

R E P O R T

of the

AD HOC COMMITTEE ON STUDENT-FACULTY-ADMINISTRATION

RELATIONS

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## AD HOC COMMITTEE ON STUDENT-FACULTY-ADMINISTRATION RELATIONS

### PART I. THE TASK IN GENERAL

This Committee, appointed following the incident at Bear Down Gym January 8, 1970, has been instructed (1) to examine procedures for the communication and consideration of grievances, real or imagined, in such a manner as to prevent their reaching disruptive proportions; and (2) to examine procedures for dealing with such disturbances actual or potential as may occur or appear imminent despite efforts to prevent them.

#### Placing the Charge in Context

The inducements, emotional and rational, which prompted the formation of this Committee were many and varied, but clearly relate primarily to the Bear Down incident and its aftermath. For many, the basic concern has been the treatment given particular students as a result of their involvement in that incident. Without intending to diminish the importance of that concern, we have chosen to devote our attention to the more general problems suggested by the Bear Down incident and the charge given the Committee.

Our primary focus, consequently, has been an investigation of procedures for dealing with any and all grievances which involve the potential of a Bear Down type of incident. In addition, we have explored the general question of the appropriate response of a university to disturbances which become imminent or actually occur despite vigorous efforts in good faith to prevent grievances from reaching disruptive proportions. To an important extent, the investigation of procedures has necessitated an examination of University policy relevant to the procedures and to the question of how policy is made and how procedures are established.

Throughout our deliberations, we have been cognizant that at this time virtually every institution of our system is being challenged, that student disturbances represent a challenge to the university as an institution, and that such challenges to the university are in many ways the most serious of all, particularly since the university is an institution which has as one of its ends the accommodation of orderly examination of challenges to other institutions.

While we have concerned ourselves with the responses to crises, real and threatened, we have also found it necessary to consider procedures and policies which relate to the everyday operation and governance of the University. The reason for such consideration is that deficiencies in these procedures and policies may result in an aggravation of the special grievances which produce or threaten a crisis.

In this regard, we have been especially concerned with the need to take account of the fact that the University of Arizona has grown virtually overnight from a relatively small educational institution serving an essentially uniform student body to a very large institution enrolling great numbers of students of diverse interests and backgrounds. The Committee has been equally concerned with the fact that universities generally have been reexamining the in loco parentis concept underlying many traditional policies and procedures with a view to acknowledging that university students on the whole are demanding, and have a right to expect, that they be treated not as children, but as young adults manifesting no insignificant degree of sophistication and maturity.

#### The Importance of the Purposes of a University

One of the essential purposes of a University is to provide a forum for the discussion and debate of the pressing issues of the times. The ways in which a university responds to the challenge implicit in a Bear Down incident must at all times reflect a recognition of this purpose. Accordingly, we have assumed as our point of demarcation the position that all responses which undermine that purpose must be rejected. We take this to mean that all responses designed to stifle orderly and aggressive discussion of issues must be avoided. At the same time, we believe that careful consideration must be given to any responses of the University which, by acceding to the demand that the University become an instrument for the achievement of

particular political or social ends, tend to compromise the essential neutrality of the University as a forum for debate. We recognize that the limits of appropriate response indicated by these extremes are not easily ascertained. We are persuaded, however, that these limits are sufficiently clear to permit certain more or less concrete recommendations.

Another essential purpose of a university is the encouragement and support of the scholarly pursuit of knowledge by students and faculty alike. This purpose, more so than that of accommodating and encouraging debate, must be considered in connection with everyday policies and procedures. The Committee suggests that this purpose is most effectively furthered by policies and procedures which reflect a minimal degree of arbitrariness and in loco parentis orientation. The notion of a partnership of faculty, students and administrators having a common purpose would not be unreasonable.

#### The Unmanageable and Unpredictable as an Obstacle to Outlining the Limits of Appropriate Response

The explorations of the Committee have revealed that certain concrete suggestions as to appropriate responses by the University may be made. These inquiries have also revealed that disturbances, actual or threatened, may be prompted by dissident groups that have no genuine interest in the orderly debate and resolution of issues. Rather, these groups seem intent upon provoking confrontations that will permanently alter existing institutions, including the University, as an end in itself. It is difficult to specify appropriate methods for dealing with such groups and the threat they pose. However, such groups can provoke serious disturbances only if they can muster the support of those members of the University community who are inclined to translate a general distrust and discontentedness into sympathy for a cause with which they would not otherwise identify. The Committee accordingly suggests that an effort must be made to isolate such dissident groups and discredit their disruptive activities. Such isolation and discrediting will be significantly furthered by the improvements in procedures for the communication and resolution of grievances which the Committee recommends.

## PART II. PROCEDURES FOR THE COMMUNICATION AND RESOLUTION OF GRIEVANCES

### The Nature of the Grievances

An understanding of the nature of a particular grievance is essential to the solution of the problems presented. However, it is important that appropriate policies and procedures be adopted for dealing with all grievances. Obviously certain grievances, such as those which prompted the Bear Down incident, involve a greater potential for violent disturbances. Grievances which test the very fabric of our society are the more likely to arouse the passions which lead to disorders. Racial discrimination is such a grievance. The war in Southeast Asia is such an issue. Poverty in all of its ramifications, from welfare to housing to employment, is also such an issue. At the same time, the questions of curriculum, class schedules, faculty selection, grades, minority student recruitment, student hours, housing, choice of speakers and even parking involve a potential for unrest and disturbance which differ only in degree. Thus, the emphasis must be on the procedures for the communication and resolution of grievances and the policies underlying the existence of those procedures.

### Existing Procedures and Policies

Although recent efforts have led to the institutionalization of procedures for the communication of grievances, existing procedures often seem to be more the result of tradition and ad hoc response than of design. Grievances of all kinds variously are communicated to deans, department heads, the Faculty Senate, ASUA, the Vice Presidents for University Relations and Physical Resources, the Chief of Security, the President and, perhaps all too frequently, individual faculty members. Grievances are often expressed to particular bodies or individuals, not so much because of the recognized responsibility of the body or individual for dealing with the specific grievance, but rather because of the accessibility of the individual or body.

To a great extent, such misdirected communication results from ignorance of the appropriate individual or body to which the grievance should be expressed. To this extent, much of the communication problem could be alleviated by a campaign of publication aimed at informing the University community of the responsibilities of particular bodies or individuals.

Misdirected expression also seems to result from the fact that the lines of responsibility have not always been clearly drawn. In particular, there is confusion and doubt concerning the propriety and ability of the Faculty Senate and ASUA for dealing with a wide range of problems. The role of the faculty in the governance of the University has never been satisfactorily defined. The legitimacy of ASUA has been occasionally challenged raising doubts about its representative nature.

A particularly troublesome result of the confusion and doubt about the roles of various individuals and bodies has been the increasing tendency of groups or individuals to press their grievances on the Office of the President. We believe this tendency is substantially justified by the fact or appearance of fact that the President ultimately makes all decisions of real import and that it would be a futile gesture for the aggrieved to aim their grievances elsewhere than the President's Office.

Accordingly, a serious reexamination of the lines of responsibility must be undertaken and these lines of responsibility must be made known to the University community. Of course, to the extent that decisions are in fact made by the President, and especially if it appears that decisions are made without serious consideration of the views of those having responsibility for the particular problem, the Office of the President will continue to be the focus of manifestations of unrest. It may be anticipated that certain groups or individuals will intentionally choose to ignore legitimate channels and seek to provoke confrontations at the level of the President's Office. However, such attempts at confrontation may be more effectively handled where the appeals of these groups or individuals to the University community generally for support are discredited by the existence and knowledge of the existence of legitimate channels.

