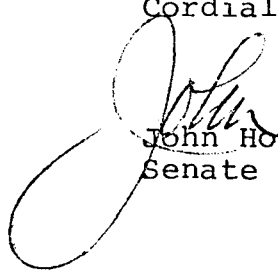
Dear Mike:

On October 20, the Senate Consultative Committee discussed the review of the Sexual Harrassment Board and Procedures. The original Senate legislation of April 1981 calls upon a subcommittee of SCFA "to report to the University Senate at the end of three years when the term of these procedures expires." The legislation also indicates that the subcommittee should contain two students and one civil service person in addition to an unspecified number of faculty.

Our suggestion is that you appoint what might be called an "extended" subcommittee which, in addition to the students and civil service person, would include at least one faculty member from SCFA and one faculty member from the Sexual Harrassment Board itself, plus several other faculty "at large." We also suggest that such a group should bring in a report and recommendations to SCFA in time for appropriate action at the spring meeting of the University Senate.

If I can be of help to you or the ad hoc group, please let me know.

Cordially,


John Howe, Chairperson,
Senate Consultative Committee

JH:mbp

cc: Carol Pazandak
Anne Pick

April, 1981

**IV. PROPOSED REVISION
UNIVERSITY SENATE CONSTITUTION, BYLAWS, AND RULES
(5 minutes)**

MOTION:

To amend the present Constitution, Bylaws, and Handbook by substituting the proposed Revision (as amended) of the University Constitution, Bylaws, and Rules.

INFORMATION:

At its February 19 meeting, the Senate approved by majority vote the proposed Revision of the University Senate Constitution, Bylaws, and Rules (*Minnesota Daily*, January 6, 1981) and certain amendments (*Minnesota Daily*, February 9 and 12, 1981). The amendments included (1) continuing membership on the Consultative Committee and the Committee on Committees for Crookston and Waseca, (2) a change in registration requirements for Continuing Education and Extension senators, (3) notice in the *Daily* or the *Daily Bulletin* of committee meetings, (4) establishment of a Committee on Services for the Handicapped, and several editorial changes. The Constitution provides that a majority of the membership must approve amendments at each of two consecutive meetings.

W. D. SPRING, Chr.
Joint Subcommittee on Senate Reorganization

The proposed revision was approved by a majority of the membership of the Senate. It had been approved by a majority of the membership at the February 19 meeting. Thus the requirement for a majority at two consecutive meetings was met.

**V. SENATE COMMITTEE ON FACULTY AFFAIRS
SENATE CONSULTATIVE COMMITTEE
SEXUAL HARASSMENT POLICY & PROCEDURES
(20 minutes)**

MOTION:

That the Senate endorse the Policy Statement on Sexual Harassment and the Procedures for Handling Complaints of Sexual Harassment Against Academic Staff presented below. The Procedures statement lists three options concerning participation of student, civil service, and academic professional-administrative members of the Sexual Harassment Board in those cases in which the complainant is not a member of their own class. The Senate must choose among these options.

POLICY STATEMENT ON SEXUAL HARASSMENT

Sexual harassment in any situation is reprehensible. It subverts the mission of the University, and threatens the careers of students, faculty, and staff. For the purposes of this policy, sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Sexual harassment is especially serious when it threatens the relationship between student and teacher or the relationship between a supervisor and his or her subordinates.

Here sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's relationship to his or her students or subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or a supervisor can have a decisive influence on a student's or staff member's success and future career at the University and beyond.

When a person is subjected to unwanted sexual attention, a situation is created that may have devastating implications for individual students and staff, and for the academic community as a whole. Through fear of reprisal, a student, staff, or faculty member may submit to unwanted sexual attention at the price of debilitating personal anguish or may withdraw from a course or position and thus be forced to change plans for a life's work.

Conversely, a teacher or supervisor may be inhibited from developing a close and professionally appropriate relationship through fear of initiating a misunderstanding as to sexual harassment. In some cases a person against whom a complaint is directed may be unaware that his or her behavior is inappropriate or coercive, or a person's actions or words may be misinterpreted by another. Such misunderstandings, if not resolved, can interfere with the educational and administrative process even when no actual harassment has taken place.

While sexual harassment most often takes place in a situation of power differential between the persons involved, this policy recognizes also that sexual harassment may occur between persons of the same University status, i.e. student-student; faculty-faculty; staff-staff.

Thus, in both obvious and subtle ways, the very possibility of sexual harassment may be deeply destructive to individual students and staff. Academic and career relationships may be poisoned by the subtle and destructive overtones of this problem. For all these reasons, the students, staff, and faculty of the University of Minnesota believe that reaffirmation of a firm stand against sexual harassment and the establishment of procedures specifically designed to resolve complaints of sexual harassment are critically important for this institution.

