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# Report of the PRESIDENT'S COMMISSION

- I. The Black Community in  
The Pennsylvania State University
- II. Governance
- III. Student Conduct and Judicial Systems



February 20, 1970

THE PENNSYLVANIA STATE UNIVERSITY  
University Park, Pennsylvania 16802

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President Eric A. Walker  
The Pennsylvania State University  
201 Old Main  
University Park, Pennsylvania 16802

Dear President Walker:

On June 23 of last year, you established a special Commission to examine the basic principles and assumptions which guide the relationships between various segments of the University community. The student and faculty members of the Commission were suggested by the three student government presidents, the Vice President for Student Affairs and the Chairman of the Senate, and those officials met occasionally with the Commission.

After the full Commission was formed, several meetings were devoted to organizational matters to discuss its charge, developing methods of operating and delineating specific agenda items. The result was the establishment of five subcommittees to give thorough consideration to the following topics: The Black Community, Governance, Judicial, Community Relations, and Academic Matters. However, it quickly became apparent that it would not be possible to accomplish all of these tasks, and consequently, we devoted our entire attention to the first three of those listed above.

The Report on the Black Community contains six major proposals as well as an extensive introductory statement. In regard to the latter, it should be noted that there was a difference of opinion among the members of the Commission about the appropriateness of the remarks contained therein. Several members of the Commission subscribed to a condensed version of this introductory statement which is contained in the report as a dissenting opinion. The individuals who signed this section of the report unanimously support the recommendations but object to the rhetoric and some of the rationale which is developed in the introductory section. The proposal section of the Report recommends a package of programs, facilities, and committees designed to improve the situation for the Black community at Penn State. For example, a Black Cultural Center with an off-campus location is recommended with one of its objectives being to assist in the adjustment process of Black students coming to a rural and white-dominated community. In addition, other important recommendations are made such as a Black section in Pattee Library and a Black Studies

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Program. Realizing that these recommendations need monitoring and the whole area needs more study, the Commission also recommends the establishment of another committee to accomplish these objectives. Overall, these recommendations represent a broad commitment to the Black community which will considerably enhance their situation. In addition, the benefits to the white community are also substantial.

The Report on Governance makes only one major recommendation, viz., the establishment of a University Community Forum with representation from all segments of the University. The Commission feels that their charge placed top priority on this area. It is hoped the suggested Forum will help in improving communications among the various segments of the University.

The Judicial Report contains a very comprehensive set of recommendations on student conduct and judicial systems. Part I of the report is concerned with the broad question of student rights while Part II concerns itself more specifically with student conduct and contains four proposals related thereto. Part III contains thirteen proposals designed to establish an effective, efficient, and humanistic system for adjudicating cases of alleged student misconduct. Finally, Part IV sets forth a University position on demonstrations, disturbances and disruptions.

Respectfully submitted,

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## PRESIDENT'S COMMISSION

### REPORT OF THE SUB-COMMITTEE ON THE BLACK COMMUNITY IN THE PENNSYLVANIA STATE UNIVERSITY

#### Introduction

As a public institution of higher education The Pennsylvania State University is an implementation of the theory and law that education is a public function - quite different from the concept of education as a charitable and proprietary function. The State is the owner of the property. It provides for most of its financial support. The selection procedures of the Board of Trustees depend on the state government. The governing board of our institution is a public corporation. It is a creature of our Commonwealth's legislature, subordinate to the control of the legislature and the executive branch of the state. As a public institution, Penn State is charged with the obligation of participating in the advancement of the Commonwealth's whole level of civilization and culture and the well-being for its population. As such Penn State must do all in its power to insure an atmosphere of freedom and autonomy from the lawlessness and irresponsibility of those who are opposed to the well-being of the entire population.

Today, when so many are groping for inspiring leadership in our state, we must expect the leadership of the University to help the state face critical social problems. If Penn State fails to accept the mission, if it fails to promote the mission of a land-grant institution, who will? Pennsylvania has a heritage of hospitality and respect for the rights and freedoms of all people. At the same time we know that racial, ethnic and religious prejudice exist in the Commonwealth of Pennsylvania and in its educational institutions. In spite of this, heritage, human decency and laws require that the sons and daughters of all Pennsylvanians be permitted entrance into the mainstream of society and its institutions. The leading state university is the greatest available force for public higher education. We should not be surprised, therefore, that it is a focal point for state politics, public pressures and extensive criticism by student activists. Least of all we should not be surprised that this great and powerful university is subjected to a long list of criticisms and "demands" by the young adults, moderates and militants, from the Black community.

PENN STATE HAS NOT BEEN A LEADER IN PROVIDING HIGHER EDUCATION FOR BLACKS. To be sure, it has not failed entirely in its mission. But it has not used its many resources to make a concerted effort to overcome our social crisis.

Penn State is a late comer which must catch up with the needs of the state. Because it has such a long road to go, and because it has only begun to make a first step, it is a fair subject for objective criticism. But it is only fair that the critics present constructive proposals and that all who hold positions of responsibility approach their critics in a forthright manner and participate and assist willingly in the formation of plans and policies.

The magnitude of the educational crisis facing Penn State can only be vaguely assessed. What is necessary to improve the situation can come only through the bits and pieces of constructive proposals which make up the whole. Solutions toward social crises demand excruciating patience and work, criticisms and self-criticisms, and - perhaps most important at this University - joint efforts by the community. It is for this reason that President Eric A. Walker appointed a Commission on June 23, 1969, at The Pennsylvania State University.

## The Situation of the Black Community

Higher education has been molded and structured for White America too long. The classrooms, the professors, the textbooks, and the entire environment at Penn State can readily be seen as mirror-reflections of White America's suppression of any element entering the "untinted" picture of higher education. To disregard and discourage the contributions made by other groups, distinct in their characteristics and attributes, is a contradiction of the very principles of education.

The Black American has lived under these contradictions for more than 300 years, and over 100 years at this University. The recommendations included in this report are needed if Penn State is to grow as an institution of higher education. It will discredit itself if such recommendations are not acted upon constructively. It would be an open admission that Penn State wishes to perpetuate the myth of White supremacy and to continue the overt or subtle rejection of Blacks.

As a result of the threatening educational and cultural genocide, "Black and colored people are saying in a clear voice they intend to determine for themselves the kinds of political, cultural, and economic systems they will live under. Of necessity this means that the existing systems of the dominant oppressive group - the entire spectrum of values, beliefs, traditions and institutions - will have to be challenged and changed."<sup>1</sup> Unfortunately, universities are the breeding grounds of traditionalism. Equally so, they are the testing grounds and prime movers in breaking with non-sensical and dehumanizing traditions. This will be Penn State's role now -- no longer the belated follower of new ideals on higher education, but the primary initiator of new and positive programs.

Indeed, the members of the Commission agree that more representation of Blacks is useful and necessary for a constructive approach toward the University. Present policies and procedures which guide and direct the relationship between Blacks and the University are quite ineffective. The Commission feels that the priority assigned to increase the number of Black students, faculty, administrators, and other personnel ranks low in the policy making level of the governing bodies of this University. The qualitative environment necessary for a healthy and positive outlook of young Blacks is lacking.

We realize that the University has made some positive commitments even though these seem due more to the initial pressures of the community, and particularly, the Black Student Union and other student and faculty organizations, rather than to the initiative of the University. The University's governing agencies must endeavor to change that reality or impression.

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1. Stokely Carmichael and Charles V. Hamilton, Black Power, The Politics of Liberation in America, Vintage Books, 1967, p. 179



## The American University

The institution of education in any society is fundamentally political, for it is the major socializing agency which induces people to accept and participate in the established social arrangement. In this country, the subordination of Black people is perpetuated by the educational system, which either refuses to educate or deliberately and systematically miseducates Black children.

The following inadequacies of institutions of higher learning must be realized before change can take place.

a. Powerful and wealthy institutions of higher learning in America have facilitated the process whereby education has become ruthlessly competitive and anxiety producing. The use of standardized tests has resulted in education becoming synonymous with competition.

b. Under the disguise of efficiency, the demands of mass education and the pressures of limited facilities, White colleges and universities have reduced the educational process to a level of content devoid of most reflective and critical thought.

c. White colleges and universities in America are inadequate because they have watched without sustained protest the erosion of the quality of elementary and secondary education provided for minority-group children; an erosion which has now reached the point of criminal inefficiency and dehumanization.

d. White colleges and universities in contemporary America are inadequate because they have watched in silence the creeping blight of our cities and the spreading of ghettos and have been concerned only when the pathologies associated with the ghetto come close to the walls of the university.

Despite the commitment of some of their faculty, American colleges and universities have remained detached and non-relevant to major domestic issues of our times. Penn State suffers from the same inadequacies of other American institutions of higher learning.

## Black Students in the University

Fully one half of all Black students seeking undergraduate, graduate, and professional degrees are to be found on White campuses. It is important that American colleges and universities evaluate their academic programs while simultaneously trying to gain an understanding of Black students on their campuses. It is the intent of this report to present the views of Black students, and their quest to make themselves productive men and women in the Black community.

The current trends among Black students reflect the changing perspectives of a cross-section of all Blacks in America. For the past decade Black students have spearheaded the process of Black "re-socialization" by creating a new consciousness of self and political and economic institutions in America. Malcolm X once said that Blacks are creating a generation of young people who will know what they want, and who will create a generation who will know how to get what they want.

Black students were once taken to White universities and molded into the image of their White counterparts, giving rise to what is currently referred to on campus as the Oreo-effect: Black on the outside but white on the inside. Now, Black students are rejecting White standards and beginning to realize that they have a better role to play than that of "showcase" or Model Negro in White groups.

Black students throughout the country are openly involved in a struggle over what they can control and attain at universities and colleges which will be of benefit to Black people. American universities do not prepare Black students to cope with their problems in as adequate a manner as it seemingly prepares its White students to cope with theirs. Central to the new Black student movement is the quest for new values and definitions that are meaningful and appropriate for Black people which will give substance and significance to their lives.

The question always arises: what do Blacks mean when they say present values are not meaningful but detrimental to Blacks? When Blacks reject the present value system, they are not rejecting the swimming pools, luxury hotels, sprawling suburbs, equipped schools, and good jobs. They are rejecting those fundamental avenues in America that determine who will share the economic, political, and educational wealth of our society.

