

May 6 1969

NOTICE OF

FACULTY COUNCIL MEETING

TUESDAY, MAY 20, 1969, 2:30 p.m.

Faculty Council Room, Ballantine 008

NOTE: At the time this Agenda was closed, no prediction could be made as to what business would be transacted at the May 13 Meeting. This Agenda therefore repeats all the items on the May 13 Agenda

AGENDA

1. Approval of Minutes of Meeting of May 6, 1969
2. Presiding Officer's Business
3. Agenda Committee Business
4. Continued Discussion of Report of Graduate School TA Committee (Professor Richard Pugh) (Faculty Council Circular #71)
5. Report of the Committee on the Safety Division (Harvey) (Faculty Council Circular #77)
6. Report of the Committee on Fraternities and Sororities (Remak) (Faculty Council Circular #87)
7. Statement from AAUP on Addressographed Campus Mailings (Professor Philip Appleman) (Faculty Council Circular #64)
8. Proposal from the College of Arts and Sciences Relating to the Junior Division (B.E. Carter) (Faculty Council Circular #79, item A)
9. Proposal from the College of Arts and Sciences Relating to the Academic Calendar (B.E. Carter) (Faculty Council Circular #79, item B)
10. Report of the Foster Project Advisory Committee (Professor Jack Balcer) (Faculty Council Circular #81)
11. Report of the Committee on Educational Policies and University Structure on Selection Committees (Farmer) (Faculty Council Circular #89)
12. Report of the Student Affairs Committee--"Student Conduct Code" (Professor Donald W. Zacharias) (Faculty Council Circular #92)

Enclosed:

Minutes of the Meeting of May 6, 1969

Faculty Council Circulars #90 Summary Version of Remaining Agenda of Special Meeting of the Faculty, May 5, 1969

#91 "A Concrete Suggestion" by Various Faculty Members

#92 Report of the Student Affairs Committee--"Student Conduct Code" (Professor Donald W. Zacharias)

Minutes of the Faculty Council

May 20, 1969

Ballantine Hall 008

2:30 p.m.

Members Present: Vice-Presidents Hartley, Snyder; Deans B.E. Carter, Harvey, Clark, Pinnell, Bain, Endwright; Professors Auer, J.E. Carter, Farmer, Hackney, Lorentzen, Manlove, Martin, Neu, Ryder, Shiner, Solt, Wolff, Ballinger, Breneman, Frye, Gray, Mahler, Murray, Remak, Taylor, R.L. Turner, R.C. Turner, Ferdows (Southeast), Sunderman (Fort Wayne)

Alternates Present: Vice-President Derge for President Sutton; Dean Harry G. Day for Vice-President Merritt; Dean Robert W. Hattery for Vice-President Ryan; Dean Joel A. Hunt for Dean Yamaguchi; Professor William K. Inskeep for Professor Davidson; Professor George Juergens for Professor Taylor (after 3:20 p.m.); Professor Robert Birrell for Professor Zeitlin

Absent, No Alternate: Chancellor Hine; Provost Penrod; Deans Irwin, Holmquist; Professors Ballinger, White, Sachs (South Bend)

Official Visitors: Professors Don C. Bennett, Dan W. Miller, Conrad G. Mueller; Messrs. John A. Conley, Ed Moss (News Bureau), Jack N. Ray, Curt Zimansky

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The meeting of the Faculty Council was called to order at 2:38 p.m. by Vice-President Derge, presiding for President Sutton who is recuperating from an operation.

Minutes of the Meeting of May 6, 1969, were approved unanimously. The Minutes of the Meeting of May 13, 1969, had not yet been distributed.

Under Presiding Officer's Business, Vice-President Derge reported that President Sutton planned to be back full-time on June 15. He noted, as other Presiding Officers had done, that the University had managed to find its way through a long period of peaceful protest and demonstrations without the kind of chaos that some sister universities had suffered. There had been a great deal of heated debate and through it all he wished to make a reaffirmation (which all those colleagues, faculty, students, and Trustees whom he had consulted shared in) to the one new program that had survived the budgetary difficulties, and that was the Afro-American Studies Program. He hereby gave full assurance that the University was going full speed ahead with this program with perhaps even greater determination than before.

Vice-President Derge then called on the Secretary to announce the results of the elections for the Faculty Council in 1969-70.

The Secretary said he had just received the following report from the Elections Committee.

Report of the Elections Committee, 1969

Committee on Elections certifies the following persons:

FACULTY OFFICES

Secretary of the Faculty: Irving Saltzman

Parliamentarian of the Faculty: Jeffrey Auer

BLOOMINGTON FACULTY COUNCIL

Term expiring 1971:

Dean Berkley
Laurence Brown
Ralph Daniel
John Daugherty
Richard Farmer
James Holland
Newell Long
Glenn Ludlow

Donald Ludwig
David Maxwell
Robert Richey
Frank Ryder
Vernon Shiner
*Mary Wennerstrom
York Willbern

Term expiring 1970:

*Kenneth Johnston
James Osterburg
William Panschar

*William Pilder
Harry Pratter

Through May 19, 932 ballots were returned. Of this number 896 were valid; 36 were invalid. Of the 36, five were invalid because of the name of the sender had not been printed or written on the envelope. Thirty-one were declared invalid because the senders were not members of the voting faculty. Tally sheets and a more detailed report are on file with the Secretary of the Faculty Council.

This report submitted to the Secretary of the Faculty Council on May 19, 1969.