Just as the University is committed to securing for its students and staff a safe environment, one free of sexual harassment, it is equally committed to maintaining academic freedom, to protecting the personal beliefs of students and staff, and to protecting the expression of these beliefs. Conduct that falls within the protection of academic freedom does not constitute harassment. No student or staff member shall be punished or reprimanded because of his or her beliefs in matters of religion or public policy or because of expressions or conduct protected by the Constitution of the United States or the State of Minnesota, or by the principles of academic freedom.

Complaints of sexual harassment might be brought that have no merit. Students and staff must be protected against false and mischievous complaints. Justice requires that the rights and concerns of both complainant and respondent be fully assured. The University shall make every effort to assure and protect these rights, and shall undertake no action that threatens or compromises them.

This policy on sexual harassment applies to the entire University and to the conduct of students, civil service persons, and academic staff alike. The responsibility for administering the policy, however, varies with the status of the respondent. If the respondent is a student, the procedures for dealing with complaints will be found in A Statement of Standards of Student Conduct Enforceable by University Agencies, approved by the Board of Regents at its December, 1974, meeting. If the respondent is a civil service employee, the procedures are outlined in the Civil Service Rules as amended by the Board of Regents at its January, 1981, meeting. Finally, if the respondent is a member of the academic staff, the procedures are set forth in the document entitled, "Procedures for Handling Complaints of Sexual Harassment Against Academic Staff."

**PROCEDURES FOR HANDLING COMPLAINTS OF SEXUAL HARASSMENT
AGAINST ACADEMIC STAFF**

Scope: These procedures are applicable to complaints by students, civil service persons, and academic staff against academic staff and apply to the conduct of academic staff in their capacity as members of the academic staff of the University of Minnesota. In all

proceedings regarding allegations of sexual harassment the provisions of Sections 10, 11, 13, and 14 of the Regulations Concerning Faculty Tenure shall be faithfully observed.

I. An Entry Level Office

This Office shall be separate and distinct from any other office in the institution.

This Office shall be staffed by persons who will have legal training and counseling skills and such other personnel as are necessary for the effective operation of this Office.

This Office shall be established in the chain of authority of the Vice President for Academic Affairs.

The function of this Office shall be to disseminate information on the University's policies and procedures for dealing with sexual harassment and to receive all complaints alleging sexual harassment against academic staff. Such complaints may be brought by students, civil service persons, and academic staff. It shall be a duty of this Office to design forms and to maintain fair and adequate procedures to process a complaint if a complainant wishes to formalize it. It is also a function of this Office to discuss specific incidents in an informal fashion and to draw on other support and counseling services to assist complainants. Advice shall also be given of the details and consequences of formalizing a complaint. Counseling and informal discussion shall be an integral part of the functioning of this Office.

If the complaint cannot be resolved informally, this Office shall ask the complainant to submit a formal written complaint, including a statement of the alleged incident and the remedy desired. This Office shall ask the respondent to reply to the written complaint within ten days of the receipt of the complaint. The filing of such response shall be mandatory and the person responding shall be required to indicate denial in whole or in part, agreement with the assertions in whole or in part. Failure to respond shall be deemed a breach of academic responsibility requiring notice of such failure to respond to be given to the Academic Vice President by this Office.

Upon receipt of the response, this Office may further investigate the complaint and may schedule a meeting of the parties. Each party may have an advisor present at this meeting. This Office shall settle the formal written complaint in one of the following three ways:

1. It may dismiss the complaint as being without merit.
2. It may arrange for the parties to sign a written statement of agreement in which the parties resolve the differences between them according to terms set out in writing.
3. It may judge that the respondent acted in violation of the University Policy Statement on Sexual Harassment; in this case, this Office shall describe the nature of the violation, the evidence that supports its judgment and the sanction, if any, that it recommends that the Vice President for Academic Affairs apply in response to the violation. The judgment of violation and recommendation of sanction by this Office are advisory to the Vice President for Academic Affairs and have no final official standing. It is only the Academic Vice President who can officially find a respondent in violation of the University Policy on Sexual Harassment and issue a sanction.

Both parties shall be notified immediately in writing of the action of this Office.

If this Office dismisses the complaint and the complainant does not appeal the dismissal or if the parties sign a written statement of agreement, the file shall be closed. The material retained in the file shall include a copy of the formal written complaint, a copy of the respondent's reply, a statement of the action of this Office and a copy of any written agreements. This file shall be kept in a secure place and kept separate from the Academic Personnel Records.

If the complainant wishes to appeal the dismissal of the complaint, he or she may do so by filing a notice of appeal with the Sexual Harassment Board within ten days of written notification of the action of this Office. In the case of appeal, all materials shall be retained in the files and the files shall be forwarded to the Board.

