

DOCUMENTS AND MINUTES OF THE GENERAL FACULTY  
AND  
DOCUMENTS AND PROCEEDINGS OF THE UNIVERSITY COUNCIL

The Minutes of the University Council meeting of January 23, 1984, published below, have been prepared for the immediate use of the members of the University Council and are included in its Documents and Proceedings. They are also included in the Documents and Minutes of the General Faculty for the information of the members.

*H. Paul Kelley*

H. Paul Kelley, Secretary  
The General Faculty

MINUTES OF THE UNIVERSITY COUNCIL MEETING OF JANUARY 23, 1984

The fifth regular meeting of the University Council for the academic year 1983-1984 was held in Room 212 of the Main Building on Monday, January 23, 1984, at 2:15 p.m. In the absence of President Peter T. Flawn, Vice-President William S. Livingston presided.

ATTENDANCE

Present: Lawrence D. Abraham, John R. Allison, Mark I. Alpert, Gerard H. Behague, Simon J. Bernau, Harold W. Billings, Shirley F. Binder, David L. Bourell, Betsy E. Bowman, J. Harold Box, Robert E. Boyer, Oscar G. Brockett, Ronald M. Brown, Larry D. Carver, Ben H. Caudle, William H. Cunningham, Patrick J. Davis, James T. Doluisio, James Duban, William C. Duesterhoeft, Jr., John R. Durbin, Betty S. Flowers, Gerhard J. Fonken, Donald J. Foss, Alan W. Friedman, J. David Gavenda, Maxine C. Hairston, Vickie L. Hampton, E. Glynn Harmon, Roderick P. Hart, Robert C. Jeffrey, Gaylord A. Jentz, H. Paul Kelley, Thomas W. Kennedy, Robert D. King, Mitchell R. Kreindler, William S. Livingston, Steven I. Marcus, R. Neill Megaw, Jack Otis, Trevor L. Pearlman, David L. Phillips, Alice R. Redland, Ramon Saldivar, Diane L. Schallert, Max R. Sherman, James H. Sledd, James B. Smith, Jr., H. Eldon Sutton, John F. Sutton, James W. Vick, Eleanor M. Waddell, Kathleen J. Waddell, Philip L. White, Roxanne K. Williamson, J. Robert Wills, Ronald E. Wyllys.

Absent: Mark B. Bader, Frank N. Bash, Frank D. Bean, Jr., Leigh B. Boske, Billye J. Brown, Heather L. Carter (excused), Randall J. Charbeneau, James H. Colvin, Kathleen F. Conlin (excused), Wayne A. Danielson, Peter T. Flawn (excused), G. Charles Franklin, Earnest F. Gloyna (excused), Thomas M. Hatfield (excused), Eleanor W. Jordan (excused), Lorrin G. Kennamer (excused), Sanford V. Levinson, Rueben R. McDaniel (excused), Dorothy K. Payne (excused), Joseph C. Salmons, RoseAnn L. Shorey, Mary P. Taylor, Claire E. Weinstein (excused), Stanley N. Werbow (excused), Martha S. Williams (excused).

Total members present: 57      Total members absent: 25

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 21, 1983 (D&P 9497-9511; D&M 15504-15518) AND THE CANCELLED MEETING OF DECEMBER 12, 1983 (D&P 9529; D&M 15551). (APPROVED)

The Minutes of the University Council meeting of November 21, 1983 (D&P 9497-9511; D&M 15504-15518), and the cancelled meeting of December 12, 1983 (D&P 9529; D&M 15551) were APPROVED as distributed.

SECRETARY'S REPORT (D&P 9530-9534).

Secretary H. Paul Kelley announced that orders could be placed through the Office of the General Faculty for the official picture,

either in color or in black-and-white, of the 1983-1984 University Council. There was no discussion of the Secretary's Report (D&P 9530-9534).

#### QUESTIONS TO THE PRESIDENT

James H. Sledd (English) had submitted the following background information and three questions to the President (D&P 9528):

Background. The minutes of the Senate of the English Department for December 8, 1983, include the following item: "New English requirements: [Name omitted] will chair the committee charged with overseeing the new E.346K program; 'substantial problems' remain there. At the freshman level, the recommended E.106 and E.206 courses present significant difficulties and may not be taught initially. The new 'writing component' requirement is proving to be a great challenge for most departments."