It is frequently suggested that students in complaining of a "communication gap" are actually expressing dissatisfaction with existing policy and decision-making. There is little doubt that much of the student unrest now attributed to a lack of communication may be traced to student concern with existing rules, policies, and decisions. Where such concern involves a demand that all rules and decisions are made as the students would have them made, little can be done to alleviate the students' concern. We feel, however, that the concern

is legitimate to the extent it expresses a desire for more student participation in decision-making. Increased student participation in actual decision-making is not a novel suggestion. It is a fact at universities generally, this University being no exception. Such increased participation is not only expedient, but can also be justified in principle. The historical anomaly of the autocratic university attempting to instill democratic values is on the demise.

The University has made laudable attempts at increasing student participation. Such attempts have usually involved the adding of student representatives to various committees. Insufficient consideration, however, has been given to the questions of how much representation is appropriate and in what capacity, voting or consulting, students ought to serve.

There is, moreover, the problem that the committee system itself suffers from confusion as to the responsibilities and authority of various committees. Such confusion can be traced to the previously mentioned absence of lines of responsibility generally. Lines of responsibility are clearer at the departmental level, but even there the degree of clarity is probably insufficient. The problem is particularly acute as to questions which affect the University community at large, or at least the student body generally. At this level, the existence and function of committees, with or without student representation, are largely unknown to the University community. Decisions at this level thus often appear to be made by individuals, especially administrators, ordinarily in line with the real or apparent wishes of the President or those administrators on whom the President chooses to rely most heavily.

Clearly, many decisions ultimately must be made by individuals and especially by the President. However, we believe, as suggested earlier, that the lines of responsibility should be clearly articulated and that students, faculty and other members of the University community might legitimately participate in many more decisions than is now the case.

#### Revision of Existing Procedures

Identifying the kinds of questions which may confront the University, establishing the lines of responsibility for answering these questions, and especially determining the degree and form of participation in the

decision-making process to be accorded the various segments of the University community will not be easy tasks. It is envisioned that these tasks, even if undertaken immediately, would not be quickly completed. Further, there undoubtedly would have to be a continuous evaluation and reappraisal of any conclusions drawn.

The Committee suggests the immediate formation of a high-level Review Committee having the sole responsibility for undertaking these tasks. The Review Committee should be composed of students, faculty and administrators who are relieved of routine responsibilities to the extent necessary to permit them to perform this difficult assignment. The Review Committee should engage in an intensive study of the existing decision-making process and then make recommendations as to what kinds of questions have to be decided and who should make the decisions.

In addition, the Committee recommends the immediate creation of a University Communications Officer. At the outset, the Communications Officer would have the particular responsibility of directing persons raising questions or pressing grievances to the appropriate student, faculty or administrative office. The Communications Officer would also, to the extent possible, attempt to explain University procedures and policies to those making inquiries. To best ensure success, the Communications Officer ought to be more than a student or faculty effort. The Committee suggests that a high-level administrator assume the primary responsibility. The Communications Officer should not engage in any policy-making function, but rather should serve as a clearing house for the communication of questions and grievances. While it is important to establish the office of the Communications Officer immediately, the full definition of the functions and authority of the Communications Officer should be the responsibility of the Review Committee.

Pending the report of the Review Committee, and in addition to the creation of a University Communications Officer, we suggest that the process of examination and revision of the decision-making process begin immediately at the department, college and University levels.

In particular, the responsibilities of the Faculty Senate must be clarified. It must be made clear what kinds of questions the Faculty Senate now considers and some thought given to whether other questions might appropriately

be considered by the Faculty Senate. The function of the Faculty Senate, vis-a-vis faculty members on the one hand and students on the other, must be spelled out. Is the Faculty Senate a body which does consider, or ought to consider, all kinds of grievances of the faculty and students? Does the Faculty Senate represent the faculty and students in their relations with the Administration? Or, is the Faculty Senate a body which simply decides University policy in conjunction with the Administration? Similarly, it ought to be made clear the extent to which the Faculty Senate has actual decision-making authority, as contrasted with an advising and recommending function with respect to decisions made elsewhere. These and other questions should be considered by the Review Committee. In the meantime, in the interest of prompt preliminary clarification, it is suggested that the Faculty Senate continue and intensify the process of introspection already begun by the Constitution Revision Committee.

Similar questions may be raised with respect to ASUA. There is little doubt that there must be a student organization which represents the students qua students, both in affairs which are largely student concerns and in the relationships of students to the faculty and Administration. ASUA is the organization designed to perform these functions. ASUA is essentially representative of the students at large and ought to be recognized as such. Recent elections have indicated that a large percentage of students have themselves accorded such recognition to ASUA.

At the same time, the Committee urges ASUA to engage in self-examination with respect to its functions, decision-making authority, and representativeness. Again, the Review Committee will have the greatest burden in defining what responsibilities ASUA has or ought to have. However, especially with respect to its representativeness, ASUA can and must do much on its own. In particular, ASUA should seek to devise the means for ascertaining the needs and opinions of a large cross-section of the student body. It should also regularize and formalize its contacts with the leaders of the various student organizations, both those which in general it approves of and those it does not. In addition, we believe that efforts should be made to increase contacts between ASUA and the Administration. A close working relationship has emerged of late and we urge that this be formalized through scheduled periodic meetings.

It is important that an appropriate degree of participation by the Administration, faculty and students be reflected in working committees. We expect that the Review Committee will address itself to this point. However, pending the report of the Review Committee, each existing committee at every level of the University should review its responsibilities, authority and composition to the end of reconstituting itself to provide representation for all affected parties.

The committee system seems to serve adequately at the departmental and college levels. However, at the University level, serious thought should be given to creating and recognizing policy-making bodies that are adequate to deal with questions affecting the University community at large. One possibility is the creation of an all-University Senate composed of representatives of every segment of the University community. We expect that the Review Committee will explore this and other possibilities as part of its study of policy-making at the University.

Finally, further attention should be given to the problems of the communication and resolution of staff grievances. At present, steps are being taken in several segments of the community to deal with these problems. As to the arrangements which ought to be devised for the resolution of staff grievances, we have no specific plan. However, we do suggest the establishment of effective mechanisms in every division of the University for the purpose of receiving staff grievances and communicating them to the appropriate administrative office.

#### Communication of Rules and Policies to the University Community

There seems to be considerable dissatisfaction resulting from what we consider to be deficiencies in the communication and resolution of grievances and the level of participation in policy-making generally. We believe that this dissatisfaction may also be attributed to the fact that the rules and policies of the University are often not clearly expressed or understood. Consequently, there must not only be appropriate procedures for making policy, but adequate procedures for communicating these policies to the University community at large.

To some extent, the fault lies with the affected groups. Thus, while much of the University's policy is expressed in various manuals, such as the Faculty-Staff

Manual, only a select few have conscientiously read them. At the same time, there are rules and policies of general concern which are not to be found in any manuals or publications. An example is the absence of any comprehensive Code of Student Conduct. We note that serious efforts are now being made to produce such a code. Beyond encouraging the development of codes where none now exist, the Committee further suggests that existing codes and manuals be periodically reviewed for the purpose of updating them. Moreover, existing rules and policies that have not been included in new or existing manuals or codes should be so incorporated as soon as possible.

Regularly scheduled meetings between the Administration and representatives of the ASUA certainly enhance the degree of communication. We encourage administrative officials, especially the President, to continue holding such meetings. In addition, we believe that leaders of other student groups should have access to the President and other Administration officials, especially during times of stress, and urge the Administration to take account of this need.

As an important aside, the solution of campus problems is not enhanced through the use of impassioned rhetoric. Just as it is poor strategy for student groups to couch their complaints in terms of demands, so also it is inappropriate for the Administration to refuse to respond because such rhetoric is employed. "Demand" is a description which normally need not be taken literally. In any event, over-concern with the rhetoric often has the effect of diverting attention from the merits of the issues raised.

Communication of policy would further be enhanced by the appointment of a University Communications Officer. A major responsibility of the Communications Officer would be to communicate and explain University policy either directly or by referring persons to the appropriate administrative, faculty or student groups for answers to questions raised. The Communications Officer would maintain a master file of all manuals and statements of policy and procedure.