THE UNIVERSITY MUST RECOGNIZE THAT IT IS NOT DEALING WITH A HOST OF IRRATIONAL BLACK STUDENT PROTESTS AIMED AT "GETTING WHITEY." THEIR PROTESTS ARE CONCERNED WITH DISCRIMINATION, ECONOMIC OPPRESSION, LOSS OF IDENTITY, POVERTY, HUNGER, AND RACISM. THE GOAL OF BLACK STUDENTS IS NOT THE PHYSICAL DESTRUCTION OF A UNIVERSITY BUILDING, BUT THE CONSTRUCTION OF SERVICE AND LIBERATION TO THEIR BLACK BROTHERS AND SISTERS.



## Black Culture

The current racial tension and societal unrest which characterize relations between Whites and non-Whites in America are largely the result of a growing awareness by Black America that its own distinct culture has been systematically subverted by White America.

Blacks have been the "outs" trying to get "in." Blacks must qualify for a job or enter a school according to standards set by Whites. It has been impossible for Blacks not to fall victim to this White assessment of themselves, while at the same time resisting it. Black people are what the sociologist Robert Park has characterized as "marginal men." They exist in two cultural worlds at the same time without being totally part of either.

America has been called the melting pot of all nationalities. Yet, it has consistently denied the Black man's right to inclusion while simultaneously preventing him from developing fully his own culture. This oppressive attitude has produced a strong and beautiful reaction by Black Americans. It is called "Black awareness" or simply "Blackness." The emphasis today on "Blackness" calls into question those traditional values held by the larger society and focuses on those characteristics which must not be subordinated to a policy of racial integration.

Educational institutions have the opportunity and the obligation to create an atmosphere in which young Blacks can develop fully into men and women capable of building strong Black communities. The University can and should marshal its resources and expertise in a systematic program of research, instruction, economic aid and cultural service designed to provide understanding, answers and results. It is in the interest of the University and society to provide for the best educational and social framework for the young Blacks studying here.

## I. PROPOSAL FOR A BLACK CULTURAL CENTER

It is proposed that an off-campus Black Center be established.

### A. Rationale

Upon arrival at The Pennsylvania State University every Black person, in varying degrees, experiences cultural shock. Not only does he or she have the usual adjustment problems confronting every newcomer, but the Black person is, in addition, confronted by an alien and often hostile all-White rural community. Because there is at present no cultural reinforcement, a crucial need for this type of Center is most apparent. Not only will this Center facilitate Black adjustment, but it will also create a Black awareness through the entire community. The Center will provide an avenue for the community to appreciate the differences in the cultural backgrounds. As a means of guiding the Black community, students and non-students, the Center will contribute to all peoples' cognitive and affective experiences. The Center will also highlight Black people's needs, strengths, and human resources.

The Commission strongly recommends that the Center be off-campus. This Center is not to be viewed as a separatist institution, but rather as an attempt by the Blacks in this community to establish a unique and distinct place of cultural enrichment, social adjustment, and total community awareness. We feel that an off-campus location will increase participation of the non-academic sectors while heightening a sense of "home" in Blacks.

### B. General Program and Objectives for the Black Cultural Center

#### 1. Participation:

While it is to be understood that this Center is created to aid in the adjustment of Blacks to the Penn State campus, any members of the community, White and Black, academic and non-academic, will be invited to participate in Center activity.

#### 2. Programs:

Most activity of the Center will be of two main types.

##### a. Community Oriented Activity

- (1) National and local speakers and lecturers of prominence.
- (2) Films of current events and historical importance.
- (3) Seminars and workshops on subjects ranging from the Black Arts, to racism, to African political leaders.
- (4) Small -scale arts festivals (drama, dance, song, film, etc.).
- (5) Other activities of interest

b. Student Oriented Activity

- (1) Orientation Program - Black students will be trained as orientation leaders for incoming Blacks. The program will not duplicate the University Orientation Program, but rather will supplement it.
- (2) Supportive Services - Trained tutors, advisors, and special counselors will be provided by the Center. These will be members of the Black academic community. Service will be voluntary.

3. Objectives:

- a. To facilitate the adjustment of Blacks.
- b. To assist in the academic success of Blacks at the University.
- c. To provide a sense of home for Blacks in the area.
- d. To provide an avenue for the entire community to appreciate the differences in the cultural backgrounds.
- e. To make Penn State a desirable choice for Blacks; thereby, providing for the full development of a larger and stronger Black community in the State College area.
- f. To serve as a model and resource center for similar predominantly White colleges and universities located in nonurban settings throughout the Commonwealth and the nation.

4. Status:

The Center will be student operated. It will be an off-campus, non-residential facility operating twenty-four hours a day, whenever necessary, to provide maximum service. It is expected that the Center will become a self-supporting unit after the initial set-up and several years of trial-and-error operation.

5. Planning:

There are two phases of planning for the Center.

Phase 1 - A temporary Center to be established for the 1969-70 academic year. This will be experimental, operating as funds will allow. During this period feasibility studies should be made on costs and program.

Phase 2 - A permanent Center. This will be a building large enough to include the following:

- a. A small, well-equipped library. This library will contain magazines, periodicals, newspapers and any special literature of interest to the community.
- b. At least three housing facilities for guest lecturers.

- c. At least four small rooms to be used for Supportive Services.
- d. A lecture hall and social room (capacity: 1,000).
- e. Kitchen facilities.

## II. PROPOSAL FOR A BLACK STUDIES PROGRAM

### A. Rationale

In view of the fact that America has hidden, through her educational institutions, the history, culture, and contributions of Black people, we feel that a Black Studies Program should be instituted. The Presidential Commission holds that a Black Studies Program can and must be initiated which recognizes the inadequacies in the present academic community relating to the areas of Black intellectual independence and Black scholarly enterprises.

Black people see the American university as an institution which embodies and transmits the fundamental traditions and values of a predominantly White society. It is the same society which has norms supporting the assumption of a White cultural superiority in Western civilization. For Blacks to support these norms and values of society is to ask them to support the myth of the inferiority of Blacks. Based upon the Black rejection of this superficial relationship Black Studies Programs become vitally necessary. Black Studies challenge the unscholarly, unscientific, and dehumanizing values and ideas which promote superficial Western feelings of superiority.

"For almost four-hundred years we were told that we were different. We said "No" and tried all the harder to become white-like. Today we say "Yes," we are different and our difference is our Blackness which we see as beautiful, because it reflects the beauty a person finds in the oneness of a healthy psychological identity."<sup>2</sup>

The hell of being physically Black and psychologically White is over for the Black man. This is one of the psychological implications of the Black phrase "get yo'self together." A Black Studies Program is part and parcel of the process of getting Blacks together by freeing fragmented, confused, White-saturated minds and developing these minds into a beautiful and realistic creative entity.

Among the major purposes of a Black Studies Program is to make Blacks aware of their heritage and to make Whites aware of the whole American heritage and the Blacks' positive contributions. A Black Studies Program will assist in developing a healthier human outlook among both Blacks and Whites. It will show that authentic Western culture is not exclusively White. It will show Black culture as a positive creative element in Western civilization.

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2. Sidney Walton, The Black Curriculum, Eatmon Press, January 1968, p. 2 of Preface.

Values and ideas in American culture must be redefined in terms that are acceptable to the Blacks. However, before we can move on to this stage of authenticity, we must redefine the Black man in his own terms in a psychologically healthy framework so that other humans -- White, Yellow, Red, Brown -- all are able to relate to a self-actualized person. This is the essence of Black consciousness, and it is the reason why Penn State, like other institutions, must address itself to the concept of Black consciousness by instituting a Black Studies Program. The same needs and goals cannot be satisfied by merely broadening the present courses of study, because the absence of specific and sequential courses related to the concept of Blackness tends to perpetuate institutionalized racism. Whether or not individuals in decision making positions are individually racist is not the question, nor is it the concern of a Black Studies Program. The fact that a university, as an institution, perpetuates racism by its failure to address itself to Blackness is the point which evokes Black criticism.

Realistically it should be Afro-Americans who plan and teach in the Black Studies Program. This is not an anti-White position, but a pro-Black position which must be understood by all. Blacks are not reacting against Whites; Blacks are acting for Blacks. Such Black Studies courses are relevant to Whites in ridding themselves of stereotyping. Blacks are seeking a relevant education, an education that has some relation to their experiences and is useful for life in their community.

## B. Proposal

1. The present Afro-American Option is not a Black Studies Program or an adequate substitute.
  - a. From programs presented thus far at The Pennsylvania State University, it has become apparent that Black Studies would broaden the present courses of study to include programs relevant to Black America. In spite of the good intentions the present Afro-American "option" is no answer to a Black Studies Program.
  - b. The proposed "temporary" Afro-American option raises numerous serious questions and problems with regard to planning, content, control and to the temporary nature itself. It is quite obvious that temporary proposals at an institution have the tendency to become institutionalized and permanent. The temporary proposal was presented to the Liberal Arts Committee without extensive consultation and prior discussion.
2. Consultation:

In order to establish a really useful and acceptable Afro-American curriculum adequate consultation is necessary, both inside and outside the University. This consultation should include the Black Student Union, the appropriate Liberal Arts Committee, and specialists on Black Studies.

### 3. Black Studies -- An Independent Area of Study:

At present one can legitimately criticize the Afro-American option of the American Studies Program by simply asking the question: What can one do with it? It is not a major or a degree program. It is under "American Studies," whereas an Afro-American Program is a curriculum that is of quite another nature and scope. It is an area of study that requires independence from the vast and vague heading of "American Studies." It is recognized as an independent sphere of study and as a degree program at other progressive universities.

### 4. Need for Direction:

For a progressive and adequate Black Studies Program to get underway at Penn State and receive proper attention and planning, a director is necessary. Such a director must have experience and education in the area of Black Studies. Such a director should be Black and preferably a young Black educator, acceptable to the Black Students. The Black Studies Program must start with the Director at the planning stage.

### 5. An Interdisciplinary Program:

The Black Studies Program should not be under the American Studies major. It is an independent sphere of study. Following the University's standard procedure, the program should be subject to review by the departments or disciplines which are participating in the program. The program must also be subject to review by the Black students and Black faculty who are most concerned about Black studies. The faculty teaching the courses should be entirely Black or at least predominantly Black.

### 6. Black Studies Separate from African Studies:

A Black Studies Program cannot be considered a branch of African Studies. It is a program on Afro-Americans, the Black culture, and community of America. The two programs must be separately funded, each receiving an adequate budget.