In last year's debate on the new requirements, the Council heard few or no predictions of "substantial problems," "significant difficulties," and great challenges. On the contrary, the Council was told that the College of Liberal Arts had "been working for four years with the English Department on this new program," which had been prepared for by many "empirical research studies" (D&M 14190-14191, D&P 9020-9021), that "three syllabuses" had already been prepared for E.346K (D&P 8335), that some sections of that course would be upgraded versions of courses long in existence (D&P 9019), that the program represented by E.106 and E.206 had already been carried out "for the last year and a half with marvelous success," "marvelously" serving as many as "600 people a week" (D&P 9016-9017), etc. The College of Liberal Arts was similarly assured, on October 13, 1982 (see its minutes for that day), that "three ad hoc committees" had already been set up "to consider the issues involved" in the proposed courses with "substantial writing components"; and with no apparent hesitation or dubiety, college after college revised their programs to incorporate the new requirements.

Last year's debating points and this year's report are hard to reconcile.

Questions. 1. What are those substantial problems, significant difficulties, and great challenges which the English Department now reports? 2. Why were they not anticipated after the alleged four years of planning, long experience, and protracted meetings of many committees? 3. Since failure to offer E.106 and E.206 would weaken support for those freshmen who most need help and need it most immediately, what would be the effect on minority students, for whom especially it was suggested that the "laboratory" handling such work "will be useful" (D&M 14192)?

Vice-President Livingston said that President Flawn, upon examining the questions, was of the opinion that the first two had been improperly addressed to the President since they dealt with matters internal to the faculty of the Department of English. At Mr. Livingston's request, floor privileges were extended to English Department Chairman William O.S. Sutherland and to John Weinstock, Associate Dean of the College of Liberal Arts, to address those questions.

Mr. Sutherland concurred that the problems were internal to the English Department, which was working toward implementing the new English requirements. "One of the reasons there are problems is that we are the largest English Department in the country, which means we are the largest English Department in the world.... We have some 250 teachers in the Department, and almost anything we do is compounded by size.

"We are moving from a second-semester writing course to an upper-division writing course, and we have been teaching that second-semester writing course for years. At this point we must now shift to the upper-division writing course, and credit for that course will be required of every student who graduates from the University. There are approximately

7,000 baccalaureate degrees granted by the University every year, so when I speak of substantial problems, I think you can understand what I mean.

"We do have syllabi for the three [variations of the upper-division writing course]. We are working on pilot courses in them now, seeing how we can convert the syllabi into actual presentations. I imagine we will have probably 100 faculty members teaching this course at any given time, [and] that raises all kinds of problems for us to solve. For example, how do we maintain uniform standards across the breadth of these courses, ... especially when they are being taught by experienced Ph.D.'s who are not under the same kind of supervision that A.I.'s are under? I have asked Joseph F. Malof [English] to chair the committee that is looking into these problems and making suggestions to us.

"I could give you further details on the problems, but it seems to me it is perfectly obvious that when we shift from one kind of requirement to another in any operation of this size there are going to be problems.

"The second [question was,] 'Why were these problems not anticipated after the alleged four years of planning?' I expect the answer to that is that man is very far gone from original righteousness. We are looking at the situation as we move through it. Sometimes things you plan are not exactly what you want as your final decision on them. I think it would be a great mistake to make plans long ahead of time and stick to those plans; I think that would be rigid and authoritarian, and I think we must learn as we go along."

Dean Weinstock said that he had nothing to add to Mr. Sutherland's remarks.

Mr. Livingston said that he was of the opinion that Mr. Sledd's third question (which pertained to E.106 and E.206) also concerned "matters largely internal to the English Department."

Mr. Sledd responded: "I do not think any of these things are internal. These are University requirements made by the University Council, and it is the University which is responsible for required courses. So I think this internal business is just wrong."