If this Office finds that the respondent acted in violation of the University Policy or recommends a sanction, the Vice President for Academic Affairs shall be notified immediately. The Vice President may direct the Sexual Harassment Board to conduct a

hearing. Any hearing shall be conducted in accordance with basic and traditional principles of fairness and in accordance with procedures that guarantee full procedural due process to complainant and respondent.

Responsibility for reviewing the activities of the entry level Office shall be assumed by a subcommittee of the Senate Committee on Faculty Affairs, to which two students and one civil service person have been added. This subcommittee shall receive copies of all dispositions of cases and shall see that the University Policy on Sexual Harassment is administered properly and fairly by this Office. It is also the responsibility of this subcommittee to report to the University Senate at the end of three years when the term of these procedures expires.

II. The Sexual Harassment Board

The main body for hearing appeals of the actions of the entry level Office is a nine-person Board to be appointed by the President. In order to achieve continuity, the Board members shall be appointed for staggered terms of service varying in length from one to three years. The membership of the Board shall consist of five faculty members, one academic professional-administrative person, one civil service person, and two students. A Board member of any class (faculty, academic professional-administrative, civil service, or student) may participate in any hearing or appeal without regard to the class to which the complainant belongs.

The office of the University Attorney shall serve to advise the Board on substantive or procedural issues that arise under the University Policy on Sexual Harassment.

The primary function of the Board is to hear appeals and conduct hearings. The Board shall hear appeals from complainants whose complaints have been dismissed by the Office. The Board, upon request from the Academic Vice President, shall also review the findings and recommendations of the Office when the Office has found a respondent in violation of the Policy on Sexual Harassment or has recommended a sanction. The Board shall conduct full hearings when in the judgment of the Board or the Academic Vice President that is appropriate.

In carrying out its appeal and hearing function, the Board shall adopt hearing procedures that accord due process to every party and are consistent with the Procedures for Committees of the Senate. At least two appropriate models for such procedures are the "Model Rules of Procedure for Collegiate Level Academic Freedom and Responsibility Grievance Committees" (Report of the ad hoc Committee on Grievances, September 28, 1978, pp. 22-30) and the "Judicial Committee Rules of Procedure" (#271, November 8, 1979).

In reviewing an action or recommendation of the entry level Office, the Board may be required to make up to three determinations. It may be required to determine the truth or falsity of the evidence considered. Secondly, the Board may be required to decide whether the factual allegation constitutes a violation of the University Policy on Sexual Harassment. Lastly, the Board may be required to decide what if any sanction is appropriate.

III. Appeals

The complainant may appeal the action of the Office to dismiss his or her complaint to the Sexual Harassment Board. The respondent may appeal the actions of the Vice President for Academic Affairs to the Senate Judicial Committee. The respondent may appeal a ruling by the Academic Vice President that the respondent acted in violation of the University Policy on Sexual Harassment or may appeal any sanction proposed by the Academic Vice President. The Senate Judicial Committee shall hear the issues *de novo*.

IV. Sanctions

Violations of the University Policy on Sexual Harassment may be met with a variety of responses. The Academic Vice President may rule that a respondent acted in violation of the University Policy on Sexual Harassment and propose no further official action. If in the opinion of the Academic Vice President the violation is more serious and warrants more severe treatment, a number of sanctions may be imposed. Those could include a reprimand and suspension without compensation for a period of one quarter or longer. Acts of sexual harassment of an extremely serious nature may warrant criminal action and may warrant a recommendation of removal for cause.

V. Standard of Proof

A violation of this policy on sexual harassment shall be found only where there is a preponderance of evidence that a violation occurred.

VI. Limited Duration

We recommend that this policy and procedure be instituted for an initial three-year period and reviewed by the Senate at the end of that experience under these rules and procedures. We consider that such a provisional response to this problem is superior to constructing a permanent system at this time. We have come to this problem with a limited amount of factual information. Given the special nature of this problem, we believe that a provisional response such as we suggest will serve to supply the factual base and experience essential for a satisfactory long-term program for defining the problem with some accuracy and eliminating it.

COMMENT:

The policy statement explains why the University needs to develop a set of procedures for handling complaints of sexual harassment against academic staff. In late fall, 1979, at the request of the Senate Consultative Committee, the Senate Committee on Faculty Affairs appointed a subcommittee to develop such procedures. The faculty members were Leo Raskind, Law School (chr.); Dorothy Loeffler, Senate Committee on Educational Policy; Michael Root, University Appeals Committee on Academic Freedom and Responsibility; Sharon Satterfield, Human Sexuality Program; and Timothy Dunnigan, Senate Judicial Committee. The student members were Katherine Hadley, Law School; Elizabeth Keller, CLA; and Robert Spelhaug, Law School. This subcommittee devoted many hours to this assignment and met with several groups to discuss its various drafts. Three Senate Committees made substantial contributions: Social Concerns, Judicial, and Tenure. Dr. Betty Robinett, Assistant Vice President for Academic Affairs and a SCFA member, was also extremely helpful.