### 7. Methodology of Courses:

It should be clear that a Black Studies Program or major is not an easy curriculum. The curriculum is a specialized program. The tools of science and existing types of methodology will be applied in the courses (e.g. Sociology). The methodology can be used to determine to what extent and which type of methodology is most productive. These existing tools must be utilized, while at the same time they must be made relevant to Black students.



## 8. Suggested requirements for a major in Black Studies:

### a. Requirements: 36 credits

- (1) One major area (12 credits) chosen from the presented areas:
  - (a) Black Literature (12 credits or four courses)
  - (b) Black History (12 credits or four courses)
  - (c) Black Sociology (12 credits or four courses)
  - (d) Other
- (2) Twelve credits chosen from the remaining areas, or combination of areas.
- (3) Twelve credits from the "regular" course area, i.e. from American Literature, History, and the Social Sciences.
- (4) For a Black Studies major to receive a degree in History, Literature or the Social Sciences, he would need 24 credits in his major discipline and 12 credits or four courses in the other areas of the Black Studies Program mentioned in VIII A.a.

### b. Expansion

The major areas could readily be expanded to include new courses eg. Education, Political Science, Economics, Languages and Speech.

### c. Adjustments for vocational reasons

The Director of the program should be able to adjust programs for those planning to teach immediately upon graduation and those planning to continue their education in Graduate School. Those pursuing the latter course will need a more flexible curriculum and receive a less specialized education in the regular Liberal Arts Program.

## C. Conclusion

A Black Studies Program can and should be initiated by the Fall 1970. Program planning and direction should be undertaken with specialists from other universities. A Director should be appointed by early Spring 1970 to assist in the establishment of the program. The implementation of the proposal will greatly assist in creating a new climate in the academic community.

### III. PROPOSAL FOR PATTEE LIBRARY

We recommend that the Pattee Library, the main Library of our University, establish a section for Black literature and culture. We further recommend that the University's Administration assist in any outstanding costs which such establishment may incur, and provide for such equipment and furniture as will be necessary. We strongly recommend that the section be staffed by and created with prior consultation of a subject specialist in Black literature. In addition we recommend that the section be located in the new extension of Pattee Library upon its completion, and that temporary space for the section be made available in the present main library. Finally, we recommend that the Committee on Library Programs for the Disadvantaged continue as a standing committee and continue to expand its activities.

#### A. Rationale

1. A stimulating library is an integral part of a university education. An efficient university will necessarily promote its library and will always insure that it has an adequate budget, a professional and clerical staff which corresponds to the increasing needs and requirements of a large university, a significant voice in the planning and decision-making processes of the academic community and, probably, most important in terms of immediate consequences, undertake all efforts to acquire the newest works of scholarship and literature in behalf of the academic community. The responsibility which rests upon the library and its staff is an important and grave one, for they must fulfill the above functions through extensive and complicated technical planning. In the past number of years the Pattee Library has made great exertions to live up to the role of a university library. It has, in spite of the many limitations placed upon it and over which it had little control, done as much as could have been expected. A number of innovations have already been implemented. Moreover, with the new extension and projected additions to the main library, a continuing change can be expected.

2. On July 1, 1969 the University Senate Committee on the Libraries and other Information Systems presented its report on the necessary centralization reforms. It stated that:

Facilities must be provided which encourage both students and faculty to consider the library as an integral to education, not merely a holding agency to provide materials for course work or research. This requires design of buildings and provision of services which enhance independent learning. Such design and services will facilitate interlacing of the academic disciplines as they each impinge upon human concerns.

(Senate Agenda, Appendix F.3)

### The Report Adds

The solution must provide optimum benefit to the University community as a whole, to the majority of students and faculty, while providing adequate, although not maximum, facilities and benefits to each member of the community whose specialized needs, goals, intellectual pursuits, and orientations or even idiosyncracies, require accommodations not necessary for the majority. (p. 9)

3. It is apparent that the University's Library recognizes its expanding responsibilities. The Committee on Library Programs for the Disadvantaged is one outgrowth of the Library's concern. It is the result of the expressed desire of members of the Library faculty to inform themselves of significant developments in the University in an area which affects the whole community. On January 22, 1969, the Committee was given official standing by W. Carl Jackson, Director of Libraries. "It is the consensus of this group that the Library has a unique opportunity to contribute to the efforts of several programs on the campus." (Library Lion, No. 5, March 1969). The members have participated in and encouraged a number of activities in behalf of Black students both within the Library and elsewhere. Such activities and interest must be further cultivated. The continuation of the Committee will assist in the necessary constructive approach to solutions and programs in the University.

4. There are a number of fundamental assumptions underlying the proposal for the Black literature and culture section and the benefits accruing to its establishment in the main library.

a. The service of faculty and students, including Black faculty and Black students, is of first priority.

b. A public university of this size and rank, in order to provide for useful and necessary intellectual stimulation, should have easy access to the required and optional texts, reference materials, general reading material, past and most recent publications relating to the nation's Black minority.

c. The Pennsylvania State University must plan for future contingencies, for if it carries through a Black Studies and/or Afro-American program, as well as related courses, it will need a section in the Library which will facilitate such studies in the same manner as it insures for other areas of study.

d. The Black Student Union and other organizations, as well as members of the academic community, desire to contribute to intellectual stimulation and to facilitate Black cultural awareness and Black cultural self-awareness.

e. A central location for Black literature will be of great use in many areas of study as well as for the general readers.

## B. Detailed Proposal

1. Although it would be ideal to include all or most works and publications by Black writers and all works relating to the Black community, it seems more practical at the initial stage to have a sizable section, a large reading room which includes:

- a. Classics by Black writers.
- b. The most recent Black literature -- displayed for several weeks or months.
- c. Black publications, magazines, newspapers -- including those of the "militants" and so-called extremists.
- d. Bibliographical material -- including a catalogue on all Black literature available in the Library.
- e. Devices such as tapes and records of Black poets, music and speeches -- preferably available for one or several booths in or near the reading room.

2. The section is here for the whole community. The reading room should be situated in such a place where it will be readily available to all. At the same time the section ought to be attractive and conducive to study. Displays and exhibitions of Black sculpture, photography, paintings and other works of art may very well create an enlivening and wholesome environment and climate for study for those within the library.

3. It is quite realistic to assume that a Black librarian, a Black subject specialist, will be able to devote his efforts towards furthering this section of the library, as well as the main library, more easily than a White librarian -- for the simple reason that a Black man or woman is more familiar with the needs and interests of Black students and faculty. He or she will also be able to give sound advice to White students, faculty, and others. Similarly, it would be both convenient and relevant to staff such a section with one or several Black students.

## IV. RECOMMENDATIONS FOR THE COLLEGE OF EDUCATION

The College of Education as a source of teachers for the educational systems of the State of Pennsylvania, has a special and grave obligation to produce well informed candidates for the profession of teaching. The professional staffs and the students must have programs which create an educational leadership that understands the problems of students from backgrounds of poverty, different social structures and a different culture.

Educating young adults how to teach primary and secondary school pupils demands extensive periodic reconsideration and reevaluation. Producing public school teachers at a publicly supported institution requires more than minimum standards and minimum credits for graduation. With respect to the Commonwealth's Black community and the public schools which they attend and support, old programs of teacher education must be expanded and new programs initiated at The Pennsylvania State University, programs which are relevant and revealing to young Black and White adults working toward a degree at the University.

The following recommendations are made to the College of Education:

- A. Students from a number of the major branch campuses should be involved in seminars and participate in a variety of programs regarding the "disadvantaged." Branch campuses should participate more extensively in the identification of prospective teachers and provide associations and contacts with inner-city schools for purposes of recruiting teachers and students.
- B. The Department of Elementary Education should expand its efforts in working with teachers, administrative and supervisory personnel in the schools of the inner-city. Programs are necessary in city schools.
- C. Both the Department of Elementary Education and the Department of Secondary Education should conduct in-service teacher workshops on motivation and preparation of materials for the "disadvantaged."
- D. Human relations seminars for teachers should be initiated at University Park and at the Branch campuses.
- E. Each department in the College of Education should be actively engaged in recruitment activities in order to attract Black students to their programs.
- F. The Curriculum Materials Center of the College should have more available material relating to Black schools and Black pupils, education in Black, predominantly Black and mixed public schools, and education about Blacks in White public schools.
- G. The College of Education needs to establish a program that trains teachers and teacher-aids in the techniques of working with the "disadvantaged" at all levels of education.
- H. The College should request the advice of and consult with other state and private colleges and universities on the types of courses and programs which they offer, in order to establish a model program at University Park and/or one or several of its Branch Campuses.

I. Beginning Fall term, 1970, every degree candidate in the College of Education should be required to take a course in Black history of Afro-American literature and The Language Behavior of the Afro-American. Courses on problems of the "disadvantaged" education in the ghetto, and racism should be available, and required for education majors.

J. The College of Education should employ more Black faculty members.

K. The college should have a program for visiting lecturers and speakers, including Black educators and teachers. It is requested that the College sponsor a Conference of Black Educators. Such a conference might well be a regional conference i.e., a conference of Black educators from Pennsylvania.

L. Educators and students of this University need to understand what Black educators and Black schools consider the real problems and solutions for the education of Blacks. The College of Education should look into the feasibility of exchange programs involving students and faculty with Atlanta University, Morehouse College or Malcolm X University.

M. The College of Education should have a special committee, composed of Black and White students, graduates and undergraduates, which concerns itself with educational programs for the "disadvantaged" and Black students.

It is desirable that the College of Education take a leadership position in promoting answers to the social needs and to the grave educational crisis which confronts the State and the Nation. It is hoped that the College of Education, through its Committee on the Disadvantaged and through its other agencies, and departments, as well as the proposed Student Committee on the Disadvantaged, will expand its efforts and programs, review its entire curriculum and existing programs, and publicize those efforts. It would be most useful and productive if such efforts were to take place as a joint faculty, student and administration project.

