

*Final*Report of the Committee on University Council.

Preliminary Survey

Before proceeding to consider the functions or the form with which a University Council should be clothed, or even the desirability of such a body, it may serve to clarify our thinking if a brief outline of the government of the University be presented.

The constitution of the University consists of a statute of the year 1853, amended in 1855 and at various times thereafter. About these statutes there has grown up a body of usages and precedents which within the walls of the University have come to have the force of law.

By statute, the governing authority of the University is vested in two bodies: the Trustees and the Faculty.

The faculty is clothed with two functions:-

1. To administer the rules of discipline prescribed by the Trustees; and
2. To confer academic degrees.

It should be observed, however, that both these powers are to be exercised subject to appeal to and approval by the Trustees.

All other authority whatsoever is vested in the Trustees. Among the powers specifically conferred upon that body are these:-

1. To hold the property of the University.
2. To expend its income.
3. To elect the president, professors and officers.
4. To prescribe the duties and salaries of such persons.
5. To prescribe the course of study.
6. To prescribe the rules of discipline.

It will be further observed that the powers conferred upon the Faculty are of an administrative nature, and that all legislative, or policy-forming powers, as well as all administrative authority not given to the Faculty specifically are vested in the Trustees.

From the beginning, apparently, the Trustees have rarely if ever withheld their approval of acts of discipline or recommendations for degrees. Moreover, as is usual in other institutions, and without formal action, the Trustees have turned over to the Faculty the formulation of rules of discipline and the determining of practically all policies in academic matters. Save in the cases of the expulsion of a student and of granting of degrees, not even formal ratification by the Trustees of such determinations of policy has been customary.

In performing the legislative functions thus informally given to it, the Faculty has been in the habit, in most instances, of couching its decisions in terms of finality. It is, however, a well-settled principle that policy-determining powers delegated by the state to a subordinate authority, - as the Trustees, - cannot be re-delegated to another body. Consequently it must be borne in mind that the legislative activities of the Faculty, in whatever language expressed can, in strict legality, have no effect save as advice to the Trustees.

The President of the University is the chief administrative officer of the Board of Trustees, deriving his authority from and owing responsibility to that body. As such, the administration of the University is within his hands, except as conferred on the Faculty by law. With respect to matters left to the Faculty for determination, the President is the administrative officer of that body and responsible to it in the first instance. Since he is a member of both the Faculty and of the Trustees, he is the natural channel of communication between those bodies.

2.

Administrative officers and members of the Faculty are appointed by the Trustees upon recommendation of the president. Members of the Faculty below the rank of head of the department are recommended to the President by the department head.

The actual management of the affairs of the University is largely carried on through committees. The Board of Trustees works, to a certain extent, through committees of its own members but in some instances persons not of the Board are included. Upon examination it will appear that the committees of the University vary widely with respect to the source of their authority, their responsibility, their personnel, and their functions. The distinctions have frequently been lost sight of with some resulting confusion of thought.

Considered with respect to the source of their authority there are, first, those created by and responsible directly to the Trustees. Of these, two only need be mentioned:- that on Campus, and that on University Interests.

Second there are those appointed by the President and responsible directly to him. These include the greater number of the so-called "standing committees". Some of these date from the last century while others are of more recent origin. Some of them were created as a result of Faculty action, and in years gone by they reported to the Faculty. Among these which a decade ago regularly reported are the committees on Athletics and on Student Affairs. In more recent years such committees have reported infrequently and only upon more important matters. Thus the responsibility of these to the Faculty has become obscured. It should be remembered, however, that in some instances at least, the committee ceased to report because of the expressed wish of the Faculty itself. Besides these standing committees, other groups are called into being from time to time by the President, usually in emergencies. These groups function as committees, and may be exemplified by the meeting of heads of departments, of the Deans, and of groups which are quite informal and without special designation.

In the third place there are committees created by Faculty action and directly responsible to that body. Certain of the standing committees are of that kind, for example, those on schedule and on graduation. Most of those created thus by the Faculty are rather, of the nature of "select" committees, created to deal with particular questions, and when they have reported they are discharged. The present committee now reporting is of that class.

Considered from the point of personnel, these committees vary. Of those directly responsible to the Trustees and which touch the Faculty, that on Campus includes certain Faculty members placed there because of their technical knowledge. That on University Interests includes administrative officers, alumni and students. The committee on Athletics includes Faculty members, administrative officers and alumni; that on Activities Fees, of Faculty and students, and that on Publications, of an administrative officer and Faculty members. The greater number consist of Faculty members alone.