In reply, Mr. Livingston said that he disagreed in that "the preparation and development of new courses is surely a matter for departmental faculty, which then should be approved through ordinary academic channels and ultimately perhaps in this body. It is true that the University Council has taken action on this general program, but surely we are not going to specify the content of all these courses by action in the University Council. [English] 106 and 206 were courses designed for supplements to E.306 -- as I understand it, for those students who were not fully prepared to take E.306. Your question suggests that they are, in effect, remedial courses for ill-prepared students, and I expect there is something to that. Your question also implies that they are of particular value to the retention and education of minority students; I have no way of judging that. I can only say that they were not created for minority students, so far as I am aware, and that the problem of education for and retention of minority students is a widespread problem that affects all of us in many corners of the campus and to which many different bodies and people and committees are addressing themselves, no doubt the English Department included. I do not know what else the President can say to you in response to question number 3."

Mr. Sledd said that his "response to the answers is that there have not been any answers...." Mr. Livingston replied that the record would show that "Mr. Sledd's response was that the response was no response and that is what he expected, and he would like to have it generally known."

## OLD BUSINESS

Mr. Livingston said that if there was no objection, he would like to reverse the order of the two items of Old Business; the reason for the request was that Agenda Item B was directly concerned with the Vice-President for Student Affairs, who had to leave early. There was no objection, and the two items were considered in reverse order.

A. RECOMMENDATIONS FROM THE ADMISSIONS AND REGISTRATION COMMITTEE CONCERNING PRINCIPLES FOR INTERNATIONAL STUDENT ADMISSIONS, ADMISSION AS UNDERGRADUATES OF STUDENTS WHO ALREADY HAVE BACHELOR'S DEGREES, AND PROBATION STATUS OF SUMMER TRANSIENT STUDENTS WHO SUBSEQUENTLY QUALIFY FOR REGULAR ADMISSION (D&P 9524-9525). (FIRST RECOMMENDATION, AMENDED AND APPROVED; SECOND RECOMMENDATION, WITHDRAWN; THIRD RECOMMENDATION, APPROVED)

Simon J. Bernau (Mathematics), Chairman of the Admissions and Registration Committee, presented three recommendations and suggested that they be considered separately. The first recommendation follows:

I. Statement of principles concerning international student admissions.

The Committee recommends that the following statement of principles be adopted:

University of Texas at Austin Statement of Principles

The responsibilities of the international student admissions officer include the following:

1. To admit international students in a fair and consistent manner and to establish that they have adequate academic preparation to succeed in their intended major area of study;
2. To determine that each admitted student has adequate proficiency in the English language to enable him/her to pursue academic work effectively;
3. To provide each applicant with complete information regarding costs of attending the University;
4. To make available to each applicant information about the University, its offerings in his/her field, and its facilities for students in general and for international students in particular;
5. To provide information and support to other offices and agencies on campus concerned with international students.

Mr. Bernau said that when the Council last addressed issues pertaining to the admission of international students, it had left in abeyance the question of adopting a statement of principles concerning those admissions. "The Committee has worked with the Office of Admissions on a suitable statement of principles, and what I have submitted ... is intended to indicate both what we undertake to provide for international students ... seeking admission and what treatment they can legitimately expect to receive from us. As such, it is a pretty fair statement of what we are doing at present, and I therefore move [that the University Council approve] the recommendation as submitted."

The motion was seconded, and Gerhard Fonken (Vice-President for Academic Affairs and Research) said that he would like to offer some friendly editorial changes. After presenting his rationale for the changes, Mr. Fonken proposed that items I.1. and I.3. be amended as follows:

1. To ~~admit~~ review and evaluate the credentials of international

student[s] applicants in a fair and consistent manner and to ~~establish that~~ determine if they have adequate preparation to succeed in their intended major area of study;

3. To provide each applicant with ~~complete~~ information regarding costs of attending the University;

On behalf of the Committee, Mr. Bernau accepted the changes and incorporated them into his motion.

