

April 19 '66

NOTICE OF MEETING

Faculty Council

Tuesday, 3 May 1966

Ballantine 8

3:30 p.m.

AGENDA

1. Approval of the minutes of the meeting of April 5, 1966, and April 19, 1966
2. Report of the Parking Study Committee
3. Discussion of faculty ethics  
(See Faculty Document No. 26)



## CONFIDENTIAL

## Minutes of the Faculty Council

3 May 1966

Approved by the Faculty Council, 17 May 1966

Members absent, no alternate: Dean Glenn Irwin  
Professor Cesar Barber  
Professor Sid Robinson  
Professor Leo C. Fay  
Dr. George Lukemeyer  
Professor William E. Segar

Alternates present: Professor Bernard I. Loft for Dean Arthur S. Daniels  
Professor Robert Bogan for Dean Maynard Hine  
Professor Martha Akers for Dean Emily Holmquist  
Dean Joel Hunt for Dean Harrison Shull  
Professor Julian Juergensmeyer for Dean Leon Wallace  
Professor Paul Blair for Professor Frank R. N. Gurd  
Professor Wallace Williams for Professor Edwin H. Cady  
Professor Ward Schaap for Professor Harry G. Day  
Professor Lawrence Langer for Professor Daniel Miller

Visitors present: Mr. H. H. Brooks  
Dean Robert Sturgeon  
Professor Robert Richey  
Professor L. L. Waters

## Agenda

1. Approval of the minutes of the meeting of May 3, 1966
2. Secretary's business
3. President's business
4. Report of the Committee on Academic Freedom
5. Discussion of faculty ethics
6. Capital construction requests, 1967-69 biennium (in order of priority)



President Stahr called the May 3, 1966, meeting of the Faculty Council to order at 3:37 p.m.

The Council was asked for its approval of the minutes of April 5 and April 19, 1966. In response, Professor Hope desired to amend his answer in the April 19 minutes to Professor Greenleaf's question about the number of persons to be elected to the Council. Professor Hope's amended comments have been incorporated on the first page. Professor Fuchs asked that two minor changes be made on page four of the April 19 draft minutes covering the discussion of academic freedom. It was moved and seconded that the minutes of April 5 and April 19, 1966, be approved as amended. The motion was carried by consent.

#### REPORT OF THE PARKING STUDY COMMITTEE

President Stahr called upon Mr. Brooks to report on further deliberations of the Parking Study Committee regarding the questions raised in the April 5, 1966, meeting of the Faculty Council. Mr. Brooks read the supplementary Committee report which is attached to these minutes as Faculty Council Document No. 27. In summary, a shuttle bus service from the stadium parking area to several points in the central campus is recommended to be put into service without charge to faculty or staff. Commuting students may also park registered motor vehicles in the stadium parking area and use the shuttle bus without charge. The Committee also recommended that faculty and staff members whose annual gross compensation from Indiana University is less than \$5,000 be permitted to purchase a green parking decal for the sum of \$15.00 including the registration fee. The usual charge for year-round parking with a green decal is \$37.50. The final recommendation of the Committee involved student parking in high-rise garages. Faculty and staff members are to be given priority over students in the projected high-rise garages. A proportion of student parking is to be determined by administrative action from time to time in the light of faculty and staff needs.

President Stahr reported that the Staff Council had expressed opposition to the Parking Study Committee report, particularly if adopted without modifications along the above lines. The Staff Council President had requested a conference to include three staff members, three faculty members and three administrative officers. This will be set up. President Stahr felt that the amendments discussed above will help answer the Staff Council's concerns.

President Stahr felt that the report should be acted upon by the Faculty Council before the June meeting of the Board of Trustees in order to have it ready to consider then or no later than the July Board meeting. It would not be wise to carry this matter over until the fall semester if it is to be implemented next year. President Stahr was of the opinion that all parties are approaching agreement in principle about the parking situation and its remedy, and this agreement should lead to adoption of the report by early summer so that markings of areas, procurement of decals, etc. could be done before fall registration. It was recalled that the Faculty Council had voted a year ago that to finance it, reasonable charges should be made for parking. President Stahr hopes that the Council might agree to accepting the Parking Study Committee report in principle without freezing every word contained in it. An inordinate amount of time will be taken if each small point in the report is re-discussed and amended by the Faculty Council, Staff Council, and Student Senate and then brought back to the others for concurrence. If we have in fact now reached the stage where a plan is acceptable in principle and in broad outline, it should be adopted soon.