Committee on Elections: Jeffrey Auer, Donald Gray, Donald C. Manlove, Chairman

*These three are Assistants Professors

The Secretary added that he would report the names of the Regional Campuses and Indianapolis representatives to next year's All-University Council as soon as he had all the information. He reminded the Council that the new members of next year's Council should be invited to the next meeting and that, at that meeting, the Nominations Committee would presumably bring nominations for the Secretary, the Agenda Committee, and the Parliamentarian of the 1969-70 Council.

Vice-President Derge offered his congratulations to the new members.

Under Agenda Committee Business, the Secretary wished to mention that the pressure of weekly meetings and other events had forced him to break with the tradition that the Secretary's Minutes be shown to the Presiding Officer before being put into final form. He wished also to report that there were now some 30 sub-sub-committees developed by the Budget Sub-committee of the Educational Policies and University Structure Committee. It was probable that Professor Farmer would have some sort of useful announcement for the Council before the end of the academic year. The Agenda Committee was forced to propose an additional meeting next Tuesday, May 27, with a view to either an extended meeting or a further meeting on June 3, depending upon the state of the Agenda and upon whatever special or emergency business intervened.

The Secretary wished to report on the current Agenda. The Council would now continue discussion of the Safety Division Report. Professor Remak had agreed that the Report of the Committee on Fraternities and Sororities could be delayed to the fall if need be, the loss being the absence of several key committee members. Professor Appleman had agreed that the matter of Addressographed Campus Mailings could also be delayed until the fall. Dean Carter had proposed that the College item relating to the Junior Division be referred to the Educational Policies and University Structure Committee for a report back to the Council presumably in liaison with other units of the University. On the College's proposal relating to the Academic Calendar, the Secretary would be in touch with the Calendar Committee. The Foster Project Advisory Committee was an item which needed attention now because the Council had approved that project for a trial year. Presumably it could limp along, but the Secretary had been told by Dean Madden that the Project did require some support from the Council. The matter of the selection of Search and Selection Committees could be delayed. On the Student Conduct Code and the report of the Student Affairs Committee, there were perhaps no technical reasons why this should not be delayed, but the Student Body was anxious to have the rules under which the University was currently operating and which both they and indeed the Faculty Council considered inadequate revised; it therefore seemed important that the Council take up this item. An additional item that was apparently needed was the report from the Standing Committee on the Libraries on the status of librarians. The Chairman of that Committee, Professor Shiner, thought that the recruitment and retention of Library Staff could be greatly benefited by the Council's consideration of that report.

Vice-President Derge, upon hearing no objection, took it that there was unanimous consent to a meeting on May 27.

The Secretary proposed that the Council decide then what further meetings, if any, were needed.

Professor Farmer announced that the Selection Committee on the Vice-Chancellor for Afro-American Affairs had been completed and read as follows:

Professor David Baker
 Dean Rozelle Boyd
 Professor J. Gus Liebenow
 Professor William Panschar
 Professor Benjamin Peery, Chairman
 Professor Coy Robbins
 Warren Stevens
 Richard Yoakam
 Fred Bullard, Student
 Mel Yancey, Student

The Secretary called up the next item under Agenda Committee Business, consideration of the document from Professor Bennett (Faculty Council Circular #95). The relevant passages are paragraph 4 which identifies the topics of the memorandum: "the circumstances concerning Professor Orlando Taylor's possible position and the issue of the Grand Jury having been brought into the Ballantine Hall case," and paragraph 5 which proposes two forms of action: "First, that the Faculty Council with the cooperation of the administrators involved submit a report to the faculty on these two matters after as much investigation as they think necessary. Second, that persons directly or indirectly involved in these actions will be available at a general faculty meeting to respond to questions." The Agenda Committee had reported as follows: in relation to Professor Bennett's request that the Faculty Council submit a report to the faculty after an investigation, the Agenda Committee recommended that both these matters be referred to the Standing Committee on Faculty Affairs. The Secretary said that he had already received a formal memorandum from Professor Taylor with a request for a Faculty Council investigation and he had already forwarded the relevant materials to the Standing Committee on Faculty Affairs. That Committee hoped to present an interim report to the Council at its next meeting. As for an investigation of the circumstances under which the Prosecutor had been requested to involve the Grand Jury, the Agenda Committee realized that the Standing Committee on Faculty Affairs was not nominally especially appropriate. Its Chairman had however agreed, with the support of the Agenda Committee and with the freedom that the Council had given standing committees to form sub-committees, to accept the responsibility. The Agenda Committee's further recommendation was to postpone any action on Professor Bennett's second request for a general faculty meeting. The Secretary asked the Council to approve the Agenda Committee's action in referring these two items to the Council's Standing Committee on Faculty Affairs.

Professor Buehrig moved the approval of the actions of the Agenda Committee, and Professor Manlove seconded the motion.

After a brief discussion, the Agenda Committee agreed to add to its recommendation that the Faculty Affairs Committee report on both topics at the next meeting of the Council.

Professor Breneman said that the Council was dealing with a really touchy problem; because it was an administrative position, and an active one at that, that was being discussed, not a faculty position. What disturbed him further was the lack of recognition in Professor Taylor's case of the Code of Ethics which appeared in the Faculty Handbook. That Code was rather general, but it did specifically say that faculty members should not try cases in public; should not elicit aid from the newspapers in matters which concerned the University, the faculty, or the administration. There had been a lot of talk about censuring the Administration. He thought Professor Taylor had been very badly advised to act as he had in light of the published Code of Ethics.

Professor Ryder asked the Agenda Committee if it was its intention to set a precedent in this case to the effect that any appointment in contention be routed in this direction.