#### V. PROPOSAL TO ESTABLISH A COMMISSION ON ADMISSION STANDARDS

"All methods of evaluating people have their defects -- and grave defects they are. But, let us not therefore allow one particular method play the usurper. Let us not seek to replace informed judgment, with all its frailty, by some inexpensive statistical substitute. Let us keep open many diverse and non-competing channels toward recognition; for high ability is where we find it. It is individual and must be recognized for what it is, not rejected out of hand simply because it does not happen to conform to criteria established by statistical



technicians. In seeking high ability, let us shun overdependence on tests that are blind to dedication and creativity, and biased against depth and subtlety." 3

The call for reform in education inevitably is an attack on some or all of the standards which, for the sake of convenience and other reasons, are applied to peoples from different cultures and sub-cultures. In light of the controversy surrounding admission standards, as well as the whole realm of testing and the assumptions upon which the controversies rest, the Commission makes the following comments and recommendations:

#### A. Rationale

Intelligence tests, college board examinations, standardized college entrance examinations and other types of tests have been very much in the public eye. Among the lay public a considerable amount of misunderstanding exists concerning the meaning of tests, their universal application, and cause and effect relationships with racial, cultural, and social factors. Many statistical results are conveniently used as "conclusive" proof that higher income groups, the Anglo-Saxons or the White majority are mentally superior to the poor, the non-Anglo-Saxons and non-Whites. The tests and their results prove nothing of the kind. Years of scholarly research throughout the nation again and again reveal facts and data overlooked by educators, administrators, policy makers, the press, and the public. For Blacks, Puerto Ricans, Mexican-Americans, and other minorities in the country, the existing income inequality is not only a reflection of racism throughout society but also a concrete reflection of the lack of educational opportunity. For low-income Whites, the lack of such opportunity certainly presents a serious obstacle, but there is little doubt that the position of both low-income and high-income racial minorities poses an additional serious problem.

Whatever the case with regard to the unequal distribution of income which affects all poorer people, so-called intelligence tests do not necessarily reflect an individual's actual mental ability. The measured mental ability of the educationally disadvantaged does not necessarily reflect a ceiling level. Intelligence scores are affected by a number of factors including the cultural content of the test, which is White, middle or upper class oriented. Whether intentional or unintentional, the tests do discriminate against those who do not belong to the upper or middle class White culture.

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3. Banesh Hoffman, The Tyranny of Testing, New York, 1967.

## B. Recommendation

The Commission, aware of the controversy and misinformation which at present exists with regard to admissions, desires the University community and public of the Commonwealth of Pennsylvania to be adequately informed about the implications of existing admission standards, the standardized testing systems and other related matters. We, therefore, strongly recommend that the President of the University establish a research commission on admission standards.

## C. Duties:

1. The commission should review existing standards and tests here and elsewhere to determine their applicability to minority cultures.
2. It should consider established economic, social and cultural determinants and consequences of present standards and tests.
3. It should make recommendations with regard to establishing means of evaluation of individuals of specific cultural groups.
4. It should study the feasibility or validity of "open admissions."
5. It should prepare appropriate reports and make them available to the entire university community and the public.

## D. Membership:

The commission should be composed primarily of professionals in such areas as education, psychology, sociology, counseling, and statistics. It should also consist of Black and White students as well as faculty members. The commission should be encouraged to invite outside consultants to participate in their deliberations.

# VI. PROPOSAL FOR A FOLLOW-UP COMMITTEE TO THE PRESIDENTIAL COMMISSION'S REPORT ON THE BLACK COMMUNITY

## A. Proposal

The recommendations made by the Commission on Blacks are extensive. They are not demands. They are, to some extent at least, recommendations which express the needs, interests and goals of Black students. They are recommendations that will assist, after thorough discussion, in creating an academic community in which Blacks will be more at home and less isolated.

Though we are convinced that the faculty and the student body will discuss and promote some or all of the recommendations, we propose that a formal committee of dedicated administrators, faculty members and students be established.

## B. Membership

Ten faculty members and administrators and students who are knowledgeable in the area of Black Studies and "Disadvantaged" programs.

1. Three faculty members - 2 Black and 1 White
2. Two administrators - 1 Black and 1 White
3. Five students - 4 Black and 1 White

## C. Charges

1. To follow through the proposals of the Commission.
2. To make periodic reports to the University community on the progress of the recommendations.
3. To study and make recommendations on the establishment of a University-wide Council on "Disadvantaged" programs.
4. To study the feasibility of establishing inter-institutional relationships with other universities and colleges.
5. To evaluate the feasibility for a Center of Research for Afro-American Studies.

## VII. A Select Bibliography

### A. University Documents:

1. Charles T. Davis and Paul B. Foreman. "Planning for a Center for Afro-American Studies." Inter-office Correspondence to Dean Arthur O. Lewis, Jr., February 11, 1969.
2. Paul B. Foreman. "Specific Policy Considerations Supplementing the Godbey Report." To President Eric A. Walker, November 17, 1967.
3. Galen Godbey. Report of the Ad hoc Committee on University Policy and the Culturally Disadvantaged. June, 1967.
4. David Gottlieb and Elizabeth Ann Gaumer. Report of the National Conference on Higher Education for Disadvantaged Students. The Pennsylvania State University, May 25, 1969.
5. The proceedings and reports of the former Advisory Committee to the Coordinator for University Programs for the Disadvantaged (January - December 1969)

- B. Through Dr. Robert E. Dunham, former Coordinator of the Office of University Programs for the Disadvantaged data from other universities was made available. The Commission requested and received additional information from other universities.

## C. Among those interviewed are:

G. Lester Anderson, Donald Bailey, George Culmer, Robert Dunham, Hodges Glenn, David Gottlieb, Jacob J. Kaufman, Charles Lupton, Jesse Moore, S. F. Paulson, James Perine. Abram VenderMeer, Daniel Walden. . . .

## D. Other published material:

1. James Baldwin. The Fire Next Time. 1962.
2. \_\_\_\_\_. Nobody Knows My Name. 1961.
3. Stokely Carmichael and Charles V. Hamilton. Black Power: The Politics of Liberation in America. 1967.
4. Erich Fromm. The Revolution of Hope: Towards a Humanized Technology. 1968.
5. Banesh Hoffman. The Tyranny of Testing. 1962.
6. Michael Harrington. The Other America - Poverty in the United States. 1962.
7. John Oliver Killens. Black Man's Burden. 1965.
8. Robert F. Kennedy. To Seek a Newer World. 1967.
9. James A. Michener. America Vs. America: The Revolution in Middle-Class Values. 1968.
10. Ashley Montagu. Race, Science and Humanity. 1963.
11. Armstead L. Robinson, Craig C. Foster, and Donald H. Ogilvie (editors). Black Studies in the University. 1969.
12. Richard Wright. White Man, Listen. 1957.

Articles from Chronicle of Higher Education, Ebony; Harvard Educational Review, Journal of Higher Education, Journal of Negro History, School and Society, Today's Education, etc.

## E. Some national perspectives on institutionalized racism.

1. American Education and the Search for Equal Opportunity.

Report by The Educational Policies Commission of the National Education Association and the American Association of School Administrators. 1965.

2. "The Brock Report to President Richard Nixon." A report on campus unrest presented by twenty-two members of Congress. June 17, 1969.

## INTRODUCTION

The Pennsylvania State University, as a public institution, has the obligation of participating in the advancement of the Commonwealth's whole level of civilization and culture and the well-being for the entire State's population. For an optimum performance of these functions, The Pennsylvania State University must do all in its power to insure an atmosphere of freedom and autonomy from the lawlessness and irresponsibility of those who are opposed to the well-being of the entire population. We must expect the leadership of the University to help the State face its many critical social problems. The Pennsylvania State University must use its many resources to make a concerted effort to overcome our social crises.

The magnitude of the educational crisis facing The Pennsylvania State University can only be vaguely assessed. What is necessary to improve the situation can come only through the "bits and pieces" of constructive proposals which make up the whole. Solutions toward social crises demand excruciating patience and work, criticisms and self-criticisms, and -- perhaps most important at this University -- joint efforts by the Community. It is for this reason that President Eric A. Walker appointed a Commission on June 23, 1969 at The Pennsylvania State University.

Educational institutions have the opportunity and the obligation to create an atmosphere in which young Blacks can develop fully into men and women capable of building strong Black Communities. The Pennsylvania State University can and should marshal its resources and expertise in a systematic program of research, instruction, economic and cultural service designed to provide understanding, answers and results. It is in the interest of the University and society to provide for the best educational and social framework for the young Blacks studying here.

To emphasize the Commission's belief that The Pennsylvania State University must become the primary initiator of new and positive programs to better serve the Black Community, the Commission feels that the recommendations included in this report are absolutely essential to enable The Pennsylvania State University to build upon positive commitments already made and to continue to grow as a viable institution of higher education.

## PROPOSAL FOR A BLACK STUDIES PROGRAM

RATIONALE

The Presidential Commission holds that a Black Studies Program can and must be initiated which recognizes the inadequacies in the present academic community relating to the areas of Black intellectual independence and of Black scholarly enterprises.

Among the major purposes of a Black Studies Program is to make Blacks aware of their heritage and to make whites aware of the whole American heritage and the Blacks' positive contributions. A Black Studies Program will assist in developing a healthier human outlook among both Blacks and Whites. It will show that authentic Western Culture is not exclusively white. It will show Black Culture as a positive creative element in Western Civilization. The Black Studies Program will greatly assist the Blacks who are seeking a relevant education, an education that has some relation to their experiences and is useful for life in their community.



PRESIDENT'S COMMISSION

## REPORT OF THE SUB-COMMITTEE ON GOVERNANCE

Introduction

In his letter of June 23, 1969 President Eric A. Walker charged this commission with four broad tasks:

1. The speed, flexibility, and efficiency with which policies are developed and administered within the University.
2. The adequacy of existing means for representation of the various segments (constituencies) of the University community.
3. The appropriateness of present policies and procedures which guide and direct the relationships between the segments of the University community.
4. The priority to be assigned to consideration of the various problems or proposed changes evolving from the above and from all other requests for change which are now before various administrative, policy making, and governing bodies within the University.

In so wording his charges to the commission, President Walker seems to have given expression to what are perhaps two of the most fundamental concerns in university governance: namely, the desirability of (1) clear lines of responsibility or accountability in decision or policy making and (2) stable and open channels of communication between the various segments of the university as an assurance that such decisions will be made only after the widest possible consideration has been given to them.

Notwithstanding the controversy that arises over the implementation of these two principles, it is difficult to believe that there could be dispute over their position as the cornerstones of a system of university governance that aims at being equitable and efficient. It seems self-evident, in other words, that any university would want to operate in the smoothest, most effective manner possible, and so wanting, would have to insure that its policies and decisions were not only well-informed but established with the support of a majority of its community.