Mitchell R. Kreindler (Student Representative) said that overall he was very pleased with the motion. He added that he had consulted with the Council of International Students regarding the motion and that they also were in general pleased with the statement of principles. At the same time, however, Mr. Kreindler and the Council of International Students thought that the Statement of Principles was more a job description for the international admissions officer than a statement of institutional philosophy. Mr. Kreindler said that while he would support the motion, he hoped that eventually there would be a statement of this University's attitude toward international students. Mr. Kreindler further said that he was curious about definitions of "adequate academic preparation" in Section I.1 and "adequate proficiency in the English language" in Section I.2.

The motion to adopt the Statement of Principles, as amended by Mr. Fonken, was then ADOPTED by a voice vote.

Mr. Livingston called on Ronald M. Brown (Vice-President for Student Affairs) to respond to Mr. Kreindler's question about the establishment of the definition of "adequate." Mr. Brown said that "adequate academic preparation is, of course, first of all defined by the minimum admission criteria set forth in all of our catalogues and the General Information Bulletin. It gets complicated [when] you have 30 or 40 different countries a year from which you are admitting, each one with somewhat different educational systems; you are not able to have a common [academic] currency, as we have in this country. There are manuals which aid the staff in converting the academic criteria of one country into those of this country, but those of course are always subject to interpretation; all I can say is that we try to use every possible means we have at hand to convert the definition of adequate preparation from country X to the United States. So far as English [is concerned], the floor or the foundation is the Test of English as a Foreign Language, commonly called TOEFL. In the case of graduate students, they are also asked to undergo an oral examination."

Mr. Bernau next suggested that Recommendations II and III be considered together. Those recommendations were:

II. Admission as undergraduates of students who already have Bachelor's degrees.

Students with bachelor's degrees have been admitted as nondegree-seeking students with overall grade-point averages as low as 2.0. Such students are now unable to change to degree-seeking status unless their grade-point average is at least 2.5. It seems undesirable to admit students below 2.5 even as nondegree seekers. The General Information Bulletin is not explicit about requirements for such students.

The Committee recommends that the following sentence be inserted on page 42 of the 1983-1984 General Information Bulletin, just below the table of requirements in the Admission requirements section:

Transfer students holding a bachelor's degree and applying for admission as undergraduate degree seekers or as nondegree seekers are subject to all the requirements for students with 54 or more hours.

III. Probation status of summer transient students who subsequently qualify for regular admission.

Transient students who subsequently gain regular admission to the University may already have an inadequate University of Texas at Austin GPA and should be admitted on scholastic probation. This treatment is already mandated in the General Information Bulletin (1983-1984, page 43). Since enforcement of this policy has recently lapsed, it seems desirable to make the policy more explicit, while starting to enforce it again.

The Committee recommends that the sentence shown below be inserted on page 43 of the 1983-1984 General Information Bulletin, at the end of the first paragraph of the Transient Summer Students section. The last two sentences of that section would then be as follow:

Students who attend the University for one or more summer sessions as transient students and who then apply and are admitted as regular students are accorded the same treatment as any other students who have previously attended the University (e.g., scholastic probation policies, etc.). In particular such students will immediately be placed on scholastic probation if their University of Texas at Austin overall grade-point average is below that required for continuance in good standing.

Mr. Bernau stated: "In both cases it has become apparent that certain things which are in the General Information Bulletin somewhat implicitly have not been enforced; before we go back to enforcing them we would like to simply change the wording to make them explicit.

"...Recommendation 2 deals with transfer students who already hold a bachelor's degree; they can currently be admitted as nondegree-seeking students for a second bachelor's degree. The rules as they presently stand do not allow anyone who is being admitted that way to transfer to regular degree-seeking status [with less than] a 2.5 GPA while they [could] have been admitted as nondegree-seekers [with a GPA as low as] 2.0.... We simply wanted to make it explicit that from now on [such students must meet the same requirements for admission as any undergraduate transfer with 54 or more semester hours of credit].