Mr. Brooks commented that he had recently met with the President of the Staff Council, and the amendments discussed above satisfied the Staff Council on some of the objections they had raised.

Professor Ballinger raised a question about the possibility that several decals might be purchased by a single family. Several members of the Parking Study Committee responded that only a single, magnetic, transferable decal would be allowed to each faculty or staff member employed by the University. If more than one member of a faculty were eligible for a decal, each member would have the privilege of obtaining one.

Professor Otteson commented that the details of the Parking Study Committee report could not be argued intelligently in the Council, and, therefore, the Council should follow President Stahr's advice and adopt the report in principle. Professor Otteson moved:

THE FACULTY COUNCIL ADOPTS THE REPORT OF THE PARKING STUDY COMMITTEE  
IN PRINCIPLE AS AMENDED.

The motion was seconded by Professor Fuchs.

President Stahr offered the interpretation that the details of the plan are to be worked out by representatives of groups having an interest in the parking problem. A vote was called for, and the motion was carried by divided vote as follows:

<u>Affirmative</u>	<u>Negative</u>	<u>Abstaining</u>
Vice President Ray Heffner	Dean Joel Hunt	Professor Robert Greenleaf
Vice President Lynne Merritt	Professor Mary Gaither	Professor Shelby Gerking
Vice President Samuel Braden	Professor William Breneman	
Dean Wilfred Bain	Professor Wallace Williams	
Professor Bernard Loft	Professor Harry G. Yamaguchi	
Dean Smith Higgins		
Professor Robert Bogan		
Professor Martha Akers		
Dean George Pinnell		
Dean Joseph Sutton		
Professor Julian Juergensmeyer		
Dean Philip Peak		
Provost Kenneth Penrod		
Professor Stanley Ballinger		
Professor Robert Byrnes		
Professor Paul Blair		
Professor Richard L. Turner		
Professor Schuyler Otteson		
Professor Norman T. Pratt		
Professor Sylvia Bowman		
Professor Ward Schaap		
Professor Quentin Hope		
Professor Ralph Fuchs		
Professor Keith Lorentzen		
Professor Lawrence Langer		
Professor Leo Solt		
Professor George W. Wilson		



## DISCUSSION OF FACULTY ETHICS

Professor Fuchs opened the discussion by referring to the fact that President Stahr had asked him to reflect further and comment on this question following the Council's discussion about the abuses of library privileges at an earlier meeting. His extended comments were distributed as Faculty Council Document No. 26. In summary, Professor Fuchs suggests that the Council authorize a committee to consider the advisability of establishing a standing Committee on Faculty Conduct. The Committee on Faculty Conduct would receive complaints from administrative officers and from faculty members concerning violations of ethical standards by a member of the faculty. Discussion in the Committee might be followed by oral or written communication to the complainant and to the faculty member complained of; this procedure might ordinarily be sufficient to end the matter. The Committee might elect, on the other hand, to frame a statement describing the nature of the complaint and circulate the statement to the faculty without stating the faculty member's name. If sanctions were agreed upon, it might be necessary to publish the contents of a formal reprimand describing the action taken. The Committee would necessarily experiment and feel its way through this problem inasmuch as there are no precedents in the area of academic conduct. The ultimate sanction for a grave violation would be to recommend dismissal proceedings. These proceedings are defined precisely in the Faculty Handbook. Professor Fuchs also pointed out that the Handbook might well include a more articulate statement about standards that are expected in faculty conduct. Professor Fuchs's opening statement was concluded on the note that the spring issue of the Bulletin of the AAUP contained a statement from the Committee on professional ethics. This statement with slight variations was accepted at the national AAUP convention during this past week. This action reflects an increasing interest in faculty ethics and might initiate committees of the kind discussed here on many campuses.

Professor Fuchs moved:

THE FACULTY COUNCIL AUTHORIZE THE APPOINTMENT OF A COMMITTEE TO CONSIDER THE NEED FOR A COMMITTEE ON FACULTY CONDUCT.