Professor Remak, answering Professor Breneman, thought it would be wise for the Council to take the position that, without sacrificing any kind of principle and without assuming anything in the way of a precedent, each situation be looked at in its own right. In the case of Professor Taylor, Professor Remak felt there was a unique situation in which it would be exceedingly awkward for the Council to take no action at all. Though there might be dangers in referring this matter to the Faculty Affairs Committee, those dangers were very slight compared to those of inaction. He hoped that the Standing Committee would be very careful in its considerations of the human aspects of the situation because of the risk of great harm to the persons involved. On the one hand, he thought Professor Taylor had made a perfectly proper request and was entitled to just proceedings. On the other hand, he hoped the Committee would be very judicious as to what information it made generally available.

Professor R.L. Turner noted that a number of questions having to do with ethics had come before the Council and that some time ago the Council had considered a Committee on Ethics. It would be advisable for the Committee on Faculty Affairs to move towards some kind of policy statement and perhaps some mechanism through which matters of faculty ethics could be processed.

Professor Ryder asked if an overt decision had been made to refer the matter involving Professor Taylor to the Faculty Affairs Committee rather than the Faculty Board of Review.

The Secretary answered first that he understood that the Faculty Board of Review was not an arm of the Council. Second, he had understood that when an item came before the Agenda Committee, the Agenda Committee was required to report to the Council what its disposition of the item had been. In cases that seemed to have some urgency, it had been his view that one of the functions of Standing Committees was to relieve the Agenda Committee of responsibilities for immediate consideration of items that the Agenda Committee felt to be beyond its scope. He personally did not consider the referral by the Agenda Committee of this item to the Standing Committee on Faculty Affairs to be a final disposition of the matter. It would be possible for the Standing Committee to propose to the Council next week that the matter should have been referred to the Faculty Board of Review. What the Standing Committee in the first instance did was to receive the item (and he was proposing this as a precedent) and then offer the Council its considered sense of the best mechanism within the University for handling it. The first referral, whether by the Agenda Committee on an emergency basis, or even by the Council itself, did not preclude a different route being subsequently taken.

Vice-President Hartley observed that the Faculty Board of Review was set up through the Constitution of the Faculty and, as the Constitution indicated, had been established primarily to consider faculty tenure cases.

Professor Neu noted that the faculty member himself had to appeal a case to the Faculty Board of Review.

The question was called for on the motion "THAT THE COUNCIL GIVE APPROVAL TO THE AGENDA COMMITTEE'S REFERRAL TO THE STANDING COMMITTEE ON FACULTY AFFAIRS OF THE ITEMS RAISED IN PROFESSOR BENNETT'S MEMORANDUM OF MAY 19, 1969, AND THAT AT LEAST A PRELIMINARY STATEMENT FROM THAT COMMITTEE BE ANTICIPATED AT THE NEXT FACULTY COUNCIL MEETING."

A roll call vote was taken with 31 ayes, 2 nays and 1 abstention.

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Auer	Breneman	Taylor
Bain	Hunt for Yamaguchi	
Buehrig		
B.E. Carter		
J.E. Carter		
Clark		
Inskeep for Davidson		
Endwright		
Farmer		
Frye		
Gray		
Hackney		
Hartley		
Harvey		
Lorentzen		
Mahler		
Manlove		
Day for Merritt		
Murray		
Neu		
Pinnell		
Remak		
Hattery for Ryan		
Ryder		
Shiner		
Snyder		
Solt		
R.L. Turner		
R.C. Turner		
Wolff		
Birrell for Zeitlin		

The Secretary then listed the membership of the Faculty Affairs Committee: the Chairman is Professor Raymond Murray; other members are Professor James Carter (Medical Center), Professors Julius Getman, Glenn Ludlow, Frank Zeller, and William Ziemer.

Professor Gray said there was one remaining item of Agenda Committee Business and that had to do with the faculty scholarship fund. At an earlier meeting the Council had passed a resolution that a faculty scholarship and loan fund be established. The establishing was referred to the Agenda Committee, and he was now offering a preliminary report as a way of inviting suggestions. Two suggestions had come to him. One was from a committee called the Committee for an Open University, a group of faculty members and campus ministers who had suggested and already arranged machinery for a faculty committee to administer a fund which would be placed in the I.U. Foundation, and thereby get tax exemption, and which would be used specifically for scholarship aid to the group of 200 freshmen who will be admitted next September under the Junior Division's Group '69 project. The advantage of that proposal was that it had precision; the money would be controlled instead of going into the sea of scholarship money. It would thus in effect liberate scholarship money. He had talked to the people who were administering that fund and they very much wished that the Council would somehow associate itself with them. He was, however, not yet ready to propose that because he wished also to propose other

alternatives. The other suggestion, which came from Professor Hewitt (and independently from Dr. Otis Bowen), was for some kind of plan by which a faculty member would, in effect, adopt or subsidize a student for his entire four years in the University on a loan basis with the money turning over and being reused every four years. Such a plan looked more difficult to administer, though he did not think either of the two suggestions precluded the other. He hoped that members of the Council or the faculty would have further suggestions. Simply to advertise a scholarship fund whose uses were indiscriminate did not seem to be very effective. He wished to associate the scholarship fund with the Student Legal Aid Fund that had been established to assist students implicated in the recent lock-in in Ballantine Hall. Black students had already sought legal assistance to explain to them what the Grand Jury's procedures were, and they had already incurred some expense. Of course, if any indictments came out of the Grand Jury's investigation, there would be further expense. This fund was, at the moment, being administered by Professors Alexander Rabinowitch and George Juergens, both of History, and Professor Albert Klassen, Institute for Sex Research. If the money was not used for this purpose then contributors would have the option either of getting it back or having it go into the University scholarship fund or a Library fund, or into a continuing legal aid fund for such contingencies.

Dean Day reminded the Council that money in the scholarship fund could, if the donor wished, be used only for a specified purpose.