Considered in the light of their functions, it will be found that most of the standing committees perform primarily administrative functions. Familiar examples of this kind are the committees on Absences, Afternoon Work, Admission, Assemblies, Contests, and Social Affairs. One Committee, that on Student Affairs, performs functions chiefly of a judicial nature. Two standing committees, although performing some work which is administrative, are from their nature policy-forming committees as well. These are the Graduate Council and the committee on the Promotion of University Interests. Likewise the more informal groups referred to above, such as the meeting of department heads, have sometimes taken action which amounted to policy-forming. This is exemplified when the meeting of department heads changes the University calendar.

3.

While this system of government has gradually grown up in the University, it must be remembered, as stated in the beginning, that this fact does not make the entire system legal. Some of it is legal. Most of it is extra-legal. Your committee does not undertake to reform the system so as to give it legal standing throughout, but takes it as it exists and makes its recommendations on that basis.

It is upon the system of government thus outlined that it is proposed to graft a University Council. If a Council is to be created it is obvious that there should be a clear definition of its functions, a proper constitution of the body, and a suitable articulation with existing machinery of government.

It is a fact that there are, naturally, lines of cleavage within the faculty as to view-point and interest, such as that between senior and junior members, between schools or departments, and between administrative and non-administrative groups. These your committee has attempted to take cognizance of in its proposals as to the composition of a Council.

It should be borne in mind that the functions of the Council as herein contemplated are to investigate and recommend rather than to legislate, and that the faculty to which it reports is legally only an advisory body. Hence the balancing of voting strength of various interests is not to be made a chief concern in its composition. The object should be, rather, to ensure that there should be represented at the council table each major interest or point of view in the University. The determination of disputed questions in such a body should not be made by counting votes on opposite sides. Unless a Council, however constituted, can maintain an attitude of tolerance toward the views and confidence in the motives of each interest represented; unless it can rise above personal and group aggrandizement, to seek and to support what is for the best interest of the University as a whole, then its creation will have been in vain.

Functions and Organizations

1. It shall be the function of the University Council to consider any question of academic policy affecting the University as a whole. With respect to such questions it shall have investigative, deliberative and recommendatory powers only.

2. It shall be the duty of the Council to investigate particular problems which it may originate, or which may be presented to it by the President of the University, by the Faculty as a whole, or by any member of the Faculty.

3. Upon all questions originating within the Council, or submitted to it by the Faculty as a whole, or by any member thereof the Council shall report its findings and conclusions to the Faculty.

4. In reporting to the Faculty, the Council shall summarize its data without prejudice, and in making recommendations for Faculty consideration, minority as well as majority reports shall be encouraged.

5. For purposes of selection, the members of the Council first chosen shall be divided by lot into two classes as nearly equal in number as may be. The members of the first group shall hold office for one year and the members of the second group for two years. Their successors in each group shall hold office for the term of two years.

6. The selection of members of the Council shall be made during the month of May in each year, and the members then selected shall assume office at the beginning of the succeeding academic year.

4.

7. It shall be the duty of the Council to hold regular stated meetings.

8. In the absence of the President of the University from any meeting, the Council shall proceed to choose a chairman pro-tempore to serve at that meeting.

9. In creating committees for purposes of investigation, Faculty members who are not members of the Council may be included whenever practicable.

10. The existence of the University Council shall automatically terminate at the end of two years from its creation unless the Faculty shall have voted to continue it.

Membership

Your committee recommends further that if it is decided that a University Council be created, it shall be constituted as follows:-

For purposes of constituting the Council, the Faculty shall be divided into nine units, viz., Arts and Sciences, Graduate Council, Law, Medicine, Education, Commerce, Music, Dentistry, and Extension. In each unit those holding the rank of full Professor or an administrative position of equal rank shall be called the "senior class", and all members of lower rank than that of full Professor shall be called the "junior class".

No member of the Faculty shall be considered as belonging to more than one unit, except that members of the Graduate Council shall be considered as belonging to their several units as well as to that council. Except in the case of the Graduate Council, when any member of the Faculty is a member of more than one unit, he shall choose to which unit he shall be considered as belonging.

The University Council shall be made up of 26 members to be chosen as follows:-

1. The President of the University shall be a member of the Council, and shall be its chairman ex-officio.

2. All the faculty members of each unit of the University shall elect one member from the senior class and one member from the junior class. In case any unit shall include not more than two members of the junior class, then both representatives may be chosen from the senior class.

3. The President of the University shall appoint seven members of the Council from the Faculty at large, provided, however, that not less than three shall be chosen from the College of Arts and Sciences.

The faculty deems it highly desirable that the President, in making his appointments from the College of Arts and Sciences, have in mind the representation of the diverse interests in that unit.

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