The publication and communication of regularized rules and policies in general is perhaps not of as immediate importance as the communication of specific policies relating to particular problems at a given point in time. We understand that the Administration has taken steps to provide for the issuance of such statements after action is taken with respect to the problems involved. We further recommend that the Administration consider the issuance of similar policy statements as soon as problems emerge in

order to clarify issues and perhaps thereby defuse a potentially explosive situation. A clarification of policy may increase the opposition of those hard-core groups which have confrontation and change in mind. However, it should also serve the purpose of undermining the support for such groups resulting from charges of arbitrariness and injustice which by reason of ignorance and doubt may appear well-founded.

#### The Substance of Everyday Policies and Procedures and an Impartial Disciplinary System

The substance of policies and procedures according to which the University operates on an everyday basis is somewhat beyond the scope of the Committee's charge. However, because deficiencies in these policies and procedures may tend to aggravate potentially explosive situations, a few brief comments are in order.

A major deficiency has been the absence of a well-publicized Code of Student Conduct. At the present time, a committee of the Faculty Senate is engaged in the preparation of such a code. We expect this committee will make every effort to minimize arbitrary rules and seek to deal with the difficult problem of the in loco parentis concept.

In particular, this committee should re-examine all differences in rules or policies based upon sex. In this effort, the committee should seek the assistance of the Offices of the Dean of Men and Dean of Women and urge those offices to join in a cooperative, evaluative and revisionary effort aimed at eliminating any and all differences in rules and policies which are not reasonably demanded by differences in sex.

We also urge the Student Personnel Committee to consider changing housing regulations to reflect the general relaxation of the in loco parentis approach across the country. Rules governing University housing should be limited to those relating to housekeeping and order which are necessary to protect the rights of all occupants. As to off-campus housing, the University ought to (1) abandon all efforts to regulate conduct in off-campus housing; and (2) permit all students 21 years of age or older, or having the written consent of their parents, to live in such housing if they so desire.

Finally, the existence of an efficient impartial disciplinary system is, of course, indispensable to the fair application of substantive rules and policies. Such a system may even do much to lessen the impact of those arbitrary rules which inevitably must exist. Efforts recently have been made to refine the existing University disciplinary system. We believe, however, that further refinement is necessary and urge that efforts to this end

be accelerated.

PART III. RESPONSE OF THE UNIVERSITY TO THREATS  
OF DISTURBANCES AND DISTURBANCES

Dealing with Threats of Disturbances

We expect that recommendations concerning improved communications and increased participation in actual decision-making will do much to diminish the likelihood of violent disturbances. However, even when decisions are made essentially on the basis of majority approval, there will be those who are not pleased with particular final decisions. The losers on any issue, depending on the importance of the issue, can be expected to voice their disapproval of the decision. Some form of expression of disapproval should be anticipated. Consequently, whenever and however decisions are made, some thought ought to be given to the accommodation of such expressions of disapproval. Occasionally, expression may be expected to take the form of a demonstration.

The legitimacy of orderly and peaceful demonstrations today cannot be seriously questioned. Yet, demonstrations on the campus raise certain troublesome issues. For example, who among a wide range of dissenting persons should be permitted to demonstrate? For the most part, this issue perhaps will not be a problem. It may become a problem, however, when an issue affects both University and non-University interests to the extent that a non-University group requests permission to demonstrate on campus. A rational policy would seem to be one which grants requests for the right to participate in a demonstration on the basis of whether the group making the request has a bona fide interest in demonstrating and whether it can be expected to abide by any reasonable plan established for the regulation of the demonstration. When a group, campus or non-campus, reasonably appears to have no bona-fide interest in demonstrating, but rather has in mind confrontation and disturbance, permission legitimately could be denied.

Once permission to hold a demonstration has been granted, reasonable rules for regulating the demonstration would have to be made. Although most groups would abide by reasonable regulations imposed on a demonstration, certain dissident persons or groups might seek to turn an orderly and peaceful demonstration into a violent disturbance. Consequently, preparations for handling disorders would also have to be made.

Both the initial decision to allow or deny the demonstration and those further decisions establishing regulations are arrived at on this campus by a decision-making process that is little known and somewhat obscure.

At times, decisions appear to be made on an essentially ad hoc basis. At other times, the University Personnel Committee apparently has performed at least an advisory role in the decision-making process. The existing decision-making arrangement at times has worked satisfactorily. For example, the incidents which took place at the end of last semester were handled very well. The judgment and restraint exercised by the Administration and the responses of both students and faculty could hardly be improved upon.

Nevertheless, it is the Committee's judgment that the decision-making process should be refined. Neither the ad hoc approach nor reliance on the University Personnel Committee, given its composition, size and existing responsibilities, is adequate to the task. We recommend the establishment of a President's Advisory Committee on Campus Demonstrations and Disorders. This Committee should be composed of the Vice President for University Relations who will serve as chairman, the Vice President for Physical Resources, the Chairman of the Faculty, the Dean of the College of Law, the President of ASUA, and one student to be selected annually by vote of the committee. The responsibilities of the committee are to advise the President on (1) deciding whether a demonstration may be held, (2) establishing reasonable regulations for the orderly conduct of the demonstration, and (3) making arrangements for responding to potential disturbances.

A special problem in connection with the handling of demonstrations and threatened disturbances relates to the role of non-University law enforcement agencies. It is quite clear that such agencies may have to be called upon in times of crisis. We note, however, that the very presence of non-University law enforcement officers may tend to exacerbate a dangerous situation. Therefore, careful thought must be given both to the decision to call upon such officers and their deployment on campus. The Advisory Committee should give particular attention to these problems. Experience has demonstrated that student marshalls may be an effective deterrent to potential disturbances on campus. Increased use of student marshalls may reduce the need to rely on off-campus law enforcement agencies.

#### Responses to Actual Disturbances

Despite all rational attempts to improve communication, broaden the base of decision-making responsibility, and accommodate dissent in the form of demonstrations, disturbances may occur. When disturbances do occur, action must be taken. Because such disturbances may often involve both a disruption of University functions and a violation of criminal and civil law, University disciplinary sanctions or those of the criminal or civil law, or both, may be invoked. Inasmuch as the integrity of the institution is

compromised by any recourse to non-University sanctions, the University should make the decision to invoke the processes of civil and criminal law somewhat reluctantly. When the decision to invoke the criminal law is not exclusive to the University, the Administration should seek a voice in the making of the decision. We envision that the President's Advisory Committee on Campus Demonstrations and Disorders would assume a central role in these matters.

#### PART IV. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

##### Communication and the Decision-Making Process

The lines of communication of grievances must be strengthened (a) by the clarification of both the kinds of questions which confront the University and the location of responsibility for answering these questions, and (b) by improving upon existing means of communication. There also appears to be a need to broaden the base of responsibility for making certain decisions, especially those which are of concern to the University community generally. At the same time, the level of awareness and understanding of University policy, rules and procedures must be raised.

##### Recommendations:

- (1) Review Committee. A high-level Review Committee should be established promptly to engage in an intensive study aimed at (a) identifying the persons or groups which are responsible for answering the various questions which may arise, and (b) recommending improvements in the existing decision-making process. In particular, the function and authority of the Faculty Senate and ASUA and the various committees operating on the University level ought to be carefully examined. Attention should also be given to the possibility and advisability of establishing an all-University Senate representing every segment of the University community. The Review Committee ought to be composed of students, faculty and administrators who are relieved of routine responsibilities to the extent necessary to permit them to perform their difficult assignment.
- (2) Communications Officer. A University Communications Officer, divorced from any policy-making function, should be appointed immediately. At the outset, the Communications Officer would be concerned with explaining University procedures and policies and seeing that questions and grievances are brought to the attention of the appropriate student, faculty or administrative

office. The final definition of the functions and authority of the Communications Officer should be the responsibility of the Review Committee.