For these reasons, the following proposal requests the establishment of a university-wide forum in which all segments of the university are represented and which in no way is designed to undermine the existence or authority of the currently existing structures of governance. Rather, it has been conceived as a representative body that will serve to augment the effectiveness of these groups by means of restructuring their interrelationships and specifically by increasing and stabilizing the frequency and extent of participation in direct communication between them.

## THE PENNSYLVANIA STATE UNIVERSITY COMMUNITY FORUM CHARTER

### I. Purpose

The Pennsylvania State University Community Forum is hereby established for the purpose of providing a forum, representative of all segments of the University community, wherein any question regarding academic welfare and faculty and student life may be considered and recommendations made to the appropriate officer of the University. The University community is composed of (1) the Board of Trustees; (2) the President of the University and other administrative officers of the University; (3) the Faculty, including tenured and non-tenured members; (4) the students, both undergraduate and graduate; and (5) the alumni of the University.

### II. Authority

The Forum shall act in an advisory capacity only. It shall have no authority to legislate. However, it shall have the responsibility and authority to consider and investigate any University policy and any aspect of the governance of the University, including, but not limited to: (1) rules and regulations governing the conduct of all members of the University community; (2) the judicial system of the community; and (3) the decision-making authority of any segment of the community.

### III. Membership

A. The membership of The Pennsylvania State University Community Forum shall consist of the following:

1. Three (3) members of the Board of Trustees of the University who shall be selected in such manner as the Board of Trustees may determine from time to time.
2. The President of the University, the Provost, the Treasurer and Vice President for Finance, Vice President for Public Affairs, Vice President for Research, Vice President for Student Affairs, Vice President for Resident Instruction, Vice President for Business, Vice President for Planning and the Director of the Commonwealth Campuses.
3. The Chairman of the University Senate, nine (9) members of the University Senate, and six (6) faculty members who are not members of the University Senate, at least two of whom shall be from Commonwealth Campuses.
4. One member on the Council of Academic Deans, the Dean of the Graduate School, and two Directors of Commonwealth Campuses.

## V. The Executive Committee

- A. The Executive Committee of the Community Forum shall consist of nine (9) members who shall include the President of the University, the Provost, and Director of a Commonwealth Campus, the Chairman of the University Senate, three (3) faculty members and the President of the Undergraduate Student Government, the President of the Graduate Student Association and the President of the Organization of Student Government Associations.
- B. The faculty members of the Executive Committee shall be selected in such manner as the University Senate shall determine from time to time.
- C. The Executive Committee shall set the agenda for meetings of the Community Forum, and with the consent of the Community Forum, shall appoint the members and designate the chairmen of all standing Committees, except the Charter Committees. The Executive Committee may consider any matter within the jurisdiction of the Community Forum and, subject to the approval of the Community Forum at its next regularly scheduled meeting, may appoint such special committees as it deems necessary or desirable.
- D. A quorum of the Executive Committee shall consist of five (5) of its members.
- E. The President of the University, or in his absence the Provost, shall preside at meetings of the Executive Committee, and may call meetings in his discretion. The President of the University, or in his absence the Provost, shall call meetings of the Executive Committee as such are necessary to carry forth its work or when requested to do so by at least five (5) of its members.
- F. The Secretary of the Community Forum shall meet with the Executive Committee but shall be without a vote. It shall be his duty to keep the minutes of all meetings and to carry out all directions of the Executive Committee.

## VI. Charter Committees

- A. In addition to the Executive Committee, the following shall be Charter Committees:
1. The Committee on Rights and Rules
  2. The Committee on Governance
  3. The Committee on Priorities
  4. The Committee on Judicial Affairs
  5. The Committee on Academic Affairs
- B. Members of the committees need not be members of the Community Forum except that the Chairman of any Committee shall be a member of the Community Forum. Committees shall include representatives from the Commonwealth Campuses. Members of committees shall serve for a term of one (1) year, and without limitation as to reappointment.

C. It shall be the duty of the chairman with the advice and consent of each committee to acquaint all new members of his committee with its responsibilities and procedures, and he may, in his discretion, invite the attendance at meetings of his committee of persons who are not members.

D. Committees, with the consent of the Executive Committee may appoint sub-committees and the members of such sub-committees need not be members of the Community Forum.

E. The Community Forum may from time to time establish standing committees, or temporary or special committees and prescribe their responsibilities.

#### VII. The Committee on Rights and Rules

A. The Committee on Rights and Rules shall, on behalf of the Community Forum, consider and investigate the rights and rules regarding the conduct of all members of the University community and shall review the work of the Commissions and Committees dealing with such matter and the adequacy of the procedures for making and applying rules to other members of the University community. At least once annually and more often if so requested by the Community Forum, or by the Executive Committee, the Committee on Rights and Rules shall report its findings with respect to these matters to the Community Forum, together with any proposals it may have.

B. The Committee on Rights and Rules shall consist of the Vice President for Student Affairs, who shall be its Chairman, a Dean of one of the Colleges, or of the Graduate School, two (2) members of the faculty, two (2) undergraduate students and one (1) graduate student.

#### VIII. The Committee on Governance

A. The Committee on Governance shall, on behalf of the Community Forum, consider and investigate questions relating to the governing of the University. At least once annually and more often if so requested by the Community Forum, or the Executive Committee, it shall report its activities to the Community Forum, together with any proposals it may have.

B. The Committee on Governance shall consist of the President of the University, who shall be its Chairman, a Dean of one of the Colleges or of the Graduate School, two (2) members of the faculty, two (2) undergraduate students and one (1) graduate student.

#### IX. The Committee on Priorities

A. The Committee on Priorities shall, on behalf of the Community Forum, consider issues relating to priorities in the University budget and in the development plans of the University.



At least once annually and more often if so requested by the Community Forum, or the Executive Committee, it shall report its activities to the Community Forum, together with any proposals it may have.

B. The Committee on Priorities shall consist of the Vice President for Planning who shall be its Chairman, the Vice President for Finance and Treasurer, two (2) faculty members, two (2) undergraduate students and one (1) graduate student.

X. The Committee on Judicial Affairs

A. The Committee on Judicial Affairs shall, on behalf of the Community Forum, consider and investigate the operation of the judicial system of the University in order to ensure that the interests of the University community and the rights of the individual members of the community are protected. At least once annually and more often if so requested by the Community Forum, or the Executive Committee, it shall report its activities to the Community Forum, together with any proposals it may have.

B. The Committee on Judicial Affairs shall consist of one (1) of the Deans of one of the Colleges, who shall be its Chairman, the Dean of the Graduate School, three (3) faculty members, three (3) undergraduate students and two (2) graduate students.

XI. The Committee on Academic Affairs

A. The Committee on Academic Affairs shall, on behalf of the Community Forum, consider and investigate questions relating to the academic policies of the University. At least once annually and more often if so requested by the Community Forum or the Executive Committee, it shall report its activities to the Community Forum, together with any proposals it may have.

B. The Committee on Academic Affairs shall consist of the Vice President for Resident Instruction, who shall be its Chairman, the President of the University Senate, the Dean of the Graduate School, four (4) faculty members and three (3) undergraduate students and one (1) graduate student.

XII. Amendments

Amendments to this Charter may be proposed by any ten (10) members of the Community Forum. A vote of two-thirds of the membership of the Community Forum shall be required to amend this Charter.

## PRESIDENT'S COMMISSION

### Report of Sub-Committee on Student Conduct and Judicial Systems

#### INTRODUCTION

During the past several years, students, faculty and administrators, both individually and collectively, have established special committees to review and revise selective rules and regulations pertaining to student conduct and the University's judicial system. Too often these reviews have been made in response to crisis situations rather than a comprehensive review of the entire system. The result has been recommendations restricted only to the situations involved.

The 1968-69 academic year was no exception. A number of committees were created, charged with the responsibility of conducting studies and making recommendations in such areas as: establishment of an all-University judicial body; campus disruption; student conduct; adjudication of cases of academic dishonesty; procedural due process in the University's judicial procedures; conduct of student organizations; disciplinary sanctions; student publications; and student courts.

While several important rule changes resulted from these efforts, the need for thorough review of the entire process became more and more apparent.

Recognizing the need, the President's Commission established this Committee to undertake the task. Our report has taken us nearly seven months to complete and in the process we have reviewed innumerable documents, both internal and external, and interviewed representatives of the various student government organizations, the faculty senate, administration and staff. We have made note of developments at other institutions and suggestions made by those persons whom we interviewed so that we might have the widest range of ideas and possible alternatives. The philosophical position and the system which we propose in the remainder of this report represent what is, in the Committee's view, a responsible and equitable system for the University at this time.

The Committee fully recognizes that no system will meet with the approval of all parties concerned nor will it anticipate the future needs of the University community as times and conditions change. We, therefore, recommend that the Community Forum, proposed in the Governance Committee report, assume responsibility for continual review of the system and for recommending desired changes to appropriate legislative bodies. The Forum, by the very nature of its composition and committee structure, should be both sensitive to need for change and capable of making responsible judgements and recommendations concerning now unforeseen conditions.

In summary, we believe that the system we propose is in keeping with the highest traditions of higher education, and yet flexible enough to withstand the rapid change which is characteristic both of Penn State and of higher education in the mid twentieth century.



The Committee recommends that the various student organizations, GSA, USG, and OSGA, be given the opportunity to review this report.

Finally, we would urge those parties in whose hands rest the final authority for enacting our proposals to give highest consideration to the entire report rather than to any single proposal. Individual proposals are interrelated and in many cases the reason for their inclusion in this report would be lost if considered apart from the others.

### RATIONALE

The University, when viewed in its totality, is not merely an "academic" community but a community with socio-economic and political interests as well. It is as interested in the development of its members as citizens--as mature individuals with a regard for self-discipline and a respect for the freedoms and integrity of others--as it is in their development as scholars, scientists, and artists.

When viewed in this broader meaning, the University has a legitimate concern with the behavior of its members outside as well as inside the classroom, even if taken to mean no more than providing the maximum amount of freedom in which the individual can act.

It is, in fact, precisely at this point, at the question of the scope of this concern, that much of the debate surrounding the disciplinary systems of universities comes into focus. Specifically, the question arises: should the University exercise its legal right to impose penalties or adjudicate cases which are covered by civil law and thus fall within the jurisdiction of the civil court system? Do such an internal alternatives to the local authorities and to informal pressures in some way tend to defeat the broad educational objectives of the University briefly mentioned above? In other words, does the replacement of a civil court proceeding by a University hearing tend to cultivate a disrespect for the law or impede the development of self-discipline and self-respect?

