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February 8, 1968

University of North Dakota

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MINUTES OF THE UNIVERSITY SENATE MEETING

February 8, 1968

(NOT TO BE MADE AVAILABLE TO NON-FACULTY MEMBERS)

1.

A meeting of the University Senate was held at 4:00 on Thursday, February 8, 1968, in Room 415 of Twamley Hall. Mr. Rognlie presided.

2.

The following members of the Senate were present:

Starcher, George W.	Heyse, Margaret	Reiten, Palmer J.
Anderson, Donald G.	Jacoby, Arthur P.	Robertson, Donald J.
Boehle, William R.	Johnson, A. William	Rognlie, Philip
Brumleve, Stanley	Kannowski, Paul B.	Rowe, John L.
Bullard, Charles	Kolstoe, Ralph	Rudisill, Alvin E.
Clifford, Thomas J.	Larson, Milton B.	St. Clair, F. Y.
Curry, Mabel	McKenzie, Ruby M.	Smith, Glenn
Cushman, M. L.	Naismith, D. P.	Stenberg, Virgil
Delabarre, Helen C.	Nelson, Edward	Thomforde, Clifford
Dickens, Nancy	Peterson, Russell	Thorson, Playford V.
Fisch, William B.	Potter, Gerald	Tomasek, Henry J.
Hankerson, Kenneth L.	Reid, John	Witmer, Robert B.
Hershbelle, Jackson P.		Wynne, John T.

The following members of the Senate were absent:

Barnes, Ronald E.	Gustafson, Ben G.	Marti, Leonard
Cornatzer, William E.	Harwood, Theodore H.	Nordlie, Robert C.
Cunningham, Harold D.	Hedahl, Beulah	O'Kelly, Bernard
Curry, Myron	Holland, F. D.	Pearce, Donald J.
	Koenker, William E.	

3.

There being no corrections, the minutes of the January 11, 1968, meeting were ordered approved as submitted.

4.

Mr. Naismith presented the Committee on Committees report on the Curriculum Committee and moved that it be adopted. The motion was seconded. Mr. Smith moved that the membership portion be amended to include three students who must be of junior or senior standing and each from a different college of the University, to be elected by Faculty Senate. The amendment was seconded. Mr. Cushman moved to amend the amendment by changing the number three to read four students, with the additional member to be selected from the Graduate School. The amendment to the amendment was seconded, voted upon and lost. The Chair called for further discussion on the amendment. Mr. Fisch moved to amend the amendment to provide for the selection of student members according to the existing pattern of naming students to serve on standing committees, that is, being named by the Student Senate. The amendment to the amendment was seconded, voted upon and carried. The amendment was voted upon and carried. Mr. Johnson moved that the phrase, along with the Graduate Committee, in Item 4 under Functions and Responsibilities, be deleted from the sentence. This amendment was seconded, voted upon and carried. The original motion, as amended twice, was voted upon and carried.

5.

Mr. Thorson moved that the attached Student Policy Committee's policy for alcoholic beverages be adopted by the Senate. The motion was seconded. Discussion followed. Mr. Stenberg moved that action on the motion be postponed until the next regular meeting of the Senate. The motion to postpone was seconded, voted upon and carried.

6.

Mr. Thorson presented the proposed attached Student Bill of Rights and Responsibilities for the University of North Dakota Student Body and moved its adoption. The motion was seconded. Discussion followed. Mr. Tomasek moved that the proposal be referred back to the Student Policy Committee for restudy and revision. The motion to refer was seconded, voted upon and carried.

7.

Mr. St. Clair moved that the attached recommendation of the ad hoc Committee on Special Examinations be accepted and go into effect as regulations. The motion was seconded. Miss Heyse asked that in the third line under the heading, Validating Examinations, the words, "and non-degree granting institutions," be added after the words, "taken at accredited institutions." Mr. St. Clair agreed. Mr. Reid asked that the words, scholarship average, be changed to scholastic average. Mr. St. Clair agreed. Mr. Robertson moved for adjournment before action could be taken on Mr. St. Clair's motion. The motion to adjourn was seconded, voted upon and carried.

R. M. McKenzie
Secretary

A PROPOSED POLICY FOR ALCOHOLIC BEVERAGES AT THE UNIVERSITY OF NORTH DAKOTA
SUBMITTED TO THE FACULTY SENATE BY THE STUDENT POLICY COMMITTEE, FEBRUARY 8, 1968

Dr. Ronald E. Barnes (ex officio)
Dr. Harold L. Dowell
Dean Margaret Heyse
Mr. P. V. Thorson (chairman)
Dr. William Morgan

Miss Marcia Carlisle
Mr. Bill Guy
Mr. Warren Halvorson
Mr. Paul McDowall

The burden of concern for student conduct must rest primarily with the student; the concern a university has must stem from its mission to provide an atmosphere for learning -- an atmosphere which encourages the student to accept responsibility for his own education, for his own actions, and for the actions of his peers. A university must attempt to instill in the student a respect for law and legal process, but it cannot and should not attempt to police the actions of the student in respect to the laws of the state. Insofar as the rules and regulations of a university are developed to maintain an orderly and consistent display of conduct in the academic community and to promote order in the educational process, it is necessary that the university require adherence to, and close supervision of, these dictates.