- (3) Rules and Policies. All University rules and policies of general concern, such as those which will be contained in the Code of Student Conduct now in process, should be published in convenient form by the Communications Officer and filed in his office.
- (4) Student-Administration Contact. Administration officials and especially the President should continue to meet regularly with representatives of ASUA and also take account of the needs of other student groups to have access to the Administration, especially during times of stress.
- (5) Policy Statements. The Administration should consider issuing statements aimed at clarifying policy and thereby defusing potentially explosive situations when problems having disruptive potential emerge.
- (6) Role of the Faculty Senate. Pending the report of the Review Committee, the Faculty Senate should continue and intensify the process of introspection already begun by the Constitution Revision Committee. In particular, answers should be sought to such questions as: (a) Is the Faculty Senate a body which does consider, or ought to consider, all kinds of grievances of the faculty and students? (b) Does the Faculty Senate represent the faculty and students in their relations with the Administration? (c) Is the Faculty Senate rather a body which simply decides University policy in conjunction with the Administration? (d) To what extent does the Faculty Senate have actual decision-making authority, as contrasted with an advising and recommending function with respect to decisions made elsewhere?
- (7) Role of ASUA. Pending the report of the Review Committee, ASUA should engage in self-examination with respect to its functions, decision-making authority and representativeness. In particular, ASUA should devise the means for ascertaining the needs and opinions of a large cross-section of the student body and also seek to regularize and formalize its contacts with the leaders of the various student groups and organizations.
- (8) Existing Committees. Pending the report of the Review Committee, each existing committee at every level of the University should review its responsibilities, authority and composition to the end of reconstituting itself to provide representation

for all affected parties.

- (9) Staff Grievances. To complement steps already being taken to minimize the problem of resolving staff grievances, every division of the University should create effective mechanisms for receiving staff grievances and communicating them to the appropriate administrative office.

#### Everyday Policies and Procedures and an Impartial Disciplinary System

Because deficiencies in policies and procedures may tend to aggravate potentially explosive situations, University rules, policies and procedures, to the extent practicable, should be free from even the appearance of arbitrariness. To assure the fair application of substantive rules, procedures for dealing with breaches of such rules should be consistent with accepted notions of due process.

#### Recommendations:

- (1) Code of Conduct. The Code of Student Conduct ought to reflect attempts both to minimize arbitrary rules and to deal with the difficult problem of the in loco parentis concept.
- (2) Sex Discrimination. Differences in rules and policies which are not reasonably demanded by differences in sex should be eliminated. The Offices of the Dean of Men and Dean of Women should join in a cooperative, evaluative and revisionary effort to assist in the accomplishment of this end.
- (3) Housing Regulations. The housing regulations should be revised to reflect the relaxation of the in loco parentis approach across the country. In particular, rules governing University housing should be limited to matters relating to housekeeping and order which are necessary to protect the rights of other occupants. As to off-campus housing, the University ought to (a) abandon all efforts to regulate conduct in off-campus housing; and (b) permit all students 21 years of age or over, or having the written consent of their parents, to live in such housing if they so desire.
- (4) Disciplinary System. Efforts to refine the existing system for the adjudication of breaches of substantive rules and policies should be continued and accelerated.

Responses of the University to Disturbances and Threats of Disturbances

Expressions of dissent to and disapproval of policies and decisions made both on and off campus may be expected even in the case of decisions or policies made essentially on the basis of majority approval. Such expression often will take the form of group demonstrations. These demonstrations should be accommodated within the limits imposed by the need to avoid damaging disorder. On occasion, despite all reasonable efforts to the contrary, a demonstration may result in an actual disturbance. In such a case, the University must be prepared to respond in ways which reflect the fact that recourse to non-University law enforcement agencies and sanctions may endanger the integrity of the University.

Recommendations:

- (1) President's Advisory Committee. A President's Advisory Committee on Campus Demonstrations and Disorders should be established immediately. This committee should be composed of the Vice-President for University Relations, who will serve as its chairman, the Vice-President for Physical Resources, the Chairman of the Faculty, the Dean of the College of Law, the President of ASUA, and one student to be selected annually by vote of the committee. The responsibilities of this committee would include advising the President on (1) deciding whether a demonstration ought to be permitted, (2) establishing reasonable regulations for the orderly conduct of the demonstration, and (3) making arrangements for responding to any disturbances which may arise out of a particular demonstration. The committee should give special attention to the problems inherent in relying on non-University law enforcement agencies and consider the use of student marshalls as a means of reducing the need for such reliance. The responsibilities of the President's Advisory Committee should also include advising the President on the decision to invoke the sanctions of the civil and criminal law and assisting the Administration in its efforts to seek a voice in decisions invoking the criminal law which are made outside the University.

Clifford M. Lytle, Government (Chairman)  
William E. Boyd, Law  
Raymond Thompson, Anthropology  
Thomas Brindley, Education  
Joseph Cowan, Philosophy  
Marvin Johnson, Administration

## Implementation of Recommendations:

### Proposals for Faculty Senate Action

1. Recommend the creation of a high-level Review Committee to examine the communication and decision-making processes at the University in accordance with Recommendation No. 1 on page 14 of the Report.
2. Recommend the creation and appointment of a Communications Officer in accordance with Recommendation No. 2 on page 14 of the Report.
3. Recommend the creation of a Presidential Advisory Committee on Campus Demonstrations and Disorders in accordance with Recommendation No. 1 on page 17.
4. Instruct all existing Faculty Senate committees to review their responsibilities, authority and composition to the end of reconstituting themselves to provide for representation for all affected parties.
5. Instruct the Chairman of the Ad Hoc Committee on Student-Faculty-Administration Relations to convey a copy of the Report to the appropriate parties mentioned in the Report so that attention may be given to implementing the recommendations outlined.

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The University of Arizona  
Proceedings of the Faculty Senate

Meeting of Monday

December 7, 1970

The Faculty Senate convened in regular session at 3:40 p.m. on Monday, December 7, 1970, in the Modern Languages Building auditorium (Room 350). Fifty members were present with Vice President McMillan presiding.

**SENATE MEMBERS PRESENT:** J. R. Anthony, J. W. Anthony, Bannister, Bartlett, Boyer, Bretall, Brewer, Christopherson, Cole, Delaplane, Dewhirst, Dixon, Edwards, Fahey, Freeman, Gegenheimer, Giebner, Goodwin, Grant, Herber, Hull, Kassander, Kemmerer, Krebs, Lane, Little, Lytle, McMillan, Murphy, L. Myers, Nigh, Paulsen, Paylore, Perkins, Putt, Reiblich, Rhodes, Richard, Schaefer, Selke, Siegel, Sorensen, Steelink, Svob, Varney, M. Voris, Wise, Yoshino, Younggren, and Zwolinski. Student representatives present were Cathy Cleven, Charles Eaton, and Bruce Eggers.

**SENATE MEMBERS ABSENT:** Ares, Barnes, Bingham, Blitzer, Bok, Carlson, DuVal, Gaines, Gould, Harvill, Houston, Johnson, Lowe, Mautner, Mees, H. Myers, Peters, Resnick, Robson, Tomizuka, W. Voris, and Windsor.

**FACULTY CODE OF CONDUCT, DISCUSSION RE:** Dr. Thompson reported to the Senate that in his deliberations with the Board of Regents concerning the Code of Conduct it had become very plain to him that the faculties of the state universities would probably in the very near future have to devise a Code of Conduct for their own faculty members or else have one imposed on them by the Board of Regents and/or State Legislature.

Dr. Thompson asked if discussion of this item could not officially be placed on the Senate agenda for next January.

Dr. Gegenheimer moved that this item be placed on the January Senate agenda. The motion was seconded and after some brief discussion carried unanimously.

**CATALOG MATERIAL:** The catalog material previously distributed to members of the Senate by means of the "Curriculum" Bulletins was approved.