The complexity of this and other related questions notwithstanding, it is the conclusion of this sub-committee that such a policy--i.e., the substitution of university action for that of the civil court in certain cases--does not in any serious way adversely affect the purposes and obligations of the university. In fact, we feel it can contribute in a positive manner to those same purposes and obligations. This conclusion, however, is not asserted as the only possible answer but rather as that course of action which seems to best serve the university's needs and functions. We, therefore, have recommended the establishment of a commission by which this solution can be modified through time and in accordance with prevailing opinions and principles.

It is the contention of this report that a non-academic disciplinary system, while perhaps not a necessity in the strictest sense of the word, is nevertheless a desirable, justifiable means to the broad ends of the university.

The justification for this contention begins in a consideration of the unique aims or objectives of the university as well as in the values or principles which should be operative in their accomplishment. As stated above, the former are conceived as including not only the search for truth and the advancement of knowledge but the development of the individual as a responsible and contributing member of society as well. In order to do so, the university has the right, if not the obligation, to utilize every opportunity and resource available, outside as well as inside the classroom, in such a way as to insure its proceeding in an orderly, judicious, and productive fashion. Such opportunities might well include, but certainly not be limited to, some form of disciplinary system. The operation of such a system, especially in the area of non-academic activity or behavior, would therefore be more educational than punitive in nature and intent. Its objective would not be that of protecting the individual from a just punishment but rather that of affording the individual the greatest possible opportunity for a just balance between the punishment imposed and the severity of the crime and violation--between the development of the individual and the welfare of the community. Moreover it is intended to stem the tide of the university towards increasing impersonality and thereby to aid in its re-direction towards a more pervasive humanization of the university's relationship with the student and of its need to maintain an orderly and productive function of all of its branches.

Such a system, if not abused, would help mitigate against (1) the relative disadvantage of students due to their transient status (e.g. the lack of operative informal arrangements between permanent residents and the civil authorities and difficulties that might arise because of cultural differences); (2) the possible overloading of a court system unable to cope with the demand that would be created by forcing all charges or cases to be adjudicated downtown; (3) the expense of civil court system to the individual or to the University should it be required to assume such financial responsibilities; (4) the relative impersonality of the civil court system which is structured more for the protection of the community than for the welfare of any given individual; and (5) the almost totally punitive nature of civil law and its court system.

The presentation of such an alternative course of action to that of prosecution by civil authorities--namely a code and a system of "courts" within the University itself--allows the University an important opportunity to promote the welfare of its individual members at the same time that it protects the property and persons of its community as a whole. Moreover, it provides a mechanism through which the members of the community can assume, in a collective fashion, greater responsibility for the maintenance of order and a certain standard of excellence.

For, it is through such a system that these members will be given at least some direct voice, and some measure of control over the establishment and enforcement of rules or regulations to serve as guidelines in the preservation of the rights of all. To do otherwise would contribute little of a positive nature to the functioning of the University or to the experience of living within it but rather would serve only as an additional agent of depersonalization and thereby contribute to the student's feeling of alienation.

## I. STUDENT RIGHTS

The Committee recognizes the "Joint Statement on Rights and Freedoms of Students" as a basic guide for colleges and universities to follow in spelling out the means by which the student's freedom to learn shall be provided by each institution. We further recognize that each institution of higher education is a unique community which should be free to formulate the specific procedures and means for securing the student's freedom to learn, so long as fundamental rights are not violated.

The concept of rights and freedoms, no matter how basic or widely accepted, carries with it corresponding responsibilities for which the claimants are also accountable. Indeed, there can be no rights and freedoms if all who claim them do not recognize or respect the same rights and freedoms for others. Students as well as all other members of the Penn State community enjoy the same Constitutional and civil rights guaranteed all citizens; at the same time they are subject to the laws of the Nation, the Commonwealth of Pennsylvania and the local community. No institutional authority can alter these rights and responsibilities. The University may, however, establish such additional regulations and policies as necessary to the achievement of its objectives as an educational institution. All members of the Penn State community should feel a strong responsibility to protect and maintain an academic climate in which the freedom to learn can be enjoyed by all.

As not only institutional objectives but also the tenor of the times change, so must corresponding regulations and policies. It should be kept in mind that the "Joint Statement" as well as this document must be subjected to continuing review by all segments of the community in order to effect responsible and necessary change to meet new situations and times.

PROPOSAL 1. With the above points of understanding in mind, the Committee endorses the "Joint Statement on Rights and Freedoms of Students" as a basic guideline for the development of its report and further recommends that the University Senate, the Undergraduate Student Government, the Graduate Student Association, and the Organization of Student Government Associations likewise acknowledge the "Joint Statement" as a guide for subsequent studies and recommendations.

## II. CONDUCT OF STUDENTS

### A. Undesirable Behavior

In taking the position that student out-of-class behavior is a legitimate concern of higher education, the committee has maintained that in fairness to students those behaviors which are undesirable in the University community must be made known through appropriate notice and inclusion in official University publications.

We found the Senate rules concerning student conduct (W-rules) to be lacking in specificity and comprehensiveness. Therefore we recommend the deletion of Senate Rules W-11, W-12, and W-14 and the adoption of the following code as applicable to all students, both undergraduate and graduate, at all campuses of the University.

**PROPOSAL 2. CODE OF STUDENT CONDUCT.** Members of the University community assume an obligation to conduct themselves in such a manner that they do not adversely affect the rights or property of others in the community. All members of the community are subject to the laws of the municipality, the Commonwealth, and the Nation. In addition, the University may establish such additional regulations and rules as necessary to the achievement of its objectives as an educational institution, so long as those regulations and rules do not conflict with the Constitutional rights of citizens.

Misconduct for which members of the University community may be subjected to disciplinary action consists of the following offenses:

- (1) Academic dishonesty, including but not limited to, cheating and plagiarism.
- (2) Furnishing false information to the University with the intent to deceive.
- (3) Forgery, alteration or fraudulent misuse of University records, documents or identification cards.
- (4) Interference with, obstruction or disruption of any University activity, including teaching, research and administration process and procedure, student activity, public or student service functions or other authorized activity on University premises.
- (5) Theft of or damage to property of the University or of a member of the University community or campus visitor.
- (6) Physical abuse of any person on the University premises.
- (7) Unauthorized entry into or use of University facility.
- (8) Use, possession, or distribution of narcotic or dangerous drugs.
- (9) Use, possession, or distribution of alcoholic beverages on University property and the maintenance of bars, dispensing equipment, or similar facilities for storage or serving alcoholic beverages.
- (10) Use or possession of firearms or other dangerous weapons on University property.
- (11) Disorderly conduct or lewd, indecent, or obscene conduct on University property.

PROPOSAL 5. Sanctions. The following sanctions shall comprise the range of official action which may be taken as the result of any disciplinary hearing excluding academic violations. Sanctions may be imposed only as a result of a disciplinary hearing.

1. Probation with Office of Dean of Student Affairs or Office of the Dean of the Graduate School (censure): The inappropriate behavior is discussed with the student; he is given a period of time during which he has the opportunity to demonstrate that he has learned from the disciplinary situation. The duration of the probationary status is specified and no restrictions are placed on extra-curricular activities. A record is kept by the Office of Student Affairs staff or the Office of the Dean of the Graduate School. Parents may be informed.\*

2. Disciplinary Warning: Disciplinary warning is a notice to a student that his or her conduct is unacceptable to the University. The student should understand that the continuation of such behavior may result in further disciplinary action which in turn may result in suspension or dismissal from the University.

The Office of Student Affairs or the Office of the Dean of the Graduate School may notify the parents or guardian that the student has received a disciplinary warning.\* In all cases notification shall be discussed with the student.

3. Disciplinary Probation: As a result of the disciplinary hearing, a student may be placed on disciplinary probation for a specified period of time. Disciplinary probation must be accompanied by a disciplinary warning. Disciplinary probation is a trial period during which a student must demonstrate his or her ability to act in a manner acceptable to the University. While in the period of disciplinary probation the student is encouraged to seek advice and counseling from appropriate University offices. A notation of the action shall be made on the student's Educational Record to be removed at the end of the probationary period.

The Office of Student Affairs or the Office of the Dean of the Graduate School may notify the parents or guardian that the student has been placed on disciplinary probation.\* In all cases notification shall be discussed with the student.

4. Loss of Privileges: This includes denial of use of an automobile for a specified period of time, removal from residence hall or other loss of privilege consistent with the offense committed, and the rehabilitation of the student. Loss of privilege may be accompanied by another sanction.

5. Restitution: Reimbursement by transfer of property or services to the University or a member of the University community in an amount not in excess of the damage or loss incurred. Reimbursement may be accompanied by another sanction.

6. Suspension: Suspensions represent a specified period of time during which the student loses the privilege of attending the University. It is understood that the student shall be reinstated in the University and in his program of study by the Office of Student Affairs or Office of the Dean of the Graduate School at the end of the suspension period. The student is required, however, to submit a resume of his activities during the suspension period, as well as letters of reference from at least two persons who are not members of his family. A notation of the disciplinary action is entered on the student's Official Educational Record and remains there until the end of the period of suspension. Parents are informed in all cases.\*

7. Dismissal: Withdrawal of the privilege of attending the University with no promise (implied or otherwise) that the student may return at any future time. A notation is made on the student's Official Educational Record. If the student is reinstated, the notation is automatically removed at the time of reinstatement. Parents are informed in all cases.\* Reinstatement procedure is described in Senate Rule A-7 of the "Senate Policies and Rules for Undergraduate Students:" "A student who has been dismissed from the University for disciplinary reasons shall be readmitted only by the authority of the President of the University, upon the recommendation of the Dean of the College in which the student was enrolled at the time of dismissal."

\* Parents of students 21 years of age or older and parents of emancipated minors shall not receive notification of disciplinary sanctions except in the case of a sanction of suspension or dismissal.