Vice-President Hartley suggested that all efforts to raise money for scholarships be coordinated with the Sesquicentennial plans. The University was about to launch the most ambitious and, it was hoped, the most promising effort in its history to raise funds from private sources, and one of the major objectives of the Sesquicentennial program was to raise scholarship funds. Coordination might well result in a more determined effort.

Vice-President Derge then recalled that acceptance of the Report of the Committee on the Safety Division had been moved and was under discussion.

Dean Harvey reminded the Council that he had summarized the principal features of the Report and had moved the Council's approval of it and of the recommendations on pages 25 through 27. He noted the presence of Professors David Miller and Conrad Mueller, and Mr. Conley, members of the Committee.

Dean Hunt, while understanding that Captain Spannuth of the Safety Division and Mr. Ray of Personnel were in rough agreement with the Report, wondered whether there were not some aspects of it that they were less happy about.

Dean Harvey, in the absence of Captain Spannuth, said that he could not speak in detail for him, but a recent conversation had left him with the impression that the part of the Report which enjoyed his smallest measure of enthusiasm was the recommendation with respect to side-arms. Dean Harvey did not, however, think that Captain Spannuth regarded that as a major problem within the Division. He strongly supported the recommendations regarding restructuring of personnel policies, training programs, and so on. His only comment on the administrative restructuring had to do with the necessity of liaison between those employees who would have responsibility for building security and those who would have responsibility for the provision of basic police services. Dean Harvey said he had indicated to Captain Spannuth that he thought liaison and coordination between the two would be sufficient to meet these needs that he had suggested and he had not deferred from that conclusion. He then noted Mr. Ray's presence and invited his comments.

Mr. Ray thought, in the first place, that the recommendation argued in the last paragraph of page 20 and summarized in item 15 on page 26 was possibly in conflict with the arbitrator's decision, summarized on page 18, which had been approved by President Stahr. In the second place, he thought that, although there could be no objection to the aim of upgrading the quality of the police force by a variety of ways including the introduction of a classification of work which called for higher qualifications than those enjoyed by any of our present police officers, and no objection to putting critical decisions and directions concerning police action in the hands of an academic administrator, he did feel that the proposed means for implementing those two objectives should be re-examined. He submitted that there were other ways of achieving those aims that would be less expensive and would produce a more effective total organization with less difficulty of coordination. He hoped that, on another occasion, he would have an opportunity to present his ideas.

Dean Harvey thought that the question of possible conflict between the arbitrator's decision and the policy position recommended in the Report depended upon whether the Council and ultimately the Administration and the Trustees of this University saw what the Committee had done as furthering the process of developing sound long-range policies in the light of the need to meet changing conditions. It was clear beyond question, he thought, from the arbitrator's report that he regarded the decision with respect to side-arms with the reestablishment of the condition before President Stahr's order as the provision of an opportunity for study. Essentially what the arbitrator had said was that the order issued by the President had been precipitate. He did not think the procedures of the Committee or the procedures of the Council could be regarded as precipitate and therefore he was assuming that what was being done would qualify as the necessary steps for the development of sound long-range policy. It remained, of course, an open decision for the Council and for the Administration to determine whether what had been recommended was sound long-range policy. As for Mr. Ray's suggestions for implementing some of the proposals, he thought that the opportunity would still be available within the administrative structure as the continuing studies looking toward implementation of the general recommendations were carried forward. The Report only recommended policies to the Administration, and the Council must recognize that it did not have the final say, so that if ideas more economical but equally conformable to the objectives of the Report than any previously mentioned did emerge, he would think the proposed Policy Committee or the Administration would be receptive to them.

Professor Farmer asked whether the Committee had considered the budgetary implications of the Report as to re-training and upgrading of personnel over, say, the next five years.

Dean Harvey said that the Committee had not known precisely what kind of data it would have needed in order to reduce its recommendations to specific budgetary figures. It did note two possible implications. If a good deal of the personnel were drawn from the student body, the expense could be seen less in terms of career salary and more in terms of student assistance stipend. Secondly, there were federal funds for the upgrading of police agencies which might be explored as supplementary sources.

Professor Conrad Mueller said that the Report had indicated on page 13 that the increased cost of an upgraded department would be in the area of \$70,000 to \$100,000 a year. The Committee's feeling was that this upgrading might be achieved with relatively little additional expense given additional revenue available from federal sources.

Professor Farmer wished to record his feeling that police protection was going to get more expensive and it would be useful if some thought were given to the question of how much.

Vice-President Hartley was not sure whether federal support was available for training or for the permanent raising of salaries which would be implied by upgrading a police staff.

Dean Harvey had understood that support was available for training programs and for model programs. He supposed it was not for the simple supplementation of institutional budgets. Many aspects of costs obviously went far beyond the competence and responsibility of the Committee. Much, however, had been covered in the reports of Professors Kragie and Davila referred to on page 3 of the Report.

Professor Remak asked how the Council wished to proceed. It had a very substantial and long report and his own suggestion would be to go through the eighteen recommendations one by one after some discussion of the introductory material. He wished to refer to the middle of the last paragraph on page 4, next to the last sentence: "If serious misconduct by students, faculty or outsiders occurs on the University campus, it should in general be the policy of the University to rely on legal processes rather than University discipline. . . ." and then in the next sentence: ". . . the central function the Committee would assign to the security personnel is the enforcement on the campus of the ordinary law of the land." He was puzzled by this sentence, because in the light, for instance, of recent events in Ballantine Hall, he had taken it to be the fairly overwhelming feeling of the Administration, faculty, and students, that to the largest extent possible the University should try to handle matters by way of University discipline and invoke only an essential minimum of the legal processes.