**ELECTION OF ALTERNATE FACULTY SENATE REPRESENTATIVE TO STUDENT SENATE:** Vice President McMillan announced that Mr. Felix Goodwin had volunteered to serve as the alternate Faculty Senate representative to the Student Senate. Dr. Gegenheimer then moved that the secretary cast a unanimous ballot for the election of Mr. Goodwin to this position. The motion was seconded and carried with no dissenting votes.

**ACADEMIC CALENDAR FOR 1971-72, 1972-73, APPROVAL OF:** The proposed Academic Calendar for 1971-72, 1972-73 as distributed to members of the Senate previously

was discussed. The College of Medicine had proposed two minor changes. The dates for the Freshman Orientation Program for students in the College of Medicine were changed to September 2 for 1971-72 and to August 31 for 1972-73. Dean Brewer moved that the calendar as amended be adopted. The motion was seconded and passed unanimously. After passage of the motion, Dr. Siegel asked if by this action the Senate was committed to not making any changes such as the change in the starting date of the fall semester. It was the consensus of the discussion that ensued that it would be very difficult to change the calendar once it had been published.

REPORT OF AD HOC COMMITTEE ON STUDENT-FACULTY-ADMINISTRATION COMMUNICATION:

Mr. McMillan recognized Dr. Lytle, Chairman of the Ad Hoc Committee on Student-Faculty-Administration Communication, to present and lead in the discussion of his report. Dr. Lytle stated that their committee had worked long and hard on an especially sensitive and arduous task. The main concern of their committee was with procedural issues regarding communication. Dr. Lytle stated that they did not address themselves to the resolution of the Bear Down incident as such.

Dean Svob moved that we accept the report of this ad hoc committee. This motion was seconded. Dr. Dewhirst asked what was meant by acceptance. It was explained that it simply meant that the Faculty Senate would receive the report.

Dr. Kassander then moved that the motion be amended to approve the report rather than accept it. This motion was seconded by Dr. Bartlett. Dr. Steelink then asked if the recommendations would be implemented if this report were approved. Dean Rhodes stated that if we approved the report we are approving the recommendations as indicated on the last page of the report. In other words, the recommendations would now become those of the Faculty Senate.

After some brief discussion, the motion was carried with one dissenting vote heard.

A copy of the report is attached to these proceedings.

The meeting adjourned at 4:10 p.m.

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David Butler, Secretary pro tem

## R E P O R T

of the

### AD HOC COMMITTEE ON STUDENT-FACULTY-ADMINISTRATION RELATIONS

#### PART I. THE TASK IN GENERAL

This Committee, appointed following the incident at Bear Down Gym January 8, 1970, has been instructed (1) to examine procedures for the communication and consideration of grievances, real or imagined, in such a manner as to prevent their reaching disruptive proportions; and (2) to examine procedures for dealing with such disturbances actual or potential as may occur or appear imminent despite efforts to prevent them.

#### Placing the Charge in Context

The inducements, emotional and rational, which prompted the formation of this Committee were many and varied, but clearly relate primarily to the Bear Down incident and its aftermath. For many, the basic concern has been the treatment given particular students as a result of their involvement in that incident. Without intending to diminish the importance of that concern, we have chosen to devote our attention to the more general problems suggested by the Bear Down incident and the charge given the Committee.

Our primary focus, consequently, has been an investigation of procedures for dealing with any and all grievances which involve the potential of a Bear Down type of incident. In addition, we have explored the general question of the appropriate response of a university to disturbances which become imminent or actually occur despite vigorous efforts in good faith to prevent grievances from reaching disruptive proportions. To an important extent, the investigation of procedures has necessitated an examination of University policy relevant to the procedures and to the question of how policy is made and how procedures are established.

Throughout our deliberations, we have been cognizant that at this time virtually every institution of our system is being challenged, that student disturbances represent a challenge to the university as an institution, and that such challenges to the university are in many ways the most serious of all, particularly since the university is an institution which has as one of its ends the accommodation of orderly examination of challenges to other institutions.

While we have concerned ourselves with the responses to crises, real and threatened, we have also found it necessary to consider procedures and policies which relate to the everyday operation and governance of the University. The reason for such consideration is that deficiencies in these procedures and policies may result in an aggravation of the special grievances which produce or threaten a crisis.

In this regard, we have been especially concerned with the need to take account of the fact that the University of Arizona has grown virtually overnight from a relatively small educational institution serving an essentially uniform student body to a very large institution enrolling great numbers of students of diverse interests and backgrounds. The Committee has been equally concerned with the fact that universities generally have been reexamining the in loco parentis concept underlying many traditional policies and procedures with a view to acknowledging that university students on the whole are demanding, and have a right to expect, that they be treated not as children, but as young adults manifesting no insignificant degree of sophistication and maturity.

#### The Importance of the Purposes of a University

One of the essential purposes of a University is to provide a forum for the discussion and debate of the pressing issues of the times. The ways in which a university responds to the challenge implicit in a Bear Down incident must at all times reflect a recognition of this purpose. Accordingly, we have assumed as our point of demarcation the position that all responses which undermine that purpose must be rejected. We take this to mean that all responses designed to stifle orderly and aggressive discussion of issues must be avoided. At the same time, we believe that careful consideration must be given to any responses of the University which, by acceding to the demand that the University become an instrument for the achievement of

particular political or social ends, tend to compromise the essential neutrality of the University as a forum for debate. We recognize that the limits of appropriate response indicated by these extremes are not easily ascertained. We are persuaded, however, that these limits are sufficiently clear to permit certain more or less concrete recommendations.

Another essential purpose of a university is the encouragement and support of the scholarly pursuit of knowledge by students and faculty alike. This purpose, more so than that of accommodating and encouraging debate, must be considered in connection with everyday policies and procedures. The Committee suggests that this purpose is most effectively furthered by policies and procedures which reflect a minimal degree of arbitrariness and in loco parentis orientation. The notion of a partnership of faculty, students and administrators having a common purpose would not be unreasonable.

The Unmanageable and Unpredictable as an Obstacle to Outlining the Limits of Appropriate Response

The explorations of the Committee have revealed that certain concrete suggestions as to appropriate responses by the University may be made. These inquiries have also revealed that disturbances, actual or threatened, may be prompted by dissident groups that have no genuine interest in the orderly debate and resolution of issues. Rather, these groups seem intent upon provoking confrontations that will permanently alter existing institutions, including the University, as an end in itself. It is difficult to specify appropriate methods for dealing with such groups and the threat they pose. However, such groups can provoke serious disturbances only if they can muster the support of those members of the University community who are inclined to translate a general distrust and discontentedness into sympathy for a cause with which they would not otherwise identify. The Committee accordingly suggests that an effort must be made to isolate such dissident groups and discredit their disruptive activities. Such isolation and discrediting will be significantly furthered by the improvements in procedures for the communication and resolution of grievances which the Committee recommends.

PART II. PROCEDURES FOR THE COMMUNICATION  
AND RESOLUTION OF GRIEVANCES

The Nature of the Grievances

An understanding of the nature of a particular grievance is essential to the solution of the problems presented. However, it is important that appropriate policies and procedures be adopted for dealing with all grievances. Obviously certain grievances, such as those which prompted the Bear Down incident, involve a greater potential for violent disturbances. Grievances which test the very fabric of our society are the more likely to arouse the passions which lead to disorders. Racial discrimination is such a grievance. The war in Southeast Asia is such an issue. Poverty in all of its ramifications, from welfare to housing to employment, is also such an issue. At the same time, the questions of curriculum, class schedules, faculty selection, grades, minority student recruitment, student hours, housing, choice of speakers and even parking involve a potential for unrest and disturbance which differ only in degree. Thus, the emphasis must be on the procedures for the communication and resolution of grievances and the policies underlying the existence of those procedures.

