1964

A resolution recommending abolition of the University Conduct Board (Judicial Board), the Judicial Appeals Council, and the authority of the Association of Women Students to consider matters involving a penalty of suspension of dismissal; the establishment of a new hearing board, and provision for ad hoc medical boards.

University of Rhode Island Faculty Senate

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UNIVERSITY OF RHODE ISLAND
FACULTY SENATE

Transmittal Form for Resolutions Approved by the Faculty Senate

From: The Chairman, Faculty Senate
To: The President, Dr. Francis H. Horn
Enclosure.

1. The attached resolution, entitled A resolution recommending abolition of the University Conduct Board (Judicial Board), the Judicial Appeals Council, and the authority of the Association of Women Students to consider matters involving a penalty of suspension or dismissal; the establishment of a new hearing board, and provision for ad hoc medical boards, is hereby forwarded to you for your consideration.

2. The official original and 3 copies for your use are attached.

3. This resolution was approved by vote of the Faculty Senate on May 14, 1964.

4. After your consideration, will you kindly indicate your approval or disapproval, as appropriate, and return it, completing the appropriate endorsement below.

   May 19, 1964
   (date)

   (Signature) Chairman, Faculty Senate

Endorsement 1.

From: The President, University of Rhode Island
To: The Chairman, Faculty Senate

1. Returned.
2. Approved.
3. (If approved) In my opinion, transmittal to the Board of Trustees would not be desired by the Board and is unnecessary.

   June 4, 1964
   (date)

   (Signature) President, Univ. of R. I.

Received June 10, 1964
   (date)

   (Signature) Chairman, Faculty Senate

Original forwarded to Secretary of the Senate and Registrar, E. Farrell, for filing in the archives of the University.

   June 11, 1964
   (date)

   (Signature) Chairman, Faculty Senate
REPORT OF THE FACULTY SENATE SPECIAL COMMITTEE ON STUDENT DISCIPLINE

May 14, 1964

References: Univ. Manual, 7th edition draft
(a) Conduct Board (Judicial Board): page 52, 3.1, paragraphs 3 and 4; and page 21, 3.75.5.

(b) Judicial Appeals Council: Page 82, 3.1 paragraphs 3 and 4; and pages 21, 22; 3.76.6

Disposition: The Senate voted to approve the following portions of the Committee's report, as amended, and to forward them to the President, as a resolution, without implying a specific time for implementation.

Fifth:

On the specific charge of the Senate to study the University Conduct Board and the Appeals Council, the Committee gave considerable attention to both the legal and practical aspects involved in the use of such hearing boards. The present law enunciated by the Federal Courts states that after admission to a State university, a student has a property right in continuing his education there and that this right is subject to the protection of the Fourteenth Amendment to the Federal Constitution; that this right can only be terminated with the exercise of due process of law. The courts have stated that dismissal or suspension from a State university deprives the student of this right and that he is, therefore, entitled to a hearing; that such hearing does not have to be a judicial proceeding; that the formal rules of evidence do not apply, for example, but the hearing must be "fair" in the accepted judicial sense. While this Committee does not believe that any student has been dismissed from this university "unfairly", it does take the position that such unfairness might be possible at some future time under the existing system.

In considering the practical aspects of the present system, the Committee concluded that the present Student Conduct Board and Appeals Council were too large; that sizeable committees may be necessary where subcommittees are in order, but otherwise only serve as a means of diffusing responsibility. It was also determined by the Committee that where not preceded by a formal judicial hearing conforming to strict rules of procedure, in the course of which complete transcripts are made, an appeal is not possible in the usual sense and in practice usually becomes a hearing de novo - a new trial from the beginning. Here again, no useful purpose is served and only diffusion of responsibility and uncertainty as to the "fairness" of the hearing result.

It is therefore the recommendation of this Committee that the University Conduct Board and the Appeals Council, that the Judicial Board of the Association of Women Students be prohibited from considering any matter involving a penalty of suspension or dismissal, that a single new hearing
board be constituted to handle all cases of student discipline involving suspension or dismissal; that this board hear all such matters, whether the student be male or female; and that such board be constituted as follows:

Two members of the Teaching Faculty appointed by the Faculty Senate.
Two members of the student body appointed by the Student Senate.
A participating Chairman of Professorial rank appointed by the President of the University.

In addition, alternates should be provided for each position in the same manner; all appointments should be made for staggered terms; no member of the Division of Personnel Services should serve; only the entire board should constitute a quorum. The facts of the particular disciplinary offense should be presented by the appropriate member of the Student Personnel Services. Another member of this Division should be present at each hearing to consult with and advise the board. The board should make a finding as to guilt or innocence, and in the event of a determination of guilt, should designate an appropriate punishment. An actual majority vote of the board should be necessary for suspension or dismissal of the student. An appeal board should also be established consisting of five members chosen in the same manner as the hearing board together with a like number of alternates. To prevent the appeal procedure from becoming a de novo hearing, a student desiring to appeal should be required to file a detailed written statement alleging specific unfairness (each allegation specifying a particular right of the student which has been denied in the hearing conducted before the lower board), or fraud before the hearing board, or the development of new evidence not previously available which would have materially affected the decision of the board. The appeal board may hear evidence in support of these specific allegations at its discretion. In the event that the appeal board concludes that a new hearing is justified, it may return the matter to the conduct board for a rehearing; the appeal board might also dismiss the appeal on the basis of the statement of appeal alone. It should further be provided that the President of the university may review the matter and may approve the findings and the penalty, or might reduce or remove the penalty and that only in the event of an affirmative showing of fraud or mistake should he return the matter to the appropriate board for reconsideration. The student should be entitled to notice in writing of the charges against him a reasonable time prior to the hearing, should be allowed to present evidence and witnesses in his own behalf, and should be entitled to student or faculty counsel before and during the hearing.

Sixth:

The Committee further recommends that the President of the university shall, upon request of any student called for hearing before the above-recommended board, or upon the request of the Dean of Students or the Associate Dean of Students, appoint a medical board to determine whether or not such student should properly be heard before such board, or in appropriate cases, should be suspended or dismissed from the university for medical reasons without hearing before the first-mentioned board.
June 4, 1964

Professor H. Perry Jeffries  
Chairman, Faculty Senate  
Narragansett Bay Campus

Dear Perry:

I am returning herewith Faculty Senate Serial #36 concerning modifications in our handling of student disciplinary cases. I am approving the fifth portion of the Faculty Senate Special Committee on Student Discipline, which was passed on May 14. I am, however, sending back, disapproved, the sixth item in the report which proposes the establishment of a medical board. I have the feeling that, under this proposal, any student up for suspension or dismissal could ask for a medical hearing, claim temporary instability, get treatment from a psychiatrist, something very easy to do, and remain in school. But even more important than this possibility of getting around justice by pleading medical reasons, is the fact that we really could not convene a board properly qualified to judge such matters. If it would appear to the student personnel people that particular conduct has been influenced by reasons requiring consultation with medical authorities, I am sure that proper professional counsel would be obtained before charging the student and convening the ordinary board.

When I have heard from the Student Senate and the Faculty Senate as to the members appointed to the hearing board and the appeal board, I shall announce my appointments as chairman of each body.

Cordially yours,

Francis H. Horn  
President

cc: Professor Robert W. Harrison  
    Dr. John F. Quinn  
    Dean Edward C. McGuire

Attachment