

REPORT FROM THE PRESIDENT TO THE SENATE OF THE ACADEMIC COUNCIL
January 28, 1971

I think the most useful thing I can do before the Senate today is to make some comments regarding the question of procedures in the handling of charges which, as you know, are pending against a member of the faculty in relation to the disruption of a meeting at which Ambassador Lodge was to have spoken. I start out with the warning that I trust you will understand that I cannot discuss questions relating specifically and directly to the events in Dinkelspiel on the afternoon of the 11th of January or any single individual's alleged part in that situation because of the complicated and, I hope you will agree, unenviable role that the president of the University occupies in relation to any such matter as a disciplinary charge against a faculty member, or for that matter against a student. I think it is important at every stage of this to recognize that we are dealing with new problems and with untried solutions to those problems and to recognize also that what we do now, or don't do now, will have lasting effects, and for the president of the University to become involved in arguing the particulars of a given case when hearings appear to be pending would be one of those mistakes which would be unfortunate to everybody. I think I recognize the extent of the confusion regarding procedural matters. It seems to me it is very widespread. In this there is perhaps a degree of paradox. On one hand we are living in a time of revolt against formalism and against overemphasis on procedural niceties, and on the other hand we are living in a time of such divided views as to what constitutes acceptable or unacceptable behavior that procedures become, or tend to become, more important than ever. When there is consensus on values and behaviors, then procedures can be somewhat rough hewn and nobody in particular is inclined to challenge their inadequacy, but when there is not such consensus, then these procedures become terribly important. Going back over these procedural questions from the first--back to September of 1967 to the adoption of the tenure policy--the *Statement of Policy on Appointment and Tenure at Stanford University*--as most of you will remember, this policy was the result of very extended work mostly on the part of the then existing Executive Committee elected by the Academic Council. The policy has been widely circulated, suggestions and amendments proposed and extensively debated. It was approved by the entire faculty and later by the Board of Trustees on recommendation of the then president. It was felt necessary to have a new policy and to have it spelled out because previous to that time there had not been any clear codification, and some respects practice and precepts were not identical. In fact, actual practice was rather more careful of faculty rights than any more formal statements in existence at that time required. On the subject of possible disciplinary cases the *Statement of Policy on Appointment and Tenure*, was, I think, fairly typical of good universities. As far as the grounds for bringing disciplinary action were concerned, the Statement makes only one ground, unless one counts incompetence and neglect of duty as grounds for disciplinary action. The only other grounds given--other than that was "personal conduct substantially impairing the individual's performance of his appropriate functions within the University community." In good universities the tenure statement usually has a phrase like that in it. Later the statement moves on to procedural safeguards and requirements in Paragraph 15. There is an uneven mixture of precision, vagueness, and sometimes sheer omission, and that, too, I think is typical.

The following Autumn, in 1968, this body [the Senate] passed a resolution concerning the faculty and the Policy on Campus Disruption, and the SJC or rather the predecessor of that body, the temporary judicial council since at that time SJC was not yet in being. I think you are all familiar with what that says. It has been appended as Appendix D [to the Packer Commission Report], and just to call a little more attention to it, it got stapled in as an addendum or correction. The purpose of that resolution was to take the first step toward imposing on the faculty not only the disruption policy but the jurisdiction of the SJC to be. But there was a need for several subsequent actions, were that intention to be served and the first step to be completed. First there was then envisaged a spelling out of interim penalties--to fill the gap between what was then described as "a slap on the wrist on one hand and academic capital punishment on the other." But, alas, nothing was done about that. Now, later this afternoon, we are to debate the matter in a report which begins to take up that question.

Secondly, in order for the 1968 Senate resolution to become effective--the most important point--it would have been necessary to have amended the SJC Charter in order to take cognizance of this new standard of jurisdiction, and it would have to be passed by all three constituencies. Thirdly, it appears to me that it would have been necessary to review the incongruencies between the new policy and the tenure policy with respect to the role of the Advisory Board, and that was never done, although a safeguarding clause was put into the 1968 resolution that "nothing in this statement be understood to amend or abrogate the provisions relating to the Advisory Board's role with respect to charges under Paragraph 15 of the tenure policy. Now these three things were not done and the Committee on Committees of this body set up a Task Force, which worked last summer, to review the performance and to make recommendations concerning several bodies that were in one way or another related to disciplinary matters on the campus--not only SJC, but SOLC, C-15, etc. This Task Force recognized the incomplete status of the faculty's jurisdiction in the Fall of 1968 designed to bring the faculty under the jurisdiction of the SJC. I quote from the Task Force Report to this body: "Subsequent efforts of C-15 to write amendments to the Charter of 1968 incorporating the intent of the faculty Senate resolution have not been successful." It was precisely because of that, and the recognition by this body of that fact, that the Senate undertook to discuss and eventually to take action to set up the Interim Hearing Panels of 1970, which

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