Existing Procedures and Policies

Although recent efforts have led to the institutionalization of procedures for the communication of grievances, existing procedures often seem to be more the result of tradition and ad hoc response than of design. Grievances of all kinds variously are communicated to deans, department heads, the Faculty Senate, ASUA, the Vice Presidents for University Relations and Physical Resources, the Chief of Security, the President and, perhaps all too frequently, individual faculty members. Grievances are often expressed to particular bodies or individuals, not so much because of the recognized responsibility of the body or individual for dealing with the specific grievance, but rather because of the accessibility of the individual or body.

To a great extent, such misdirected communication results from ignorance of the appropriate individual or body to which the grievance should be expressed. To this extent, much of the communication problem could be alleviated by a campaign of publication aimed at informing the University community of the responsibilities of particular bodies or individuals.

Misdirected expression also seems to result from the fact that the lines of responsibility have not always been clearly drawn. In particular, there is confusion and doubt concerning the propriety and ability of the Faculty Senate and ASUA for dealing with a wide range of problems. The role of the faculty in the governance of the University has never been satisfactorily defined. The legitimacy of ASUA has been occasionally challenged raising doubts about its representative nature.

A particularly troublesome result of the confusion and doubt about the roles of various individuals and bodies has been the increasing tendency of groups or individuals to press their grievances on the Office of the President. We believe this tendency is substantially justified by the fact or appearance of fact that the President ultimately makes all decisions of real import and that it would be a futile gesture for the aggrieved to aim their grievances elsewhere than the President's Office.

Accordingly, a serious reexamination of the lines of responsibility must be undertaken and these lines of responsibility must be made known to the University community. Of course, to the extent that decisions are in fact made by the President, and especially if it appears that decisions are made without serious consideration of the views of those having responsibility for the particular problem, the Office of the President will continue to be the focus of manifestations of unrest. It may be anticipated that certain groups or individuals will intentionally choose to ignore legitimate channels and seek to provoke confrontations at the level of the President's Office. However, such attempts at confrontation may be more effectively handled where the appeals of these groups or individuals to the University community generally for support are discredited by the existence and knowledge of the existence of legitimate channels.

It is frequently suggested that students in complaining of a "communication gap" are actually expressing dissatisfaction with existing policy and decision-making. There is little doubt that much of the student unrest now attributed to a lack of communication may be traced to student concern with existing rules, policies, and decisions. Where such concern involves a demand that all rules and decisions are made as the students would have them made, little can be done to alleviate the students' concern. We feel, however, that the concern

is legitimate to the extent it expresses a desire for more student participation in decision-making. Increased student participation in actual decision-making is not a novel suggestion. It is a fact at universities generally, this University being no exception. Such increased participation is not only expedient, but can also be justified in principle. The historical anomaly of the autocratic university attempting to instill democratic values is on the demise.

The University has made laudable attempts at increasing student participation. Such attempts have usually involved the adding of student representatives to various committees. Insufficient consideration, however, has been given to the questions of how much representation is appropriate and in what capacity, voting or consulting, students ought to serve.

There is, moreover, the problem that the committee system itself suffers from confusion as to the responsibilities and authority of various committees. Such confusion can be traced to the previously mentioned absence of lines of responsibility generally. Lines of responsibility are clearer at the departmental level, but even there the degree of clarity is probably insufficient. The problem is particularly acute as to questions which affect the University community at large, or at least the student body generally. At this level, the existence and function of committees, with or without student representation, are largely unknown to the University community. Decisions at this level thus often appear to be made by individuals, especially administrators, ordinarily in line with the real or apparent wishes of the President or those administrators on whom the President chooses to rely most heavily.

Clearly, many decisions ultimately must be made by individuals and especially by the President. However, we believe, as suggested earlier, that the lines of responsibility should be clearly articulated and that students, faculty and other members of the University community might legitimately participate in many more decisions than is now the case.

#### Revision of Existing Procedures

Identifying the kinds of questions which may confront the University, establishing the lines of responsibility for answering these questions, and especially determining the degree and form of participation in the

decision-making process to be accorded the various segments of the University community will not be easy tasks. It is envisioned that these tasks, even if undertaken immediately, would not be quickly completed. Further, there undoubtedly would have to be a continuous evaluation and reappraisal of any conclusions drawn.

The Committee suggests the immediate formation of a high-level Review Committee having the sole responsibility for undertaking these tasks. The Review Committee should be composed of students, faculty and administrators who are relieved of routine responsibilities to the extent necessary to permit them to perform this difficult assignment. The Review Committee should engage in an intensive study of the existing decision-making process and then make recommendations as to what kinds of questions have to be decided and who should make the decisions.

In addition, the Committee recommends the immediate creation of a University Communications Officer. At the outset, the Communications Officer would have the particular responsibility of directing persons raising questions or pressing grievances to the appropriate student, faculty or administrative office. The Communications Officer would also, to the extent possible, attempt to explain University procedures and policies to those making inquiries. To best ensure success, the Communications Officer ought to be more than a student or faculty effort. The Committee suggests that a high-level administrator assume the primary responsibility. The Communications Officer should not engage in any policy-making function, but rather should serve as a clearing house for the communication of questions and grievances. While it is important to establish the office of the Communications Officer immediately, the full definition of the functions and authority of the Communications Officer should be the responsibility of the Review Committee.

Pending the report of the Review Committee, and in addition to the creation of a University Communications Officer, we suggest that the process of examination and revision of the decision-making process begin immediately at the department, college and University levels.

In particular, the responsibilities of the Faculty Senate must be clarified. It must be made clear what kinds of questions the Faculty Senate now considers and some thought given to whether other questions might appropriately

be considered by the Faculty Senate. The function of the Faculty Senate, vis-a-vis faculty members on the one hand and students on the other, must be spelled out. Is the Faculty Senate a body which does consider, or ought to consider, all kinds of grievances of the faculty and students? Does the Faculty Senate represent the faculty and students in their relations with the Administration? Or, is the Faculty Senate a body which simply decides University policy in conjunction with the Administration? Similarly, it ought to be made clear the extent to which the Faculty Senate has actual decision-making authority, as contrasted with an advising and recommending function with respect to decisions made elsewhere. These and other questions should be considered by the Review Committee. In the meantime, in the interest of prompt preliminary clarification, it is suggested that the Faculty Senate continue and intensify the process of introspection already begun by the Constitution Revision Committee.

Similar questions may be raised with respect to ASUA. There is little doubt that there must be a student organization which represents the students qua students, both in affairs which are largely student concerns and in the relationships of students to the faculty and Administration. ASUA is the organization designed to perform these functions. ASUA is essentially representative of the students at large and ought to be recognized as such. Recent elections have indicated that a large percentage of students have themselves accorded such recognition to ASUA.

At the same time, the Committee urges ASUA to engage in self-examination with respect to its functions, decision-making authority, and representativeness. Again, the Review Committee will have the greatest burden in defining what responsibilities ASUA has or ought to have. However, especially with respect to its representativeness, ASUA can and must do much on its own. In particular, ASUA should seek to devise the means for ascertaining the needs and opinions of a large cross-section of the student body. It should also regularize and formalize its contacts with the leaders of the various student organizations, both those which in general it approves of and those it does not. In addition, we believe that efforts should be made to increase contacts between ASUA and the Administration. A close working relationship has emerged of late and we urge that this be formalized through scheduled periodic meetings.

It is important that an appropriate degree of participation by the Administration, faculty and students be reflected in working committees. We expect that the Review Committee will address itself to this point. However, pending the report of the Review Committee, each existing committee at every level of the University should review its responsibilities, authority and composition to the end of reconstituting itself to provide representation for all affected parties.

The committee system seems to serve adequately at the departmental and college levels. However, at the University level, serious thought should be given to creating and recognizing policy-making bodies that are adequate to deal with questions affecting the University community at large. One possibility is the creation of an all-University Senate composed of representatives of every segment of the University community. We expect that the Review Committee will explore this and other possibilities as part of its study of policy-making at the University.