"... [Recommendation III is intended to address the situation of those students who enter] as summer transients for a summer or two and then decide to apply for regular admission status. Depending on exactly how the timing goes, the regular admission depends on their GPA elsewhere, and their scholastic probation standing depends on their U.T. GPA; so after totally unsatisfactory summer performance here, they can still qualify for regular admission. The purpose of this [recommendation] is to clarify that if this happens, then they are immediately assessed on the basis of the U.T. GPA as to whether or not they should be on scholastic probation; the effect [of Recommendation III] will be that where in the past sometimes these people have been admitted [and] should have been [placed] on scholastic probation immediately but escaped it for a semester, now they will be [placed] immediately on scholastic probation upon admission in regular status."

Mr. Bernau then moved that the University Council approve Recommendations II and III, and the motion was seconded. Mr. Livingston sought clarification by asking if the provisions of Roman II applied only to transfer students and not to students whose bachelor's degrees came from this institution, and if a student with less than the specified minimum grade-point average but with a B.A. from this institution might continue as a nondegree-seeking student without bar. Mr. Bernau responded affirmatively.

J. David Gavenda (Physics) directed his comments to Recommendation II. "I wonder whether the Committee considered continuing education for senior adults. I know there are a number of people who are retired who come back to the University to take additional courses who have no interest in getting a degree.... It seems that this provision now will make it somewhat more difficult for some of these people to register officially at the University.... I wonder if the Committee considered this case?"

Mr. Bernau said that the Committee had not considered the issue raised by Mr. Gavenda. Mr. Gavenda then said that Recommendation II was "a discriminatory policy [and] a serious matter. I think that some people received their degrees 20 or 30 years ago, when grade-point averages of 3.0 were much more rare than they are today; also a lot of people mature in 30 year's time and can handle the work that they did not handle 30 years [earlier]. I thought that the original wording handled this case -- if [people were degree seekers] then they had to meet higher standards; if they [were not degree seekers,] they did not have to meet those standards. So ... I am in principle opposed to number II."

With no further discussion, the motion to approve Recommendations II and III was DEFEATED by a voice vote.

Mr. Bernau said that he had not anticipated objection to Recommendation II and asked if it would be possible to consider Recommendation III alone. Mr. Livingston said this would be possible if someone who voted with the prevailing majority were to offer a motion to reconsider the action just taken. Dean Robert C. Jeffrey (Communication) so moved; his motion was seconded and APPROVED, and Recommendations II and III were returned to the floor for further consideration. Mark I. Alpert (Marketing) moved to divide Recommendations II and III; the motion was seconded and ADOPTED. Mr. Bernau then withdrew Recommendation II for further consideration by his committee. Recommendation III was then ADOPTED without discussion by a voice vote.

B. RECOMMENDATIONS FROM THE FACULTY SENATE CONCERNING EXTERNAL SUPPORT AND THE UNIVERSITY (D&P 9518-9523). (APPROVED)

On behalf of the Faculty Senate, John Durbin (Mathematics) introduced the following four recommendations:

I. The University Council opposes the recent policy of federal agencies to classify research results that are obtained from unclassified federally-funded research projects. The Council urges the University administration to develop procedures to aid faculty members who find themselves dealing with this problem, and also urges the administration to work with other national organizations to change the policy.

II. The University Council recommends that paragraph 4 of Section 5.08 of the U.T. Austin Handbook of Operating Procedures be revised as follows:

While it encourages projects sponsored by commercial and industrial organizations, the University, as a public institution, cannot engage in projects which involve continuing large-scale production or manufacture. Likewise, the University will not ordinarily undertake projects which limit benefits to one corporation or agency but will accept projects which benefit an entire industry or the public generally.

III. The University Council recommends that Section 5.09 of the U.T. Austin Handbook of Operating Procedures be revised as follows:

The University shall not accept any classified contract which restricts freedom to acknowledge the existence of the contract, to identify the sponsor, and to disclose the general purpose and scope

of the proposed research in sufficient detail to permit informed discussion regarding its appropriateness within the University.

The University shall accept only those [classified] contracts under which there is a reasonable expectation that the investigation will yield significant new literature at an early date.

The Advisory Committee on Classified Research shall have the responsibility (1) to conduct a continuing review of the University policies on classified research in the light of the public interest and to seek revision of these policies when appropriate, and (2) to review periodically the ongoing classified research program for conformance with the established policies and to report its findings annually to the President.

