

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

DECEMBER 5, 1994

MINUTES

Senators excused were: Ardeshir Faghri, Calvin Keeler, James Kirby, Daniel Rich, Duane Milne, David P. Roselle, Michael Rosenberg, Carolyn Thoroughgood, Raymond Wolters

Senators absent were: Martha Carothers, John Cooper, William Daniels, Richard Geider, Carol Hoffercker, Roger Kobak

I. ADOPTION OF THE AGENDA

The agenda was adopted without revision.

II. APPROVAL OF THE MINUTES

The minutes of the November 7, 1994 meeting were approved as submitted.

III. REMARKS BY UNIVERSITY PROVOST SCHIAVELLI

Provost Schiavelli announced that he just had met with the Academic Priorities Review Committee, the newest committee of the Senate. The Provost plans to meet with this committee at least several times each semester to discuss academic priorities further out than one fiscal year. The Academic Priorities Review Committee will sort out the overlapping jurisdictions with the Committee on Budgetary and Space Priorities.

IV. ANNOUNCEMENTS

President McLaughlin called attention to the current issue of Academe which is devoted to the "post-modern university," the issues and technology of distance education. He also reminded faculty of the \$10,000 challenge grant of Professor Sussman in support of the library.

The Library Committee has modified the procedures to be used in obtaining a Library Assessment Statement in support of new or modified academic programs. The deadlines are particularly important. The Library Assessment Statement is given below.

Library Assessment Statement

A formal written assessment from the Director of Libraries of the Library's ability to support a proposal for a new or expanded academic degree or program is required as a part of the formal proposal. This includes a degree or program at a non-Newark site.

The assessment statement may include but is not limited to the strength of collections; access to electronic and networked information; access to collections not owned by the University of Delaware; library space and library computer requirements; language and subject capabilities of library staff; and nature of service and increased usage demands resulting from the proposed new degree/program.

The request for the library assessment, accompanied by details of the proposed degree or program, needs to be received by the Library at least one month before the Library's assessment of a proposed degree or program is required. The Library will respond in a timely manner, usually within two weeks, in order to allow time for faculty discussion of the library assessment and possible further discussion and/or interaction with the Director of Libraries, if desired.

ANNOUNCEMENT FOR CHALLENGE

The proposed revision to the requirements for the B.A. in Women's Studies was approved without comment.

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Recommendation from the Faculty Senate Executive Committee regarding the Ad Hoc Committee on Freedom of Expression in Public Events.

The Committee was appointed in 1993 and worked diligently to provide recommendations for the five areas of concern assigned to

it. These recommendations were reported orally by Robert Brown to the Senate at the May 2, 1994 meeting and in a written report of May 16, 1994. The report was attached to the December Senate agenda and is attached to these minutes as well. This substantial body of work was acknowledged with the following resolution which was passed unanimously:

- WHEREAS, the Ad Hoc Committee on Freedom of Expression in Public Events has filed its final report with the Executive Committee, and
- WHEREAS, the Executive Committee has received and discussed that report, and
- WHEREAS, an open hearing on the contents of the report was held on October 5, 1994, be it therefore
- RESOLVED, that the Ad Hoc Committee on Freedom of Expression in Public Events is hereby discharged with the thanks of the Faculty Senate.

- B. Recommendation from the Faculty Senate Executive Committee for the adoption of a Statement on Freedom of Inquiry and Expression.

In the interest of clarity, the minutes of this resolution are presented in the following order: (1) the resolution introduced by the Executive Committee and contained in the agenda, (2) summary of remarks by Robert Brown concerning the resolution, (3) amendments introduced by Hilton Brown and subsequently discussed seriatim, (4) the resolution as finally adopted, and (5) other discussion.

- (1) The Original Resolution:

- WHEREAS, the Executive Committee of the Faculty Senate has discussed the report of the Ad Hoc Committee on Freedom of Expression in Public Events, and the comments made at the Open Hearing on October 5, 1994, and
- WHEREAS, the Statement on Freedom of Inquiry and Expression as stated in the Official Student Handbook, pages 25-26 addresses the problems raised in those forums, be it therefore
- RESOLVED, that the following modified version of the

Statement

on Freedom of Inquiry and Expression be adopted by the Faculty Senate for inclusion in the Faculty Handbook, after paragraph 2 of Section II.II, page II-3:

Members of the University Community are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately in a responsible way. They are free to support causes by orderly means including any means of peaceful assembly or advocacy which do not infringe upon the rights or freedoms of others.

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Members of the University Community are allowed to invite and to any person of their own choosing. Guest appearances must not interfere with the University's regular instructional, research, and service programs. Except for ceremonial occasions, invited speakers should be prepared for a reasonable public discussion of their expressed views.