Finally, further attention should be given to the problems of the communication and resolution of staff grievances. At present, steps are being taken in several segments of the community to deal with these problems. As to the arrangements which ought to be devised for the resolution of staff grievances, we have no specific plan. However, we do suggest the establishment of effective mechanisms in every division of the University for the purpose of receiving staff grievances and communicating them to the appropriate administrative office.

#### Communication of Rules and Policies to the University Community

There seems to be considerable dissatisfaction resulting from what we consider to be deficiencies in the communication and resolution of grievances and the level of participation in policy-making generally. We believe that this dissatisfaction may also be attributed to the fact that the rules and policies of the University are often not clearly expressed or understood. Consequently, there must not only be appropriate procedures for making policy, but adequate procedures for communicating these policies to the University community at large.

To some extent, the fault lies with the affected groups. Thus, while much of the University's policy is expressed in various manuals, such as the Faculty-Staff

Manual, only a select few have conscientiously read them. At the same time, there are rules and policies of general concern which are not to be found in any manuals or publications. An example is the absence of any comprehensive Code of Student Conduct. We note that serious efforts are now being made to produce such a code. Beyond encouraging the development of codes where none now exist, the Committee further suggests that existing codes and manuals be periodically reviewed for the purpose of updating them. Moreover, existing rules and policies that have not been included in new or existing manuals or codes should be so incorporated as soon as possible.

Regularly scheduled meetings between the Administration and representatives of the ASUA certainly enhance the degree of communication. We encourage administrative officials, especially the President, to continue holding such meetings. In addition, we believe that leaders of other student groups should have access to the President and other Administration officials, especially during times of stress, and urge the Administration to take account of this need.

As an important aside, the solution of campus problems is not enhanced through the use of impassioned rhetoric. Just as it is poor strategy for student groups to couch their complaints in terms of demands, so also it is inappropriate for the Administration to refuse to respond because such rhetoric is employed. "Demand" is a description which normally need not be taken literally. In any event, over-concern with the rhetoric often has the effect of diverting attention from the merits of the issues raised.

Communication of policy would further be enhanced by the appointment of a University Communications Officer. A major responsibility of the Communications Officer would be to communicate and explain University policy either directly or by referring persons to the appropriate administrative, faculty or student groups for answers to questions raised. The Communications Officer would maintain a master file of all manuals and statements of policy and procedure.

The publication and communication of regularized rules and policies in general is perhaps not of as immediate importance as the communication of specific policies relating to particular problems at a given point in time. We understand that the Administration has taken steps to provide for the issuance of such statements after action is taken with respect to the problems involved. We further recommend that the Administration consider the issuance of similar policy statements as soon as problems emerge in

order to clarify issues and perhaps thereby defuse a potentially explosive situation. A clarification of policy may increase the opposition of those hard-core groups which have confrontation and change in mind. However, it should also serve the purpose of undermining the support for such groups resulting from charges of arbitrariness and injustice which by reason of ignorance and doubt may appear well-founded.

The Substance of Everyday Policies and Procedures and an Impartial Disciplinary System

The substance of policies and procedures according to which the University operates on an everyday basis is somewhat beyond the scope of the Committee's charge. However, because deficiencies in these policies and procedures may tend to aggravate potentially explosive situations, a few brief comments are in order.

A major deficiency has been the absence of a well-publicized Code of Student Conduct. At the present time, a committee of the Faculty Senate is engaged in the preparation of such a code. We expect this committee will make every effort to minimize arbitrary rules and seek to deal with the difficult problem of the in loco parentis concept.

In particular, this committee should re-examine all differences in rules or policies based upon sex. In this effort, the committee should seek the assistance of the Offices of the Dean of Men and Dean of Women and urge those offices to join in a cooperative, evaluative and revisionary effort aimed at eliminating any and all differences in rules and policies which are not reasonably demanded by differences in sex.

We also urge the Student Personnel Committee to consider changing housing regulations to reflect the general relaxation of the in loco parentis approach across the country. Rules governing University housing should be limited to those relating to housekeeping and order which are necessary to protect the rights of all occupants. As to off-campus housing, the University ought to (1) abandon all efforts to regulate conduct in off-campus housing; and (2) permit all students 21 years of age or older, or having the written consent of their parents, to live in such housing if they so desire.

Finally, the existence of an efficient impartial disciplinary system is, of course, indispensable to the fair application of substantive rules and policies. Such a system may even do much to lessen the impact of those arbitrary rules which inevitably must exist. Efforts recently have been made to refine the existing University disciplinary system. We believe, however, that further refinement is necessary and urge that efforts to this end

be accelerated.

PART III. RESPONSE OF THE UNIVERSITY TO THREATS  
OF DISTURBANCES AND DISTURBANCES

Dealing with Threats of Disturbances

We expect that recommendations concerning improved communications and increased participation in actual decision-making will do much to diminish the likelihood of violent disturbances. However, even when decisions are made essentially on the basis of majority approval, there will be those who are not pleased with particular final decisions. The losers on any issue, depending on the importance of the issue, can be expected to voice their disapproval of the decision. Some form of expression of disapproval should be anticipated. Consequently, whenever and however decisions are made, some thought ought to be given to the accommodation of such expressions of disapproval. Occasionally, expression may be expected to take the form of a demonstration.

The legitimacy of orderly and peaceful demonstrations today cannot be seriously questioned. Yet, demonstrations on the campus raise certain troublesome issues. For example, who among a wide range of dissenting persons should be permitted to demonstrate? For the most part, this issue perhaps will not be a problem. It may become a problem, however, when an issue affects both University and non-University interests to the extent that a non-University group requests permission to demonstrate on campus. A rational policy would seem to be one which grants requests for the right to participate in a demonstration on the basis of whether the group making the request has a bona fide interest in demonstrating and whether it can be expected to abide by any reasonable plan established for the regulation of the demonstration. When a group, campus or non-campus, reasonably appears to have no bona-fide interest in demonstrating, but rather has in mind confrontation and disturbance, permission legitimately could be denied.

Once permission to hold a demonstration has been granted, reasonable rules for regulating the demonstration would have to be made. Although most groups would abide by reasonable regulations imposed on a demonstration, certain dissident persons or groups might seek to turn an orderly and peaceful demonstration into a violent disturbance. Consequently, preparations for handling disorders would also have to be made.

Both the initial decision to allow or deny the demonstration and those further decisions establishing regulations are arrived at on this campus by a decision-making process that is little known and somewhat obscure.

At times, decisions appear to be made on an essentially ad hoc basis. At other times, the University Personnel Committee apparently has performed at least an advisory role in the decision-making process. The existing decision-making arrangement at times has worked satisfactorily. For example, the incidents which took place at the end of last semester were handled very well. The judgment and restraint exercised by the Administration and the responses of both students and faculty could hardly be improved upon.

Nevertheless, it is the Committee's judgment that the decision-making process should be refined. Neither the ad hoc approach nor reliance on the University Personnel Committee, given its composition, size and existing responsibilities, is adequate to the task. We recommend the establishment of a President's Advisory Committee on Campus Demonstrations and Disorders. This Committee should be composed of the Vice President for University Relations who will serve as chairman, the Vice President for Physical Resources, the Chairman of the Faculty, the Dean of the College of Law, the President of ASUA, and one student to be selected annually by vote of the committee. The responsibilities of the committee are to advise the President on (1) deciding whether a demonstration may be held, (2) establishing reasonable regulations for the orderly conduct of the demonstration, and (3) making arrangements for responding to potential disturbances.

A special problem in connection with the handling of demonstrations and threatened disturbances relates to the role of non-University law enforcement agencies. It is quite clear that such agencies may have to be called upon in times of crisis. We note, however, that the very presence of non-University law enforcement officers may tend to exacerbate a dangerous situation. Therefore, careful thought must be given both to the decision to call upon such officers and their deployment on campus. The Advisory Committee should give particular attention to these problems. Experience has demonstrated that student marshalls may be an effective deterrent to potential disturbances on campus. Increased use of student marshalls may reduce the need to rely on off-campus law enforcement agencies.