IV. The University Council recommends the establishment of a new standing advisory committee to the Vice-President for Academic Affairs and Research. To be called the Advisory Committee on Research and Professional Activities, the committee would be expected to:

- (a) review and recommend policies and procedures governing University and faculty relations with outside organizations,
- (b) advise administrators and faculty members in problematic areas,
- (c) advise any ad hoc committee that might be appointed to investigate issues raised by outside employment, and
- (d) develop the criteria and aid in determining the appropriateness of a faculty member's outside professional activity when it arises as an issue.

Mr. Durbin asked Jack Otis (Social Work), Chairman of the Faculty Senate Committee on External Support and the University, to discuss Recommendation I. Mr. Otis said that it "deals with a nationwide problem that has emerged over the past few years of federally funded research projects that were [initially] unclassified [but that result] in information that subsequently becomes classified. It has become a problem for a great many researchers. What we are urging simply is that the University administration take such action as it can to set up procedures within the University, and also in cooperation with other institutions, to take action on this problem."

Mr. Otis then moved that the University Council approve Recommendation I; Mr. Durbin seconded the motion.

Gerhard J. Fonken (Vice-President for Academic Affairs and Research) said: "In effect, I suppose I have to speak against the motion, but I do so with no great vigor. I do so largely to point out ambiguities or uncertainties. I believe the committee itself recommended development of procedures to assist faculty who encounter problems under the Executive Order 12356 and to seek changes in policy, or words to that effect. It does not speak specifically to what part of the Executive Order, or whether it is the totality of the Executive Order, or then suggests that the University should oppose, I presume, [the entire] Executive Order. But it is puzzling, because certain parts of the Executive Order are, in my judgment, in the best interest of the research community in the United States. For example, I read from ... Executive Order 12356, Section 1.6b, which says, 'Basic scientific research information not related to the national security may not be classified.' That taken in isolation I would support, and I would speculate that most of the research community would support that.

"I think it may be in other areas where the committee took exception to the Executive Order, and I am guessing that one of the concerns was

under Section 1.2e of the Executive Order, which speaks of such things as exceptional cases (I am paraphrasing). What it [implies] is that if a contractor, licensee, or grantee, or agency which does not have classification authority, generates something that a reasonable person believes should be classified, it should be treated as classified until a security agency or whatever has rendered a reasonable decision. I can see that as being perhaps debatable, although we would all have personal judgments on it. In a somewhat facetious sense: if I discovered a way to create a hydrogen bomb out of salt and vinegar and flour, I would be frightened to publish that; I think I would prefer that it be passed into the hands of some security agency.

"There may well be other aspects of the Executive Order which are deemed to be undesirable by the Committee and by the research community. I would suggest that there be some modification of language here to make more explicit what the University should do in terms of opposition to specific components thereof, and/or assistance of faculty who may encounter problems even under acceptable components of the Executive Order or whatever. It is not an argument in substance, it is an argument in terms of language and structure."

H. Eldon Sutton (Zoology), A member of the Faculty Senate Committee, said that "the specific point raised in [Recommendation] I is against the policy of classifying, after the fact, research that was not funded as classified research. It does not address the entire Executive Order; in fact it does not even mention the Executive Order by number.

"[This problem] has emerged nationally, especially in the area of computer science, and many universities are concerned about it; some have taken such action as they can. We thought it appropriate to come down on the side of maintaining as unclassified as much as possible. Certainly classification after the fact is a rather dangerous thing, and we urge the administration, through its various national university organizations, to work toward restricting that particular activity. That activity had not occurred, so far as I know, prior to the current Executive Order. We have done a lot of good research over the past 30 or 40 years, some classified, most of it unclassified, and it is not obvious that something has changed that should give the federal government the right to go in and start classifying things simply because some scared person in one of the agencies thinks that his own job might be better protected if he comes down on the side of classification than if he comes down on the side of non-classification."

Mr. Otis, in light of Mr. Fonken's remarks, moved that the word "appropriately" be added at the end of the final sentence of Recommendation I. This suggestion was cast in the form of a motion, but Mr. Durbin said he was reluctant to change the Committee's original language. Mr. Otis' motion was seconded but DEFEATED by a voice vote. A vote was then taken on the original motion to approve Recommendation I, and it was ADOPTED by a voice vote.