Dean Harvey said that the Committee had in mind in that paragraph individual conduct, for example, narcotics infractions. It saw University police officers performing the basic police function and applying the ordinary law of the land. The Committee was generally sympathetic to the view expressed by a great many students that they simply wanted to be dealt with as citizens under the law of the land. Now there was a possible area of conflict in the case of events like the Ballantine Hall event. There the feeling might be that even though infraction of the law was involved, it was better not to involve the police. Perhaps the critical determinant ultimately would have to do with the seriousness of the conduct itself. If one were faced with more egregious conduct even in the context of demonstrations, for example, a provable case of arson, his own view would still be that it would be better to deal with it through criminal prosecution rather than to rely on University discipline either separately or concurrently. In his own judgment the test of seriousness had been very much a part of the picture with respect to the Ballantine Hall event. That event had not been serious enough in his judgment to warrant the intervention of police on the scene or the referral to the Grand Jury. But there were ambiguities. After all, there were a lot of things that students might do that would be at least technical infractions of criminal law in which it was at least doubtful whether the University was going to invite the intervention of criminal processes. The Committee's view was, at least in serious cases, that the University ought not simply to try to restate the norms of the criminal law but to rely on public processes to control the worse types of antisocial conduct.

In answer to questions from Professor Murray and Vice-President Derge, Dean Harvey said it would be difficult to speculate as to whether improved personnel would in fact reduce the possible number of instances in which criminal processes

might be necessary or appropriate. One implication of the Committee's recommendations was that if the police agency on campus was upgraded substantially, trained somewhat better, and given the responsibility of enforcing the ordinary law on the campus, guarantees might be more reliably recognized. The Committee had been concerned about the relatively slight policy directions detectable in the current structure above the level of the Director of the Safety Division. Because the activities of the police agency on campus had a great deal to do with the atmosphere in which educational processes took place, there should be substantial policy direction from academic officials of the University and, for that matter, from all segments of the university community. There should be continuing policy scrutiny and advice from a multi-faceted group and administrative responsibility should not reside in the financial officer but in an academic officer of the University. The recommendations of the Committee did not in any way relate to the adequacy of the internal fact-finding and judicial processes of University discipline, nor had it emerged that other universities had asked for or received any such judicial powers as the power of subpoena and the power to administer oaths which one would associate with ordinary courts.

Professor Farmer said that it seemed to him that the Council had been talking about two completely different things. The first was straight-forward crime, acts of violence, robberies, and so on, and in a community of the size of the University there was going to be a lot of this sort of crime. He gathered that in this case the Committee recommended resorting to judicial procedures. But running through the Report was the second matter which could be called political crime, the illegitimate extension of demonstrations and so on that were more or less confined to campuses and here the Committee seemed to be suggesting a different approach even though in some technical sense there might be law violation. He asked Dean Harvey if this division was useful.

Dean Harvey acknowledged the division. He said that the Committee only dealt with what Professor Farmer had called political crime when it addressed itself to possible strategies for policing activities within the context of a disruptive demonstration. The specific focus there was, of course, the question: at what point, if at all, would the police be involved, who would make the critical decisions, who would be on the scene to try to see that police functions were performed properly? The Committee's suggestion was that in the context of the demonstration the University could certainly reserve to itself the imposition of appropriate University discipline even in those instances where it decided to follow a policy of restraint in invoking police agencies. But it might very well be that even in the demonstration context and even in those instances where the University decided not to intervene in order, say, to clear an occupied building, that it would still find itself utilizing not simply University discipline but external sanctions as well. For example, the use of the injunction enforced by the contempt power would not be incompatible with what had been recommended with respect to restraint. People were ordered to clear the area; if they did not do so then they stood in contempt of court and were subject to public sanctions, but in order to enforce an injunction the police did not have to be sent in.

Professor Farmer understood the argument to be that, for example, a case of common assault was a problem for the police and for the courts, even though a member of the Safety Division might be the arresting officer.

Dean Harvey agreed. He noted that the Committee did not take a position on the question of whether or not, in a growing community in which perhaps routine types of criminal conduct might become more frequent, certain types of equipment might be needed. What the Committee did say was that the justification for any

particular equipment must be one that was functional to the job, and that the burden of justification was on those who wanted a particular weapon. The Committee did not itself see any justification for side-arms in routine daylight patrols on campus or in the policing of ordinary student demonstrations.

Vice-President Derge asked how large an expansion of the campus police force the Committee anticipated for the University to be able to handle, say, the occupation of a building by four or five hundred people.

Dean Harvey said that the Committee did not anticipate any increase in personnel. It was because efforts to control or move a crowd of demonstrators by a small police force involved such a danger of violent clash between the outnumbered police officers and the demonstrators that the Committee had recommended that, in the absence of immediate risk of injury to persons or serious damage to property, police agencies not be involved to clear the building, but that even a disruptive and illegitimate demonstration be permitted to continue unless it was broken up by an injunction, with the University or the public agencies themselves imposing the appropriate discipline. It was not a matter of abrogating discipline but of trying to determine the gain and loss in police intervention.

Dean Hunt referred to the sit-in of the Administration Building at Purdue. He thought newspaper accounts had said that eight or nine hundred students had occupied that building and that they were removed from that building by a force of some 150 or 200 policemen without any severe injuries to anybody. He contended that most demonstrators would turn strangely mild when a considerable force of duly constituted police officers were called without any uncertainty as to their mission to clear the building.