#### Responses to Actual Disturbances

Despite all rational attempts to improve communication, broaden the base of decision-making responsibility, and accommodate dissent in the form of demonstrations, disturbances may occur. When disturbances do occur, action must be taken. Because such disturbances may often involve both a disruption of University functions and a violation of criminal and civil law, University disciplinary sanctions or those of the criminal or civil law, or both, may be invoked. Inasmuch as the integrity of the institution is

compromised by any recourse to non-University sanctions, the University should make the decision to invoke the processes of civil and criminal law somewhat reluctantly. When the decision to invoke the criminal law is not exclusive to the University, the Administration should seek a voice in the making of the decision. We envision that the President's Advisory Committee on Campus Demonstrations and Disorders would assume a central role in these matters.

#### PART IV. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

##### Communication and the Decision-Making Process

The lines of communication of grievances must be strengthened (a) by the clarification of both the kinds of questions which confront the University and the location of responsibility for answering these questions, and (b) by improving upon existing means of communication. There also appears to be a need to broaden the base of responsibility for making certain decisions, especially those which are of concern to the University community generally. At the same time, the level of awareness and understanding of University policy, rules and procedures must be raised.

##### Recommendations:

- (1) Review Committee. A high-level Review Committee should be established promptly to engage in an intensive study aimed at (a) identifying the persons or groups which are responsible for answering the various questions which may arise, and (b) recommending improvements in the existing decision-making process. In particular, the function and authority of the Faculty Senate and ASUA and the various committees operating on the University level ought to be carefully examined. Attention should also be given to the possibility and advisability of establishing an all-University Senate representing every segment of the University community. The Review Committee ought to be composed of students, faculty and administrators who are relieved of routine responsibilities to the extent necessary to permit them to perform their difficult assignment.
- (2) Communications Officer. A University Communications Officer, divorced from any policy-making function, should be appointed immediately. At the outset, the Communications Officer would be concerned with explaining University procedures and policies and seeing that questions and grievances are brought to the attention of the appropriate student, faculty or administrative

office. The final definition of the functions and authority of the Communications Officer should be the responsibility of the Review Committee.

- (3) Rules and Policies. All University rules and policies of general concern, such as those which will be contained in the Code of Student Conduct now in process, should be published in convenient form by the Communications Officer and filed in his office.
- (4) Student-Administration Contact. Administration officials and especially the President should continue to meet regularly with representatives of ASUA and also take account of the needs of other student groups to have access to the Administration, especially during times of stress.
- (5) Policy Statements. The Administration should consider issuing statements aimed at clarifying policy and thereby defusing potentially explosive situations when problems having disruptive potential emerge.
- (6) Role of the Faculty Senate. Pending the report of the Review Committee, the Faculty Senate should continue and intensify the process of introspection already begun by the Constitution Revision Committee. In particular, answers should be sought to such questions as: (a) Is the Faculty Senate a body which does consider, or ought to consider, all kinds of grievances of the faculty and students? (b) Does the Faculty Senate represent the faculty and students in their relations with the Administration? (c) Is the Faculty Senate rather a body which simply decides University policy in conjunction with the Administration? (d) To what extent does the Faculty Senate have actual decision-making authority, as contrasted with an advising and recommending function with respect to decisions made elsewhere?
- (7) Role of ASUA. Pending the report of the Review Committee, ASUA should engage in self-examination with respect to its functions, decision-making authority and representativeness. In particular, ASUA should devise the means for ascertaining the needs and opinions of a large cross-section of the student body and also seek to regularize and formalize its contacts with the leaders of the various student groups and organizations.
- (8) Existing Committees. Pending the report of the Review Committee, each existing committee at every level of the University should review its responsibilities, authority and composition to the end of reconstituting itself to provide representation

for all affected parties.

- (9) Staff Grievances. To complement steps already being taken to minimize the problem of resolving staff grievances, every division of the University should create effective mechanisms for receiving staff grievances and communicating them to the appropriate administrative office.

#### Everyday Policies and Procedures and an Impartial Disciplinary System

Because deficiencies in policies and procedures may tend to aggravate potentially explosive situations, University rules, policies and procedures, to the extent practicable, should be free from even the appearance of arbitrariness. To assure the fair application of substantive rules, procedures for dealing with breaches of such rules should be consistent with accepted notions of due process.

#### Recommendations:

- (1) Code of Conduct. The Code of Student Conduct ought to reflect attempts both to minimize arbitrary rules and to deal with the difficult problem of the in loco parentis concept.
- (2) Sex Discrimination. Differences in rules and policies which are not reasonably demanded by differences in sex should be eliminated. The Offices of the Dean of Men and Dean of Women should join in a cooperative, evaluative and revisionary effort to assist in the accomplishment of this end.
- (3) Housing Regulations. The housing regulations should be revised to reflect the relaxation of the in loco parentis approach across the country. In particular, rules governing University housing should be limited to matters relating to housekeeping and order which are necessary to protect the rights of other occupants. As to off-campus housing, the University ought to (a) abandon all efforts to regulate conduct in off-campus housing; and (b) permit all students 21 years of age or over, or having the written consent of their parents, to live in such housing if they so desire.
- (4) Disciplinary System. Efforts to refine the existing system for the adjudication of breaches of substantive rules and policies should be continued and accelerated.

Responses of the University to Disturbances and Threats of Disturbances

Expressions of dissent to and disapproval of policies and decisions made both on and off campus may be expected even in the case of decisions or policies made essentially on the basis of majority approval. Such expression often will take the form of group demonstrations. These demonstrations should be accommodated within the limits imposed by the need to avoid damaging disorder. On occasion, despite all reasonable efforts to the contrary, a demonstration may result in an actual disturbance. In such a case, the University must be prepared to respond in ways which reflect the fact that recourse to non-University law enforcement agencies and sanctions may endanger the integrity of the University.

Recommendations:

- (1) President's Advisory Committee. A President's Advisory Committee on Campus Demonstrations and Disorders should be established immediately. This committee should be composed of the Vice-President for University Relations, who will serve as its chairman, the Vice-President for Physical Resources, the Chairman of the Faculty, the Dean of the College of Law, the President of ASUA, and one student to be selected annually by vote of the committee. The responsibilities of this committee would include advising the President on (1) deciding whether a demonstration ought to be permitted, (2) establishing reasonable regulations for the orderly conduct of the demonstration, and (3) making arrangements for responding to any disturbances which may arise out of a particular demonstration. The committee should give special attention to the problems inherent in relying on non-University law enforcement agencies and consider the use of student marshalls as a means of reducing the need for such reliance. The responsibilities of the President's Advisory Committee should also include advising the President on the decision to invoke the sanctions of the civil and criminal law and assisting the Administration in its efforts to seek a voice in decisions invoking the criminal law which are made outside the University.

Clifford M. Lytle, Government (Chairman)  
 William E. Boyd, Law  
 Raymond Thompson, Anthropology  
 Thomas Brindley, Education  
 Joseph Cowan, Philosophy  
 Marvin Johnson, Administration

## Implementation of Recommendations:

### Proposals for Faculty Senate Action

1. Recommend the creation of a high-level Review Committee to examine the communication and decision-making processes at the University in accordance with Recommendation No. 1 on page 14 of the Report.
2. Recommend the creation and appointment of a Communications Officer in accordance with Recommendation No. 2 on page 14 of the Report.
3. Recommend the creation of a Presidential Advisory Committee on Campus Demonstrations and Disorders in accordance with Recommendation No. 1 on page 17.
4. Instruct all existing Faculty Senate committees to review their responsibilities, authority and composition to the end of reconstituting themselves to provide for representation for all affected parties..
5. Instruct the Chairman of the Ad Hoc Committee on Student-Faculty-Administration Relations to convey a copy of the Report to the appropriate parties mentioned in the Report so that attention may be given to implementing the recommendations outlined.