### III. A SYSTEM OF ADJUDICATING CASES OF ALLEGED STUDENT MISCONDUCT

#### A. Standard Boards

At present a system of undergraduate judicial boards, established and manned entirely by students, is operative at both University Park and the Commonwealth Campuses. Prior to passage of Senate Rule W-21 (academic violations) and the establishment of a temporary University Judicial Board by the Senate, all cases of alleged student misconduct were handled by these student boards, or, at the student's request, by the Office of Student Affairs. The Committee believes that a system of student minor boards should be established with certain clarification of procedures and jurisdiction. This system should be extended to afford the same protections to the graduate student population. The following subsections contain specific recommendations for revising and extending the present Student Standards Boards system:

##### 1. Jurisdiction

PROPOSAL 6(a). Student Standards Boards shall have original jurisdiction in all cases of alleged violations of the Code of Student Conduct with the following exceptions:

(1) The student elects to have his case heard by the Office of Student Affairs or the Office of the Dean of the Graduate School, provided, however, that a student may not have his case heard by such administrator if the student wishes to contest the charge. A student may appeal the sanction imposed by such administrator to the University Board of Appeals.

(2) Cases of alleged academic violations.

(3) Cases accepted for hearing by the University Judiciary Board upon referral from the Office of the Dean of Student Affairs or the Office of the Dean of the Graduate School. A Standards Board may refer a case to the University Judiciary Board if it feels it necessary.

PROPOSAL 6(b). The Office of the Dean of Student Affairs and the Office of the Dean of the Graduate School may refer cases to the University Judiciary Board which have a serious impact on the entire University community. The Board shall have the sole authority to decide whether to hear such case, dismiss the charges, or to refer the case to a Standards Board.

##### 2. Procedure

PROPOSAL 7. Student Standards Boards shall be bound by the following rules of procedure:

(a) Notice of Charges. The Office of the Dean of Student Affairs shall prepare the standard reports, including a written statement of specific charges and all known facts relative to the incident. The charges shall be sufficiently specific to reasonably inform the student of the nature of his or her alleged violation and shall be furnished in writing at least forty eight (48) hours in advance of the hearing in order for the student to prepare for his defense.

(b) Initiation of Hearings. After receiving a copy of the incident report and being made fully aware of the nature of the charges, the student may elect to have his case heard by the Office of the Dean of Student Affairs if he does not choose to contest the charges. If he chooses to contest the charges, his case must be heard by a Student Standards Board.

If the case is to be heard by a Student Standards Board, a copy of the incident report will be given to the Chairman of that Board. The Chairman of the Standards Board shall notify the student regarding time and place of the hearing.

(c) Conduct of Hearings. The hearings shall be conducted in such a manner as to do substantial justice and shall not be unduly restricted by legal rules of procedure or evidence.

A student or any Student Standards Board member may request that the Standards Board remove any Board member from hearing the case for reason of conflict of interest, as long as just cause can be shown for such contention. In such case, the Standards Board shall act by majority vote.

On behalf of the University, the charges and evidence shall be presented by a person designated by the Office for Student Affairs or the Office of the Dean of the Graduate School. The person so designated may have the aid of an advisor, who shall be a member of the University community. A student charged with misconduct also has the right to be accompanied by an advisor. The advisor shall be a member of the University community (administrative official, faculty member or student).

The student shall have the right to call a reasonable number of witnesses in his behalf. The Board may at its discretion, however, determine the number of witnesses to be heard. Witnesses not heard may submit written statements to the Board.

The testimony of unknown or unidentified accusers or witnesses shall not be admissible.



Attendance at the hearing shall be limited to members of the Student Standards Board, the accused student and his advisor, a representative of the Office of the Dean of Student Affairs (if he is presenting the charges in person) and his advisor, and witnesses called in behalf of the accused student or by the Office of the Dean of Student Affairs or the Standards Board. No person other than members of the Standards Board may remain in the hearing room during deliberation.

The Board may address questions to any party to the proceedings or to any witnesses called by the parties or the Board. The student's advisor shall not be a party to the proceedings, except that he may converse with the accused student. The advisor to the representative of the Office of the Dean of Student Affairs shall not be a party to the proceedings, except that he may converse with that representative. Any party may request the privilege of presenting witnesses, subject to the right of cross-examination by the other party.

The primary objective of a Student Standards Board is to examine a student's conduct in relation to expected University standards and to decide upon and initiate an appropriate action to assist the student in resolving those conditions which cause him to be in conflict with his environment. When a Student Standards Board must concern itself with the guilt of an accused student, the burden of proof rests with the University.

A summary and a taped verbatim record shall be made. The taped record shall be maintained until final disposition of the case.

The decision of the Student Standards Board and the sanction, if any, may be communicated verbally to the student following the deliberation.

Written notice of the decision shall be communicated to the student and, when appropriate, to his parents by the Office of the Dean of Student Affairs or the Office of the Dean of the Graduate School.

### 3. Composition

PROPOSAL 8. In all cases, Student Standards Boards shall be composed exclusively of students and in no instance shall other persons be present during the deliberations of the board or attempt to unduly influence of prejudice members of the board.

#### 4. Range of Sanctions

PROPOSAL 9. A Standards Board may impose any sanction contained in Section III, D, 2. of this report. In the event the sanction is suspension or dismissal, the action of the Board shall take the form of a recommendation to the president of the University.

#### 5. Appeals

PROPOSAL 10. All appeals shall be made to the University Appeals Board or to the appropriate Commonwealth Campus Appeals Board and may be initiated by the accused student(s), the Office of Student Affairs, or the Office of the Dean of the Graduate School upon establishing the basis for the appeal (see sub-section, below). Upon introduction of new evidence within fifteen (15) days of the decision of the board, which period may be extended by the Chairman, the court of original jurisdiction may schedule a rehearing.

#### 6. Grounds for Appeals

PROPOSAL 11. Grounds for appeal, which must be in writing, shall include one or more of the following: (1) the student has been deprived of his procedural rights as outlined elsewhere in this report; (2) the facts fail to establish guilt by a fair preponderance of the evidence; or (3) the sanction imposed by the board is not consistent with the violation.

7. Student Standards Boards at the University Park Campus. As indicated earlier, the Committee has been impressed with the initiative on the part of both students and staff in establishing the present student board system. There appears to be at least one additional step necessary at this point to further strengthen the system. In the case of the women's judicial system, the Association of Women Students (AWS) has assumed an important leadership role in developing and maintaining that system which is not evident in the same degree in the men's tribunal system. That is not to say that the men have established a less workable or less just system; rather, unlike the case of the women where a single organization has assumed responsibility, it has required the coordination of three separate and distinct organizations, Men's Residence Council (MRC), Town Independent Men (TIM), and The Interfraternity Council (IFC) to bring the men's system to the point where it is today. While the men now have evolved an adjudication system based upon place of residence, the women may well face the same problems the men have just recently resolved as increasing numbers of women students take up residence off campus. We, therefore, propose the following steps be taken to assure the continued smooth operation of the student boards:

PROPOSAL 12. That AWS, TIM, MRC and IFC establish a joint Judicial Committee for the purpose of establishing a single undergraduate student court system based upon place of residence or other criteria and which would establish procedure as recommended in this report. The Joint Judicial Committee would also provide general supervision for the Student Boards and be responsible for staffing of the Boards. A member of the Senate Committee on Undergraduate Student Affairs and a representative of the Office of the Dean of Student Affairs should be ex officio members of the Joint Judicial Committee.

8. Student Standards Boards at the Commonwealth Campuses.

At this time the Committee has no specific recommendations for the Commonwealth Campus boards other than those points previously contained in this report which are applicable through all boards. The present system, although only one year old, appears to be working quite well. The individual campuses should continue to develop them under the board guidelines contained herein and those unique circumstances which exist at each campus.

9. Establishment of a Standards Board at the Graduate Level.

One of the most pressing needs recognized by this Committee is the establishment of a judicial body at the graduate level. We find the current practice to be quite informal and totally lacking in specificity. No procedural safeguards are found for graduate students, although there is no evidence at this time to suggest that due process has been denied any graduate student. We strongly recommend the following:

PROPOSAL 13(a). That the Graduate Student Association, with the concurrence of the Dean of the Graduate School, immediately establish a graduate student board and procedures consistent with the recommendations contained in this report. This board shall have original jurisdiction in all cases of alleged violations of the Code of Student Conduct by graduate students with the exception of those instances cited in Section IV, A, 1 of this report.

PROPOSAL 13(b). That the Dean of the Graduate School designate a person on his staff to assume those administrative responsibilities (as specified in this report) relating to graduate student conduct. The person so designated should coordinate his work with the Office of Student Affairs.

B. University-Wide Judiciary Board

PROPOSAL 14. It is proposed that the University Senate establish a University Judiciary Board (UJB) as follows:

1. Membership. The University Judiciary Board shall be composed of seven voting members and one-voting member who shall be selected as follows:

(a) Two members shall be undergraduate students and shall be elected from among members of the undergraduate student judiciary by the Undergraduate Student Government Congress.

The Undergraduate Student Government shall be responsible for organizing and conducting the elections.

(b) Two members shall be graduate students and shall be elected by the Graduate Student Council.

(c) Three members shall be faculty members and shall be elected by the elected faculty members of the University Senate.

(d) One member shall be elected by the Council of Academic Deans from its members.

(e) The chairman shall be elected by the board from among the faculty representatives. He shall preside at all hearings, unless he delegates an alternate acceptable to the Board. The Chairman shall be non-voting.

2. Alternates. Alternates shall be elected in the same manner by each of the represented organizations. In unusual circumstances, the Chairman may request that additional alternates be provided by the appropriate organization(s).

3. Term of Office. All members of the Board shall serve for one year and may be reelected for one additional year. The term of office shall begin on July 1 of each year.

4. Organization of the Board. As soon as possible after its election, the Board shall meet in executive session to elect a chairman and to review procedures. The Board may consult legal and other experts for procedural advice.

5. Jurisdiction. The Board shall have original jurisdiction of major cases of alleged misconduct which affect the University community.