In regard to the use of alcoholic beverages in a university, two considerations emerge: first, the laws of the state, and secondly, the university regulations. With respect to the first, a university expects its students to assume the responsibilities of citizenship, implying respect for and compliance with state laws. In reference to university regulations, the institution must concern itself with order, but it cannot overlook the rights of individuals. By law in the State of North Dakota a person 21 years of age or over may purchase and consume alcoholic beverages with only minor restrictions.

University regulations should reflect the fact that alcoholic beverages are, to a large extent, part of the social scene, that state laws are sufficiently

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regulatory, and that a university must endeavor to instill respect for law within its membership. It would, then, be appropriate that university regulations, insofar as possible, be established to permit those who are 21 and older to exercise their right to use alcoholic beverages within the present legal restrictions.

With respect to the foregoing commentary, the following University of North Dakota regulations appear fair and consistent:

1. The consumption of alcoholic beverages by those 21 years and older who live or are visiting in University housing for married students is not prohibited by the University.
2. The use of alcoholic beverages in fraternity and dormitory housing is a matter for individual house and dormitory determination, subject, of course, to State law. In fraternity housing, supervisory responsibility rests with the individual house, Interfraternity Council, and Panhellenic Council. In dormitory housing, supervisory responsibility rests with Interdorm Council.
3. If there is sufficient student interest, University residence halls may be designated for students 21 years and older. Alcoholic beverages may be consumed in these dormitories by the residents and guests of the residents who are 21 years and older. Social functions within these residences are limited in attendance to those 21 years and older if alcoholic beverages are consumed.
4. With the exception of items 1, 2, and 3 above, alcoholic beverages may not be consumed on campus. Persons violating these regulations or State law are subject to disciplinary action by the University.
5. Students 21 years or over who provide alcohol to minors on campus will be subject to disciplinary action by the University.
6. The supervisory responsibility for off-campus activities of organizations recognized by the University rests with the officers of the organization, the management of the establishment where the activity is held, and civil authorities. The officers and members of organizations which hold social activities in off-campus establishments

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should recognize their responsibility for self development and the imperativeness of compliance with the laws established by proper authority.

7. Students living in off-campus housing must comply with the demands of the landlord concerning the use of alcoholic beverages and are liable for misconduct in this respect to themselves and to civil authorities.

PROPOSED
STUDENT BILL OF RIGHTS AND RESPONSIBILITIES
FOR
THE UNIVERSITY OF NORTH DAKOTA STUDENT BODY

(submitted by the Student Policy Committee
to the University Senate)

Preamble:

FEBRUARY 8, 1968

Academic institutions exist for the transmission of Knowledge, the pursuit of truth, the development of students, and the well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn. The enumeration of certain rights herein shall not be construed as to nullify or limit any other rights possessed by students.

I. Freedom of Access to Higher Education:

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. Under no circumstances should a student be barred from admission to the University of North Dakota on the basis of race. Thus, within the limits of its facilities, the University should be open to all students who are qualified according to its admission standards. The facilities and services of UND should be open to all of its enrolled students, and the University should use its influence to secure equal access for all students to public facilities in the local community.

A. Admissions:

Academic standing shall be the prime consideration for admission to the University of North Dakota, or any of its divisions or schools. The University, in its admission policy, shall not:

1. discriminate against persons seeking admission as students because of race, religion, national origin, political belief, sex, or a socio-economic circumstance.
2. make or cause to be made, any oral or written inquiry prior to admission concerning race, color, religion, creed, national origin, political belief, or economic circumstances.
3. require photographs on admission applications.
4. discriminate in the availability of its admission services to applicants.

II. Classroom Procedure:

The professor in the classroom and in conferences should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis. No student shall, without his consent, be singled out by the instructor or the students for ridicule, nor used as a personal example on the basis of his race, religion, national origin, political belief, sex, or socio-economic circumstances.

A. Protection of Freedom of Expression:

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Protection Against Improper Academic Evaluation:

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. Protection Against Improper Disclosure:

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

D. Class Attendance:

It is the mutual responsibility of instructors and students to make the class sessions as productive as possible. Attendance in classes is expected, but not required, of all students, just as preparation of stimulating materials for consideration is expected of all instructors. Grades should be a measure of a student's performance, not of his attendance.

III. Student Records:

The University of North Dakota should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement.

Transcripts of academic records shall contain only information about academic and admission status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus or to any person off campus without the express consent of the student involved except in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students.

Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. Student Affairs:

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. Freedom of Association:

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests. No official or instrumentality of the University shall discriminate against students because of membership in such organizations.

1. The membership, policies and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

3. If campus advisors are required, each organization should be free to choose its own advisor, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor. Campus advisors may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations. No advisor should be held responsible for the actions of his group.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition. If so requested by the organization, the names of officers and members will not be disclosed by University officials.

5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. Restrictive Clauses in Student Organizations:

The UND Student Senate, faculty, and administration shall make every effort to obtain the elimination of clauses restricting membership on the basis of race, religion, national origin, political belief, or

socio-economic circumstances. In the cases of national organizations which have restrictive clauses, the University shall work with the local chapter in an effort to obtain the elimination of such clauses in the national constitution.

American society reserves a special place for those organizations which have as their purpose the deepening of their religious faiths or the perpetuation of additional cultural traditions. Where it is consistent with the stated University and SAC policy, religious and cultural organizations shall be permitted to admit members on the basis of religious and cultural affiliations.

C. Freedom of Inquiry and Expression:

1. Students and student organizations should be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by the University before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The organizational or institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the view expressed, either by the sponsoring group or the institution.

D. Collective Bargaining:

The right of students employed by the University to join or to form unions, enter into collective bargaining and to strike shall not be hampered by the University.

E. Student Participation in Institutional Government:

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body.

The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs, and students should participate as voting members on appropriate committees. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

F. Student Publications:

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible, the student newspaper should be an independent corporation, financially and legally separate from the University. Where financial and legal autonomy is not possible, the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarifications of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.
2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All University published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university or student body.

V. Off-Campus Freedom of Students:

A. Exercise of Rights of Citizenship:

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties:

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved, should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity should be subjected to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. Procedural Standards in Disciplinary Proceedings:

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances, when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an honor code and the degree to which the institutional officials have direct acquaintance with student life in general and the involved student and the circumstances of the case in particular.

The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees:

A. Standards of Conduct Expected of Students:

The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his education.

Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. Investigation of Student Conduct:

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the

reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations or in actions of ordinary law should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action:

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well being, or for reasons relating to safety and well being of students, faculty or University property.

D. Hearing Committee Procedures:

When the misconduct may result in serious penalties, and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality:

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.
2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.
3. The student appearing before the hearing committee should have the right to be assisted in his defense by an advisor of his choice.
4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decisions may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be a record of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the President, or ultimately, to the governing board of the institution.

December 6, 1967

ATTACHMENT # 2

SUGGESTED CHANGES FOR UNIVERSITY REGULATIONS GOVERNING SPECIAL EXAMINATIONS

EXISTING REGULATIONS - Page 60-61

SPECIAL EXAMINATIONS

A student who is enrolled as a regular student may also take other examinations, generally called "special examinations," for credit. The student who believes he is eligible for special credit because of superior preparation or with knowledge gained through independent study is especially urged to take advantage of this provision. If a student petitions to the Administrative Procedures Committee for a special examination, the examination must be given by a committee of three. This examination must be searching and comprehensive; the three members of the committee must participate in the examination and must certify the results, a majority being necessary to accord a passing mark. Credit by examinations in itself implies no grade. The students may receive grades, however, by following procedures specified by the department. Grades earned by special examination will not apply on the scholarship average. A fee of \$3.00 per credit hour is charged for each special examination.

Recommendation of the ad hoc Committee on Special Examinations:

SUGGESTED NEW REGULATIONS

SPECIAL EXAMINATIONS

A regularly enrolled student may apply to take "validating" or "challenge" examinations to establish credit. Petitions submitted to the Administrative Procedures Committee for permission to take these examinations must include the signatures of the instructor who teaches the course, of the chairman of the University Department offering it, and of the Dean of the College in which the student is enrolled. A committee of three appointed by the chairman of the department offering the course will administer and evaluate the examinations, a majority being necessary to accord a grade. Special examinations must be searching and comprehensive. Grades of "Satisfactory" or "Unsatisfactory" will be recorded on the student's permanent record but will not be used to compute scholarship average. A fee of \$5.00 per credit hour is charged for each examination.

Validating Examinations: Students may apply to take validating examinations to establish credit in University of North Dakota courses which correspond to work taken at unaccredited institutions. Applications to take these examinations must be submitted by students during their first session in residence. Credit established by validating examinations will not count toward a student's load.

Challenge Examinations: Students who believe they are eligible to receive credit for courses because of superior preparation or with knowledge gained through independent study may apply to take challenge examinations. Students who have audited a course, or who previously enrolled in a course and then dropped it will not ordinarily be permitted to take a "challenge" examination in that course.

Respectfully,

Alvin E. Rudisill
Glenn H. Smith
F. Y. St. Clair