Invited speakers are accorded the full courtesy and protection appropriate to a University community. Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking are subject to discipline and to financial responsibility in the event of damage to property or person.

The institutional control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers does not imply approval or endorsement of the views expressed, either by the sponsoring unit or the University.

- (2) Remarks by Robert Brown:

Robert Brown gave general comments on the resolution above:

- a. Placing the resolution in the Faculty Handbook in the

location proposed may not be appropriate because this section deals primarily with instruction while public events are mainly extra-curricular activities.

- b. The Faculty Handbook also may not be the most appropriate place for University policies concerning academic freedom. The Ad Hoc Committee assumed that it was to develop University-wide policy which includes others besides students and faculty.
- c. The policy statements of the Ad Hoc Committee begin with a rationale for the policy. This statement is intended to be useful to outsiders and is missing in the above proposal.
- d. The statement of the Ad Hoc Committee was careful to protect curatorial judgment, a distinction absent in the present proposal.

(3a) Amendments proposed by Hilton Brown: (Additions, strikeouts and deletions are in bold and underlined.)

Paragraph 1:

Members of the University Community are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately in a responsible way.  
(Remainder unchanged)

Paragraph 2:

Members of the University community are allowed to invite and to hear and to see the artistic expression of any person of their own choosing. Guest appearances must not interfere with the University's regular instructional, research, and service programs. Except for ceremonial occasions, invited speakers and art presenters should be prepared for a reasonable public discussion of their expressed views.

Paragraph 3:

Invited speakers and art presenters are accorded the full courtesy and protection appropriate to the University community. Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking and the art presenter from presenting or displaying any form of artistic expression are subject to discipline and to financial responsibility in the event of damage to property or person.

Paragraph 4:

The institutional control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers and art presenters does not imply approval or endorsement of the views expressed, either by the sponsoring unit or the University.

(3b) Seriatim discussion of the amendments:

Paragraph 1--"in a responsible way"

Hilton Brown proposed dropping this phrase because it could lead to censorship. He also was joined by others in noting that the definition of responsible conduct is uncertain. After some discussion, the Senate voted to strike the phrase.

Paragraph 2--"invite and, to hear and to see the artistic expression of any person"

Margaret Andersen suggested revision to "are allowed to invite, to hear, and to see speakers, creative performers and artistic presenters of their own choosing." This version was adopted unanimously after some discussion not directly related to the amendment.

Paragraph 2--"and art presenters"

This insertion was adopted with little discussion.

Paragraph 3--"and art presenters"

This insertion was adopted without discussion.

Paragraph 3--"Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking and the art presenter from presenting or displaying any form of artistic expression are subject to discipline and financial responsibility in the event of damage to property or persons.

The discussion addressed the original wording rather than the amendment. After extended discussion the sentence above was adopted.

Paragraph 4--"and art presenters'

This insertion was adopted without debate.

(4) The resolution as adopted:

The final wording of the resolution, which was approved with little opposition, is:

WHEREAS, the Executive Committee of the Faculty Senate has discussed the report of the Ad Hoc Committee on Freedom of Expression in Public Events, and the comments made at the Open Hearing on October 5, 1994, and

WHEREAS, the Statement on Freedom of Inquiry and Expression as stated in the Official Student Handbook, pages 25-26, addresses the problems raised in those forums, be it therefore

RESOLVED, that the following modified version of the Statement on Freedom of Inquiry and Expression be adopted by the Faculty Senate for inclusion in the Faculty Handbook, after paragraph 2 of Section II.II, page II-3:

Members of the University Community are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means including any means of peaceful assembly or advocacy which do not infringe upon the rights or freedoms of others.

Members of the University Community are allowed to invite, to hear, and to see speakers, creative performers and artistic presentations of their own choosing. Guest appearances must not interfere with the University's regular instructional, research, and service programs. Except for ceremonial occasions, invited speakers and art presenters should be prepared for a reasonable public discussion of their expressed views.

Invited speakers and art presenters are accorded the full courtesy and protection appropriate to a university community. Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking and the art presenter from presenting or displaying any form of artistic expression are subject to discipline and to financial responsibility in the event of damage to property or person.

The institutional control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers and art presenters does not imply approval or endorsement of the views expressed, either by the sponsoring unit or the University.

(5) Other Issues:

by The wording of the resolution follows that of the Student Handbook design. Senator Joyce reported that DUSC is opposed to the resolution, and Bonnie Kime Scott withdrew a proposal to include this resolution in the Student Handbook.

Several Senators expressed concern over the ways by which dissenting viewpoints may be expressed at University events. The line between allowable exchange of viewpoints and prohibited obstruction is vague and the mechanisms for enforcement are unstated.

C. Introduction of New Business

No new business was introduced.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Jon Olson  
Secretary  
University Faculty Senate

JO/rg  
Attachment