6. Procedures.

a. Filing of Charge(s). Charges shall be filed with the chairman of the Board through the Senate Office. The chairman shall send to the student by registered mail, a written copy of the charge(s) and a copy of the procedures of the Board in the conduct of hearings and a list of members of the board and alternates. Copies of the charge will be sent to the Office of Student Affairs and/or the Dean of the Graduate School. The charge(s) shall be sufficiently specific to

inform the accused of the nature of the charge(s) and to enable the accused to prepare and present a defense. The general charge(s) shall be supported with specific details of the acts falling within the charge(s).

b. Initiation of Hearings. Within five class days after the receipt of the charge(s) the accused shall respond in writing to the Chairman of the Board. The Chairman of the Board may extend the time for such response. Within ten class days after submission of the charge(s) the Chairman of the Board shall set a time for the hearing, which shall be fixed not less than fifteen class days from the date of the announcement of the hearing. An extension may be granted by the Chairman. The Chairman must, upon written request of the accused, postpone a hearing until the termination of any civil action against the accused arising out of the same incident.

c. Conduct of Preliminary Sessions and Hearing. The Chairman shall assure that a duly constituted Board (seven members and a Chairman) is present at all times. Others present shall be alternates, secretaries, and specific persons involved in the case.

The hearing shall be private if requested by the accused. In hearings involving more than one person, in which one or more, but not all, request a private hearing, a private hearing may be allowed upon request and consideration of cause for such request. Decisions by the Chairman are subject to majority approval. Either party may request the Chairman to poll the Board if they wish to challenge a decision of the Chairman.

The Board may call for an executive session by majority vote.

(1) Preliminary Executive Sessions

(a) The Board will hear:

(1) Motions in writing from the accused, if necessary, for more time to prepare an adequate defense.

(2) Motions for self disqualification by members or alternates because of conflict of interest. These positions shall be filled by alternates.

(3) Motions in writing by the accused or accuser to disqualify any of the members for cause. The validity of these objections shall be determined by majority vote. In the case of disqualification, an alternate will serve on the Board.

The accused and accuser shall have the right to disqualify two members of the Board without demonstrating cause. In cases involving groups, written motions to disqualify without cause will be limited to two.

(b) The Board shall then determine:

(1) If the charges are explicit enough to warrant a hearing. If not, the case may be dismissed by majority vote.

(2) If the case lies within the jurisdiction of the Board. A case may be referred to another board or an appropriate counseling agency by majority vote.

(3) If the accused has been tried for the same offense(s) in the civil courts and has been acquitted. When this is the case, charges shall not be accepted by the Board.

## (2) Hearings

(a) There shall be a transcript and a tape recording of the hearing. Both parties involved shall have the right to copies of the transcript pending further litigation. The original records shall be retained by the Chairman and shall be available only to the Board.

(b) The presentation of the charge(s) shall be handled by the person initiating the charge(s). The person initiating the charge(s) may have the aid of an advisor, who shall be a member of the University community.

(c) The defendant appearing before the Board has the right to be assisted in his defense by an advisor of his choice who must be a member of the University community. In addition, the student's academic advisor may be present at the

request of the accused. These advisors may participate in the cross-examination of witnesses and accusers.

(d) Material or written evidence shall be deposited with the Board and must be available to both parties. The Board may also require the production of records or other exhibits.

(e) Witnesses who testify before the Board will be invited to remain during the course of all testimony. They may leave and be readmitted at their request. A reasonable number of witnesses may be called by both sides. The Chairman of the Board will determine how many of these will testify before the Board. Witnesses not called for testimony may submit signed statements to the Board.

(f) The individual presenting the charge(s) and the accused will be given the opportunity to testify, and to present evidence and witnesses in turn, with the accuser first. The testimony of unknown or unidentified accusers or witnesses shall not be admissible. Either party may request the privilege of presenting witnesses. All witnesses may be cross-examined.

(g) Following completion of testimony the accuser and the accused shall make summary statements in turn.

(h) All matters upon which the decision of the Board may be based shall have been introduced during the hearing. The burden of proof shall be upon the person bringing the charge(s). The charge(s) shall only be sustained if guilt is proved beyond a fair preponderance of the evidence as provided for in Section (3) (a) below. Disciplinary action shall be stayed until all appeals within the University have been exhausted.

### (3) Decision of the Board and Right of Appeal

(a) By secret ballot, the Board will determine whether the charge(s) is sustained. A 3/4 majority vote of the members of the Board is required to sustain any charge.

(b) If the charge(s) is sustained, the Board will discuss possible disciplinary actions or other redress of grievances. By written ballot, the Board will determine what action to take among any proposed alternatives. A recommendation to dismiss or suspend any student for any specified period of time requires a 3/4 majority of the board. Other actions require a majority. A minority report may be written.

(c) Decisions or recommendations of the Board are final, subject only to the right of both parties to appeal in writing within 15 days of the Board's decision. The decision shall be in writing and mailed to the accused by registered mail. If the decision is to suspend or dismiss the decision shall take the form of a recommendation to the President.

(d) Upon introduction of new evidence subsequent to the decision of the Board, the Board shall convene to examine any new evidence. A rehearing may be scheduled by majority vote of the Board.

(e) Both parties shall be informed of the right to appeal on any of the following grounds:

(1) the student has been deprived of his procedural rights as outlined elsewhere in this report.

(2) the facts fail to establish guilt by a fair preponderance of the evidence beyond a reasonable doubt.

(3) the sanction imposed by the University Judiciary Board is not consistent with the violation.

Appeals shall be made in writing and directed to the Chairman of the University Board of Appeals through the Senate Office.

### C. University-Wide Board of Appeals

PROPOSAL 15. It is proposed that the University Senate establish a University Board of Appeals (UBA) as follows:

1. Membership. The University Board of Appeals shall be composed of six members selected as follows:

(a) Two members shall be undergraduate students and shall be elected by the Undergraduate Student Government Congress.

(b) Two members shall be faculty members and shall be elected by the elected faculty members of the University Senate.



(c) One member shall be a graduate student and shall be elected by the Graduate Student Council.

(d) One member shall be appointed by the President of the University from the Council of Academic Deans.

2. Alternates. Alternates shall be elected at the same time by the Undergraduate Student Government Congress, the Graduate Student Council and the University Senate. The President of the University shall appoint one alternate.

3. Chairman. The Chairman and Vice-chairman shall be chosen by the Board from among its members by majority vote. All decisions of the Chairman and Vice-chairman are subject to approval of the Board by majority vote.

4. Term of Office. All members of the Board shall serve one year and may be reelected or reappointed for one additional year.

The term of election or appointment shall begin on July 1st of each year.

5. Jurisdiction. The University Board of Appeals shall hear appeals from actions of the entire Judiciary system. The Board may not refuse to consider an appeal. The grounds for appeal are: (a) the student has been deprived of his procedural rights as outlined elsewhere in this report, (b) the facts fail to establish guilt by a fair preponderance of the evidence, or (c) the sanction imposed by the board of original jurisdiction is not consistent with the violation.

## 6. Procedures.

a. Notice of intention to appeal must be submitted in writing to the Chairman of the University Board of Appeals, through the Senate Office within fifteen (15) days of the decision of the board of original jurisdiction.

The Board shall meet as soon as is practicable to consider an appeal.

b. An appeal shall stay the imposition of any sanction imposed by the board of original jurisdiction.

c. A complete six-member Board must be present at all meetings.

A member may request to be excused by the Chairman from a particular case. In the absence of a member his alternate shall serve. In unusual circumstances the Chairman may request that additional alternates be provided from the appropriate organization.

d. The appellant may appear before the Board to present the appeal. The appellant may select another advisor from the University community. The Dean of the appellant's College and the academic advisor may also be present.

e. The Board shall limit its review to the complete evidence and testimony presented before the court of original jurisdiction. A record shall be kept of all proceedings.

f. The Board shall affirm the decision of the court of original jurisdiction unless it determines by majority vote that one of the criteria in (5) above has been met.

g. In the event of a decision not to affirm the finding of the lower court, the Board may (1) reverse the original decision, (2) reduce or modify the severity of the sanction, or (3) return the case to the court of original jurisdiction for further consideration consistent with the directions of the Board.

h. The decision of the Board shall be sent to the appellant and to the chairman of the court of original jurisdiction.

If the Board affirms a decision to suspend or dismiss, the affirmation shall be in the form of a recommendation to the President of the University.

#### D. Group Discipline.

PROPOSAL 16. In the instance where charges are brought against a student organization, it is the option of this Committee that the procedures outlined in Section IV, A, B, and C, of the Guide, which is titled Adjudication Procedures for Student Organization Standards Violations, should continue to be followed with the exception that the Dean of Student Affairs, University Park, should be removed from the Group Discipline Committee and replaced by a second faculty member. An appeal of decisions involving student organizations shall be to the University Appeals Board.

#### E. Role of Resident Assistants.

The Committee recognizes the unique position of the Resident Assistants (RA's) and the many and, at times, seemingly conflicting roles they must play. It is in their roles as counselors to students and enforcers of rules and regulations that most frequently give rise to conflict. The question frequently asked is "aren't these roles incompatible?" The Committee, after hearing from resident students, RA's, and other staff personnel, have concluded that these roles both can and should be reconciled, and that the source of conflict is not the roles themselves, but rather how the individual RA chooses to act out the roles. More intensive training of RA's and more adequate explanation of the RA's position to resident students should help to resolve current misunderstandings.

#### IV. A UNIVERSITY POSITION ON DEMONSTRATIONS, DISTURBANCES AND DISRUPTIONS

The Committee proposed the following statement, as contained in part in the Progress Report of the Senate Ad Hoc Committee on Disruption as an official University position with regard to demonstrations, disturbances and disruptions:

PROPOSAL 17. (1) As an academic community consisting of student, faculty, administration and a Board of Trustees, The Pennsylvania State University is committed to the protection and preservation of the free search for truth; the freedom of thought, inquiry, speech; and the freedom to hear, examine and debate alternative theories, data and views. These are fundamental rights which must be practiced, protected, and promoted by this University; (2) It is essential in the University that channels of communication be open, effective and accessible to all members of the academic community; (3) Acknowledging that the process of communication may include various forms of individual and collective expression, the University recognizes the right of lawful assembly and demonstration. However, a University dedicated to free inquiry and discussion cannot sanction any interference with, or destruction of its responsibilities. The regular and essential operation of the University is construed to include, but is not limited to, the operation of its offices, classrooms, laboratories, research facilities, and the right of access to these and any other physical accommodations used in the performance of the teaching, research and administrative functions and related adjunct activities of the University; (4) Disruption is an action or combination of actions by an individual or a group which unreasonably interferes with, hinders, obstructs, or prevents the regular and essential operation of the University or infringes upon the rights of others to freely participate in its' programs and services; (5) It is the responsibility of University officials to initiate action to restrain or prohibit behavior which threatens the purposes or the property of the University or the rights, freedoms, privileges and safety of the personnel of the academic community.