Professor Otteson seconded the motion.

In the discussion that followed, Professor Gaither agreed that Professor Fuchs had made a most interesting presentation. She pointed out that the Fuchs memorandum was prompted by a report by Professor Cady on faculty abuse of library privileges. In her opinion, the building of a personal library by refusing to return books was something quite different from some other abuses such as dismissing classes before vacation or scheduling an examination at an unauthorized period. Abusing the library privilege is equivalent to appropriating public property and deserves special consideration. If a Committee on Faculty Conduct is appointed, Professor Gaither felt that these matters should be treated separately. Professor Fuchs did not entirely agree on this point, feeling it was not necessary to exclude the library abuse problem from other cases of misconduct. No sharp line can be drawn to separate cases of gross misconduct from those of a lesser nature. Professor Gaither responded that abuse of library privileges resulted in a loss of books which are difficult or impossible to replace whereas other cases of misconduct can be corrected with less detrimental effect on a faculty member's colleagues.



Professor Ballinger agreed with Professor Fuchs that it was difficult to draw lines on the degree of seriousness of misconduct. Professor Gaither repeated her opinion that failing to meet a class on a day before a holiday is a lesser offense than appropriating books from the library. Professor Ballinger asked Professor Gaither whether or not she would advise separate committees on lesser crimes and major crimes. Professor Gaither responded that it will be necessary to treat different kinds of problems in different ways.

Dean Heffner offered several comments on the issues that had been raised. It is difficult to determine when abuse of the library has reached the point when discipline by library administrators should be undertaken or discipline by faculty colleagues is required. Library administrators themselves really have no effective means of handling faculty "discipline" anyway. Some allegations had come to his attention from students to the effect that some cases of unprofessional conduct are indeed more serious than appropriating books from the library. These problems have to be dealt with by the Dean and other administrative officers. The administration does not enjoy being regarded as disciplinary officers. Possibly the existence of a committee would help lessen this image although it would be difficult to define the precise limits of the Committee's responsibilities in relation to those of administrators. It was Dean Heffner's opinion that the Committee would only be employed in cases of severe gravity.

Professor Solt asked what kind of safeguards faculty members might have against allegations that may be brought by an administrator or by a colleague. Would the accused appear before a "court?" Would he have the right of counsel? Could witnesses be called? Professor Fuchs responded that he hoped the proceedings of the Committee would be informal and of a non-public nature. He repeated that there are no precedents in academic institutions for proceedings of this kind. If a faculty member insisted on definite procedures, the procedures would have to be worked out. The Committee could prescribe the procedure to be followed including hearings, etc., but in Professor Fuchs's opinion, it would be legislating unnecessary detail to prescribe them at this stage.

Professor Gaither asked about the functions of the Faculty Board of Review. President Sahr referred to the statement in the Handbook to the effect that the "Faculty Board of Review shall hear cases concerning academic freedom, tenure, promotion, salary adjustment, and the nature or conditions of work." The latter phrase could be construed very broadly.

Professor Ballinger asked Dean Heffner if he felt that two separate procedures may be involved. Should the proposed Committee on Faculty Conduct handle cases where one faculty member accuses another of misconduct? Should the Faculty Board of Review handle cases where the faculty member has a grievance against an administrative officer? Dean Heffner answered that in the latter case, the grievance would be limited to conditions of appointment such as salary, tenure, etc. Upon reflection, he commented that the Faculty Board of Review had not handled a case since he had been associated with the office of the Dean of Faculties. Professor Ballinger asked that since the Faculty Board of Review is not used, should a faculty member, who feels that an administrative officer has employed unethical conduct, appeal to some other higher administrative officer?



This question was not answered before Professor Fuchs offered the opinion that in some cases a faculty member might appeal a case brought before the Committee on Faculty Conduct to the Faculty Board of Review on the grounds that his academic freedom had been violated.

Professor Wilson felt that it might be advisable to consider expanding the duties of the Faculty Board of Review since it has not been active in recent years.

Professor Solt felt strongly that two different kinds of problems should be distinguished. The first involves charges where more than one faculty member is involved. The second involves cases affecting only one person. He wished to have some evidence that serious breaches of conduct had occurred with regard to these so-called "individual" matters. He asked, "Do we need a tribunal for these latter cases?"