For personal reasons not related to the subcommittee work, in December, 1980, Professor Raskind asked to be relieved of his chair position. Professor Root agreed to serve as chair to complete the assignment.

The Senate Committee on Faculty Affairs received periodic progress reports from the subcommittee. In March, 1981, SCFA approved the final subcommittee report subject to a few amendments accepted by Professor Root and further discussion between the SCFA chair and the Senate Consultative Committee. The SCC has also been following closely the work of the subcommittee.

Two points deserve special comment. According to the Procedures statement, the standard of proof is a preponderance of evidence. This is the standard which the courts have applied in Title VII, Sex Discrimination in Employment.

Three options are presented on the membership of the Board because both SCFA and SCC prefer to leave this decision to the Senate. SCFA leans toward Option 1, SCC toward Option 3. Option 2 is a compromise position. The principal arguments in favor of having all members participate in all cases are that (1) all complainants will receive equal treatment, (2) members will become more experienced if they participate in all cases, and (3) the handling of these cases requires no special expertise. The principal arguments in favor of limiting participation to those members whose classes are involved in the case are that (1) either the complainant or the respondent may prefer to have only members of their class involved, and (2) the workload of the other members will be reduced. The first argument is strongest when both the complainant and the respondent are faculty members.

Both SCFA and SCC are deeply indebted to the subcommittee and to the many other persons who have worked on this extremely important and difficult issue.

C. ARTHUR WILLIAMS, Chair
Senate Committee on Faculty Affairs

MARCIA M. EATON, Chair
Senate Consultative Committee

Approved

In Section II, The Sexual Harassment Board, the Senate added a provision that a Board member of any class could participate in hearings or appeals without regard to the class to which the complainant belonged. The other options were (1) "Members of the Board who are not faculty members shall participate only in those appeals or hearings in which the complainant is a member of their own class (i.e., an academic professional-administrative person, a civil service person, or a student)" and (2) "Members of the Board shall determine by majority vote who shall participate in each case, but the Board shall always include those members belonging to the class of the complainant and the respondent."

VI. SENATE JUDICIAL COMMITTEE CONFIDENTIALITY RULE

INFORMATION:

At its February 19, 1981, meeting, the Faculty Senate voted without dissent to amend the Regulations Concerning Faculty Tenure to allow the Judicial Committee to provide in its rules for a system of making its hearings and findings public. Unless any such proposed rule or amendment is deferred by majority vote of the Faculty Senate, it shall become effective ten days after a meeting of the Faculty Senate in which it appeared in the published agenda. The Regents approved this measure at their meeting of March 16, 1981. In anticipation of this action, the Judicial Committee, on March 5, 1981, amended several sections of its Rules of Procedure to provide for open hearings and for publication of its findings and recommendations as follows: (underlined words added)

Rule 6. Representation and Attendance at Hearings

(d) ~~Faculty Organization Observers.~~ Upon request of either party, or at its own initiative, the panel may permit designated representatives of education associations, organizations of faculty members, the Office of the Vice President for Academic Affairs, or other interested groups, to present their views on the issues before the panel, if any, that transcend the particular case. The panel may require these views to be presented in writing only, with a copy to each panel member. ~~In addition, designated representatives of such interested groups may be permitted by the panel to attend the hearing in the case on the understanding that such representative agrees to abide by the restrictions on publicity stated in Rule 17. Faculty, students, administrators, and members of the public at large may be permitted to attend the hearing in the case, except as provided in Rule 17, and on the condition that the proceedings can be conducted in a decorous manner consistent with due process.~~

~~(e) With the permission of the panel, other members of the Judicial Committee may be observers.~~

Rule 15. Procedures at Hearing

~~(j) Attendance at Hearings. Attendance of persons other than the parties and witnesses shall be limited to those persons accorded status of participant under Rule 6.~~

Rule 17. Principle of Confidentiality. Public Nature of Findings and and Recommendations and of Hearings

(a) General Goals. Public discussion or publicity about a case before the Judicial Committee might result in the loss of the privacy of faculty members, students, administrators, and others who appear as parties or witnesses in evidentiary hearings and might create pressure on potential witnesses and Committee members to testify or decide matters in ways that would not otherwise occur. On the other hand, it may be necessary or desirable to acquaint a broader audience with the fact of the filing of a complaint or to discuss broad—broadly matters of policy that are raised by individual cases. In any event, the overriding principle to be applied, concerning openness of hearings, is that a fair and just resolution of the case be reached through due process.