Professor Ryder was worried by what he took to be a disparity in the Report between the text on pages 7 and 8 and recommendation 3 on page 25. The Report read on page 7: "The Committee believes in the soundness of the stated policy of the University but firmly refuses to tolerate the disruption of legitimate processes of the University." The argument continued on page 8 in order to identify the point at which police intervention seemed to the Committee warranted. He wondered if it would not be possible to add to recommendation 3 which now read that "intervention be approved only when the circumstances indicate a serious and immediate risk of injury or damage to persons or property," the phrase "disruption of legitimate processes of the University." Professor Ryder was thinking, to cite some German examples, of such events as the pushing of a professor from a lecture platform, the occupation of library reading rooms, the interruption of lectures by systematic patterns of outside upheaval, none of which involved a serious and immediate risk of injury or damage to persons or property but which did disrupt the legitimate processes of the university.

Dean Harvey answered that the Committee's thinking was that the intervention of a police force for the purpose, say, of clearing a demonstration which was occupying a building had proved such an escalating force in so many instances that it had seemed to the Committee unwise, even though a legitimate process of the University was in fact being disrupted, to introduce police agencies unless the greater risk of substantial damage to persons or property existed. The Committee did not feel that this meant that the University was prepared to tolerate that kind of disruption. It dealt rather with the question of the technique of response. Recent events at Harvard, Columbia, Madison, Berkeley, and other places, provided such cogent evidence of the potential for major escalation when there was a confrontation between a large group of student demonstrators and a police force in

the main apt to be staffed by people generally out of sympathy with the demonstrators, where tempers tended to run high, where it was very difficult indeed to establish the necessary identifications, where factual sequences were very difficult to pin down so that responsibilities could be assigned, that it was concluded that it would be better, even though a legitimate function of the University was being temporarily disrupted, to respond with non-violent means. In sum, the Committee would prefer to respond with non-violent means reserving fully the opportunity for disciplinary sanctions in a deliberative manner after the disruption, after the persons had been identified, and the disruption had been terminated.

Professor Remak wished to agree emphatically with Professor Ryder and he would like to see a phrase such as "or serious disruption of essential University functions" added to recommendation 3. He understood the need to weigh the risks of possible exploitation of police intervention against the risks of leaving the University defenseless. For him, the interruption of teaching and the occupation of buildings was a most serious interference with academic freedom. He thought it the greater risk at this point in political history to assure students contemplating such actions (and everyone knew such students existed on all the more active campuses) that they might succeed for as long as they pleased. He was very much reassured by Dean Harvey's reference to injunctions. The injunction had worked well and peacefully in a number of universities. On the other hand, he was uncomfortable about the use of the word "negotiation" on page 8, line 3, "In the Committee's view, it will in many instances be the path of wisdom not to respond with police action to an illegitimate disruptive demonstration but to rely primarily on continued processes of discussion and negotiation in an effort to terminate the disruption without violence." He strongly opposed the idea of negotiating with somebody who occupied his home or the University's home and then felt that he or the University should be obliged to negotiate with him. He did not care to negotiate with people who were themselves guilty of disruption and possibly of criminal activity.

Professor Gray was not sure that the only choice lay between calling outside police forces onto campus and offending some people by letting demonstrators sit-in. The way the discussion was going it was as though, if the use of outside police force were not approved, the University was going to find itself tremendously vulnerable. He was not sure that was true.

Dean Harvey thought it might be worth saying that the current policy of the University laid down following the Dow demonstrations in 1967, was that the President or a Vice-President was needed to call outside police agencies. Otherwise, the University relied on the officers of the Safety Division. Before any police officers were involved at the scene of the demonstration, responsible administrative officers of the University had available to them the full range of discussion, counsel, and persuasion, in order to terminate an illegitimate demonstration.

Vice-President Derge said there was a whole continuum of responses, all the way from reason and discussion at any length and at any place to an announcement by an official of the University that a student was in violation of a regulation and was in jeopardy from disciplinary processes, to the use of civil court injunctions, to the use of on-campus force, to the decision that internal processes would not adequately resolve the situation, at which point the outside appeal for help then transferred the responsibility for determining means, numbers, and timing to another agency. Under the laws of Indiana, when any institution made such a call for outside force, then the local law enforcement agency was the primary agency and it, in turn, might call upon the State police and ultimately the National Guard.

Professor Gray then asked Dean Harvey to confirm that, in effect, the Committee was recommending that in the range of responses open, the one in which the University

both risked changing the character of the event and losing control of it should only be taken when there was no alternative or, as the Report put it, when there was immediate risk of injury or damage to persons or property.

Dean Harvey agreed to this interpretation and said in response to Professors Remak and Ryder that this recommendation was made in the face of the recognition that a demonstration might be at the time disrupting a legitimate function of the University. But if it did not involve the risk of injury to persons or serious damage to property, the Committee had deliberately opted for limiting the intervention of police because the risks seemed much greater. He did not think that this meant that the legitimate processes of the University went unprotected; what it did mean was that the Committee had a certain confidence in non-violent deterrents.

Vice-President Derge noted that the Administration had thought a good deal about the very wide range of possible disruptions of legitimate University functions, running all the way from, say, the sit-in occupation of the football stadium, to the disruption of scheduled social functions, to the type of thing that had happened at Ballantine Hall, to the occupation of classroom buildings and the disruption of the teaching functions for an indefinite period, to the occupation of vital University buildings and interference with functions whether they were administrative or had to do with the physical plant or what ever.

Professor Breneman recalled that he had objected to Section II D "Special Considerations" last time. To the various illustrations used, he wished to add that of Notre Dame and the positive statement made by Father Hesburgh to the effect that the University would give offending students five minutes to think and they must then get out. If they did not, they were either trespassing or they were suspended from the University. This statement had had a tremendous impact. It did not bring in any police but it was a positive statement about what the University was going to do.

