Disciplinary reform: a public statement by the Committee on Educational Policy)

By Lee Giguere

Sometimes, when the Committee on Educational Policy (CEP) began a review, which is still in progress, of MIT's disciplinary procedures, the members anticipated a discussion of the most fundamental principles involved. Their discussion has been the "Report of the Working Group on Judicial Process to the Commission on MIT Education." Apparently, the judicial system occupies a low priority, at least in the context of other administrative matters, while CEP chairman Hartley Rogers said earlier this term that the committee expected a "very volatile" debate about the report "quite soon," he made no prediction that the commission would consider this question before the Faculty. (Rogers, who is also Chairman of the Faculty, has stated plans to speak about the report at the next Faculty Period, the Wellesley-MIT Exchange, and Freshman (Fall) before the Faculty next term.)

With the exception of a rather brief, and largely symbolic, vote for an expression of interest when the discipline hearings for students involved in last spring's ROTC strike were adjourned, after the beginning of the term, there has been practically no public discussion of the "judicial system" in the last two years. The CEP's efforts have apparently attracted little interest, and with good reason: there is little public notice.

However, there is one thing that practically every committee which has looked at the problem of judicial reform at MIT has agreed to. It is the need for broadly-based support for any reforms (or new systems) that are proposed.

Basic assumptions

The principal function of MIT's present system seems to grow out of the ambiguity of these basic assumptions on which it is based.

Traditionally, discipline at the university has been recognized as an area of disinterested authority "punishing" wrongdoers. The principle of in loco parentis, first espoused by the University of Virginia, is based on the assumption that parents might, treating them as wards rather than adults, but also that disciplinary action was needed. As a more complex social milieu than that of an educational institution, the family's job was not merely to punish but to correct. The Disciplinary Committee members were expected to participate in the system and practice the ethics that they were teaching to the students by making their own lives as perfect as possible, so that he might be able to return to his studies.

For example, discipline hearings are traditionally held behind closed doors. If the student was not to be punished, what was the point of holding a hearing at all? If the student was to be punished, why not simply to reward him with penalties, or assign one of its members - to further exonerate him? The CEP's job was not merely to punish but to correct a wrong. The principle body of the system would be a large panel, of twenty to twenty-five students, faculty and administrators in order to establish a judicial system that will be fair and equitable.

Unless there is an explicit statement of the system for procedural protection, the concept that MIT treats its students as adults has to be questioned. MIT must treat its students as adults in order to establish a judicial system that will be fair and equitable.

Unfortunately, there is no explicit statement of the procedures and control methods which are necessary for both guidance and protection, the concept that MIT treats its students as adults has to be questioned. MIT must treat its students as adults in order to establish a judicial system that will be fair and equitable.

For procedures

Experience with the present disciplinary system has convinced many at MIT, including the Working Group, suggest that the MIT judicial system should be "revised more in form than in substance." In addition, the Working Group recommends that the judicial system be considered a "last resort," to be used only in cases where all other available procedures have been exhausted.

A principle body of the system should be a large panel, of twenty to twenty-five students, faculty and administrators in order to establish a judicial system that will be fair and equitable.

Common law

As far as some of the committee members are concerned, there is no real codification of MIT's "rules of conduct." Nor is there any explicit "bill of rights" to protect students from a change in faculty, or administrative, tenure. This is a critical aspect of the present system, and of the procedure. A new system is needed, and at least it seems that the committee is ready to grant the good of the accused (or even control) to students.

In short, the committee's statement on the "common law" of MIT's judicial system is one-directional - it is intended to handle complaints against students by the faculty or administrators. In effect, it recognizes the principle that faculty and that faculty and the child, is viewed as incapable of learning the necessary rights to be known by the accused (or even control) to students. The statement should be public. (A real issue which the judicial system will have to deal with is the question of the relationship to governmental judicial systems.)

For procedures

Experience with the present disciplinary system has convinced many at MIT, including the Working Group, suggest that the MIT judicial system should be "revised more in form than in substance." In addition, the Working Group recommends that the judicial system be considered a "last resort," to be used only in cases where all other available procedures have been exhausted.

A principle body of the system should be a large panel, of twenty to twenty-five students, faculty and administrators in order to establish a judicial system that will be fair and equitable.

For procedures

Experience with the present disciplinary system has convinced many at MIT, including the Working Group, suggest that the MIT judicial system should be "revised more in form than in substance." In addition, the Working Group recommends that the judicial system be considered a "last resort," to be used only in cases where all other available procedures have been exhausted.

A principle body of the system should be a large panel, of twenty to twenty-five students, faculty and administrators in order to establish a judicial system that will be fair and equitable.