Professor Fuchs was unaware how many cases might arise and offered the thought that possibly only an administrator could answer Professor Solt's question. It was Professor Fuchs's feeling that matters of misconduct should be handled by the faculty rather than the administrative officers, and he felt that the administrative officers would rather favor this point of view also. He felt that no great differential could be recognized between breaking specific rules and regulations and cases of misconduct which are less well defined.

Professor Solt expressed his point of view that remedies may be easily found for misconduct on the level of abusing library privileges, delivering grades on time, etc. Professor Fuchs disagreed and called attention to the fact that the Council has not been able to define a remedy in these cases. At least, Professor Solt felt, some agreement on such questions could ultimately be reached; he was more concerned about "individual" cases. Perhaps administrators would agree that a tribunal is needed for cases affecting many faculty members; probably the Policy Committee of the College of Arts and Sciences has handled cases of this kind.

Professor Fuchs asked Professor Solt whether or not misusing the services of the graduate student in a research project might be considered a case of misconduct. Professor Solt replied that this was a matter that involved a single individual, and it would not be possible to make a general rule in this regard. Professor Fuchs asked, "Do we need a faculty body to deal with individual cases of this sort?" In reply, Professor Solt commented that this was a case where a student was bringing charges and reminded Professor Fuchs that he had advised against such a procedure in his memorandum. Of course, one faculty member may complain about another's misuse of a student's services. This situation was the one to which Professor Fuchs had addressed himself, he replied. The avenue could be open to direct student grievances, but in Professor Fuchs's opinion this would be undesirable. It would be legitimate to bring a matter before the Committee if student complaints caused an administrator or a faculty member to feel that the conduct of a colleague was questionable.

Professor Solt felt that the existence of a tribunal would increase the number of these "individual" cases and might act as an invitation to raise questions of this sort. President Stahr wondered, in a contrary vein, whether the absence of procedures might permit and perpetuate injustices which may need redress. Along the same line, Professor Fuchs offered a result of his AAUP



experience that cases had come to his attention of serious injustice to graduate students, for example. He felt there was sufficient evidence to conclude that abuse does occur and that this abuse may be of serious consequence. There should be some method, in his opinion, of dealing with these matters. President Stahr reminded the Council that it was 4:30 p.m. and that the Council had agreed to suspend discussion of faculty ethics at this time in favor of some matters of President's business. He suggested that discussion be suspended and that the motion be put to a vote after any further discussion at the next meeting.

#### PRESIDENT'S BUSINESS

President Stahr spoke of a conference with the President of the Board of Trustees about the appearance of avowed Communist speakers on the campus, particularly the current appearance of Herbert Aptheker. President Stahr felt that the Board of Trustees was making a valiant effort to understand the academic point of view in this regard, but that they were convinced the general public just doesn't understand it. Large numbers of protests directly to individual Trustees led Mr. McKinney to request a conference with President Stahr. As a result of this conference, and following an hour-long conference telephone discussion with the Board of Trustees, Mr. McKinney released today a public statement (which appears as a part of these minutes as Faculty Council Document No. 28.)

President Stahr gave an extremely sensitive appraisal of the generally accepted academic point of view with regard to the appearance of controversial figures on campus and an equally sensitive appraisal of the attitude of laymen in this regard and especially the attitudes of the Board of Trustees. He then read the above mentioned statement in full. He said he was convinced it was the best possible statement in present trying circumstances. He concluded by saying he felt he needed to make greater and continuing efforts toward achieving genuine mutual understanding of sincere but differing viewpoints on such issues. He hoped the faculty would support this, and that the issues could be approached rationally rather than emotionally by all the University family. The public interest is legitimate and real, and it is in the best interest of them and us to endeavor calmly to persuade, rather than to antagonize.

At the end of President Stahr's remarks, Professor Yamaguchi made a motion to the effect that the Council offer a vote of thanks to President Stahr and the Board of Trustees for handling the matter as they did. The Council responded spontaneously by extending a standing ovation. The meeting of the Council adjourned at 5:25 p.m.

Respectfully submitted,

Shelby D. Gerking,  
Secretary