Dean Harvey said the Report had not addressed itself to the matter of anticipatory responses. It had assumed that the Administration and the Board of Trustees had, in fact, indicated by a clear policy statement that the University was not prepared to tolerate disruptive demonstrations. Its discussion began with an endorsement of that policy. Now there was a real range in question as to how vigorously this policy might be implemented in a public institution by a declaration of suspension. The federal court in Wisconsin had just handed down a decision which said that the university cannot suspend summarily. Traditional powers of this sort would not go unexamined.

Dean Harvey agreed with Professor Breneman that the federal district decision had little precedent-setting value, except to suggest that university disciplinary processes were probably going to find themselves more and more frequently tested in court. He wished to emphasize, however, that the technique used by Father Hesburgh was by no means incompatible with what the Report recommended. He himself certainly shared the view that a university ought to make clear that it did not regard the disruption of university processes as legitimately within the range of dissent. But that did not get to the question of when to involve the police.

Dean Carter thought that the recommendation under discussion tied the University down too much. Take a situation in which students insisted upon sitting in on faculty offices for four or five days in a row. Going through the normal disciplinary processes was a very involved affair and could hardly guarantee the prompt restoration of orderliness. Supposing something non-violent but disruptive

happened when time was crucial, say, during the final examination period. In both these circumstances it seemed to him that the time would come when action was called for and that it might actually involve bringing in the police.

Dean Harvey acknowledged that a basic philosophical difference between the Committee and perhaps the majority of the Council had been uncovered. The Committee was prepared to take the position that the University should not be willing to court the risk of physical injury both to police officers and to demonstrators nor to allow the situation to be used as a tactic (and a very effective one) for mobilizing an enormous segment of the student body originally relatively unsympathetic to the demonstrators' means. He was himself convinced that every police intervention was a major victory for that small segment of the demonstrators who were interested not in solution but in confrontation and disruption. His view was clear the University could better accommodate a period in which one of its legitimate and important processes was inconvenienced and disrupted rather than take on the risks that were implicit in calling in the police to break up the situation. He did not wish to hamstring judgment and discretion but he was unsympathetic to policy formulations which suggested options which, in the event, he hoped the institution would not be willing to adopt. The recent events in Ballantine Hall surely disrupted a legitimate function of the University and yet those in the room that night had been very clear in their judgment that the University could tolerate that disruption much better than it could tolerate the foreseeable risks of police intervention.

Dean Clark thought the argument about the event in Ballantine Hall was a bad one to cite in support of the wording of the recommendation. As the item was now drawn up, administrators and members of the faculty had less flexibility than otherwise. The recent experience seemed to indicate that the Administration, at a time when the "disruption of legitimate processes" did not inhibit them from bringing the police in, was likely to exercise the understanding spirit which the Report desiderated. He thought there was no evidence at the present time that there was a temper on the part of the students, the Administration, or the faculty to provoke intemperate responses from any of the other partners in this enterprise. Had the lock-in at Ballantine gone on for many days, provided that the persons involved had food and were allowed to leave for health purposes, it would have been difficult to have demonstrated "immediate risk of injury or damage to persons or property." Nevertheless, to have allowed the situation to continue indefinitely would have placed the University in an absurd position and the Administration would in fact have lost control of the situation to outside civil authorities. Therefore, to restrict the recommendation was to risk turning over to other agencies the responsibility for control of the campus.

Dean Harvey acknowledged that there was always the risk that external political forces would intervene unduly in the affairs of the University and he agreed with Dean Clark's argument that the addition of the suggested phrase would extend appropriate discretion--it was exactly that extension of discretion that the Committee wanted to foreclose. He himself had been appalled at being informed by telephone on that Thursday night that the police had been called, that a "bust" was in the process of taking place, and that violent acts against persons in the room were expected. The Ballantine Hall example was a completely appropriate one to illustrate the kinds of difficulty opened by administrative discretion in calling police simply to deal with a disruptive demonstration that was without danger to persons or property. It was indeed exactly that kind of discretion that the Committee wanted to foreclose by a clear statement of faculty recommendation.

Dean Clark noted that the issue was fairly joined.

Professor Manlove mentioned that it might well be an inopportune time for the approval of this particular report as it now stood. Its "soft" line was unlike that being taken nationally and within the state and he was sure that it was a line that many people on the faculty would disagree with. He fully approved of the way the Administration had handled the incident that had been referred to. On the other hand, there was no proof that a "harder" position might not have had better results, for instance, in fending off the Grand Jury investigation.

Professor Shiner thought the Committee's position was not so much an invitation to disrupt but an admonition to remain peaceful. He thought the recommendation gave the Administration reasonable latitude and that it was right in that the University was not going to be the first to initiate violence. Moreover, he thought that a majority of the faculty shared this opinion.

Professor Remak wanted to make three points: first, that disruption was itself violence. He did not accept the proposition that a disruptor was a peaceful citizen and the police stopping the disruption the initiator of violence. Secondly, he wished the Administration to have more discretion than this recommendation now gave them. Thirdly, as to the Ballantine Hall event everyone agreed that the Administration or State should not have been asked to use police, but he was convinced that the possibility that the police or the National Guard might come could well have had something to do with the decision of the occupiers to release those held in the room.

Professor Ryder hoped the Council was not assuming that using the police automatically meant calling in the National Guard. One of the things that was prejudicing the discussion was a certain perhaps warranted cliché of past police action. In his own judgment most of the reports about campus disruptions and police intervention had not presented a uniform picture of police humanitarianism. But he did not think that we were faced with an unrelieved picture of total incapacity in any form of outside police activity that might resolve a serious situation. The incident in Ballantine Hall took place when the University did indeed have the prerogative to ask for intervention. That it did not was clear evidence that the University was not going to make irresponsible use of its authority. When he considered the serious situations which could develop without damage to person or property, he was forced to think the Committee's intent to restrict the discretion of the Administration too limiting and he therefore moved to add the words "or serious disruptions of essential functions of the University" to recommendation 3.

Dean Clark seconded the motion.

Professor Martin thought that much of what was happening involved a struggle to change the central purposes of the University. Although most of us were agreed that we wanted to preserve orderly and peaceful processes of change in the University, there might be considerable difference in our willingness to see it change, which would in turn effect how feasible we would find it to reason with dissenting students. There was also a difference as to whether we wanted to deter student dissent or unlawful and violent methods of dissent. Those who most wanted to deter student dissent might be willing to risk a considerable amount of violence, but those who wanted rather to deter violent dissent, would be willing to tolerate more non-violent student dissent. He thought the best way to deter violence might not be to risk initiating it through an arresting process, particularly when some members of the dissenting group were interested in violence for the very purpose of aiding them in their efforts to change social institutions. The University should try its utmost not to initiate violence. Its task was to work out the best way of keeping change and dissent orderly and, at all costs, to avoid escalating violence. A massive deterrent to physical coercion was not an appropriate way to order human relationships in the world or in the University community and he called on the Council to accept the Report as it stood.

Professor Farmer wished to speak for the amendment. He had been impressed by the remarkable ingenuity of students in planning. The Administration needed maximum flexibility in order to respond to the creativity and originality of the dissenters. It was not wise to force the Administration to accept the proposed limitations. The situation should be kept as fluid as possible so that the most appropriate response could be used.

Dean Clark thought that the addition of the proposed phrase was appropriate because to impose a rule in this situation rather than establish a guide for discretionary action would only lead to the Council trying to work out later how to modify its ruling to meet some new situation. He would welcome a clause if it were needed that would indicate the Council's expectation that the University would exhaust all reasonable means for coping with any situation whatever before calling in police.

Professor Mahler thought the Report a farsighted philosophical document, and a model of its kind. He felt that the document as it was drawn up left more flexibility than it would have if it were amended. It had been said that a university was a very tender organism hard to restore once damaged. It had also been said that our students had exercised a remarkable amount of restraint. His contention was that adoption of the Report unamended would strengthen the University community.

Chancellor Snyder wished to speak in behalf of the amendment and especially to emphasize the importance of the point of not spelling out in advance what the Administration's were. He mentioned also the effective use of police in plain clothes. He thought the unamended recommendation would greatly hinder such relatively successful procedures.

Mr. Curt Zimansky thought that many of the instances offered to serious disruption could be interpreted as damaging to person or property and that therefore the amendment was not needed.

Dean Carter was still concerned, knowing the slowness of the University's own judicial processes, that the unamended recommendation would not enable the Administration to deal with repeated interruptions of the faculty in the course of carrying out its duties.

Professor Frye thought he might have a form of words that would satisfy both Dean Harvey and Professor Ryder. He offered as an extension of the amendment: "or serious disruptions of essential functions of the University after non-violent processes to terminate disruption having failed and the continuation of the disruptive practices being intolerable."

Dean Harvey was unwilling to accept a standard of tolerability for determining when the police could intervene. He wished to stand with the recommendation as it had been originally phrased.

Professor Ryder said he was willing to accept the first part of Professor Frye's addition. He thought that some of the discomfort people might have about his amendment was derived from the vague sense of sympathy we felt towards the reforms advanced by the groups now in the focus of our interest and because to a certain degree we even identified with the interests of those groups most immediately concerned in protest and dissent. There was no guarantee that the University would always be faced with disruption from such a serious and concerned quarter and he preferred to give the Administration ample scope.

Vice-President Derge then read the amendment as reworded with the approval of Professor Ryder and Dean Clark: "That the University commit responsibility for decision on the intervention of police in a demonstration to a senior academic officer of the University and that such intervention be approved only when circumstances indicate a serious and immediate risk of injury or damage to persons or property, OR SERIOUS DISRUPTIONS OF ESSENTIAL FUNCTIONS OF THE UNIVERSITY, NON-VIOLENT PROCESSES TO TERMINATE DISRUPTION HAVING FAILED."

The question was called for and the motion passed on a roll call vote with 18 ayes, 10 nays and 1 abstention.

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Bain	Auer	Frye
Breneman	Gray	
Beuhrig	Harvey	
B.E. Carter	Lorentzen	
Clark	Mahler	
Inskeep for Davidson	Martin	
Endwright	Murray	
Farmer	Neu	
Hartley	Shiner	
Manlove	Wolff	
Day for Merritt		
Pinnell		
Remak		
Hattery for Ryan		
Ryder		
Snyder		
R.C. Turner		
Hunt for Yamaguchi		

The Secretary wished, before adjournment, to record that he had hoped to ask the Chair to recognize Professor Zacharias. Professor Zacharias was Chairman of the Student Affairs Committee and would have to leave the campus before the Council's next meeting. Unfortunately, Professor Zacharias had left the room, but it would have been valuable to have heard his comments on the proposed Student Conduct Code. The Secretary also mentioned the statement emerging for discussions between Administration, student leaders, and faculty as a response to the "four demands." That response was being placed before the Student Senate and was now distributed to the Council (Faculty Council Circular #96). The document was not yet signed by anybody but it might be valuable for the Council to find its way to giving its endorsement next week. Several faculty had been involved in the discussions, those Council members present at the end being Professors Gray, Ryder, Shiner, Wolff, and Zeitlin.

The meeting of the Council was adjourned at 5:37 p.m.

Respectfully submitted
Michael Wolff, Secretary