Mr. Otis next moved that the University Council approve Recommendation II, which reflected "the recognition that sometimes the University has undertaken projects which limit benefits to one corporation or agency, even though this is formally against the regulations of the Handbook of Operating Procedures. When we looked at the issue, we were not really being critical of so doing; [instead we] suggested that, since there were some good reasons for taking such a stance, the whole matter would be cleaned up rather simply by inserting the word 'ordinarily' in the Handbook of Operating Procedures in paragraph 4 of section 5.08...." Recommendation II was seconded by Mr. Durbin and ADOPTED, without discussion, by a voice vote.

Mr. Otis then moved that the University Council approve Recommendation III. Mr. Otis said that it was "essentially a cleaning up of language. What we are recommending ... is that the word 'classified' be stricken ...; all contracts should be of that nature."

Mr. Durbin seconded the motion and James H. Sledd (English) asked what effect the recommendation would have on "contracts, for example, with the National Endowment for the Humanities to teach a summer seminar; does this commit somebody to publication after such a seminar?"

Mr. Otis replied that it was research contracts about which the Committee was concerned, "so that we did not consider that as an issue; I doubt that it would arise in contracts that are training contracts or contracts for some other purpose. If that needs clarification, then of course we should do so, but I am not certain that we really need to spell that out; I do not think there would be any confusion with regard to that matter."

The motion to approve Recommendation III was then ADOPTED by a voice vote.

Mr. Otis next moved that the University Council approve Recommendation IV, and Mr. Durbin seconded the motion. Mr. Otis said that the intent was "to establish a new standing advisory committee to the Vice-President for Academic Affairs and Research, to be called the Advisory Committee on Research and Professional Activities. Four major functions are identified for this committee. In summary form, we saw the need for such a committee that would develop expertise in this area [and] that would be of service to the University because of the extraordinary complexity of the problems involved in various negotiations with the federal government and with industry, as well as the complexities of the individual faculty arrangements that are made with various outside groups. This whole area is vast, it is far-ranging, it is complex, it is changing in many different ways, and it seemed to us to be extremely important to have a body of the University within which expertise could be developed in this area; [it] would be of service both to the University administration as well as to those faculty members who are in need of some guidance.... This would not be a policy-making body, it would just be an advisory body, but where advice can be given [by one's colleagues which] might help to resolve some difficult ethical question that the faculty member is considering. In sum, we see it as a committee that looks two ways -- toward the ethics, if you will, or the corporate behavior of the University itself, as well as to the individual decision-making of faculty members in the normal course of their work."

Vice-President Fonken spoke against the adoption of Recommendation IV, "again not with great vigor. [There are] several points for speaking against it. One is that there is currently a Research Advisory Council which deals with, in my opinion, a number of the matters which this new committee would be charged to attend. It does deal with questions of University research policy, proposals to establish new organized research units, appointments of personnel to certain research titles, and the like, only after such things have been reviewed within the faculties and at the level of the deans of the colleges and schools. It is simply a central administration advisory committee to review actions and proposals of the colleges and schools themselves, including the research groups within those colleges and schools. I believe there is already a committee to deal with parts of this, so we would have a degree of redundancy under the newly proposed committee."

"Some of the scope of this new committee strikes me as either intruding on or overlapping with ... the role of the Committee of Counsel on Academic Freedom and Responsibility, which I think has the principal charge in matters of ethics, of matters of what is appropriate in the context of academic freedom, of what is inappropriate and appropriate under 'responsibility', and does advise periodically on such matters as faculty outside employment, consulting, and the like. So it is with those two views that I speak against this proposed new committee, fearing that it both duplicates ... and perhaps even intrudes...."

Mr. Durbin, speaking in defense of the Senate Committee that initiated the recommendation, said that "a draft of this report with its recommendations came to me and to Vice-President Fonken before the Committee ever brought it to the Senate, and we were given a week or so to respond if we had any comments. I did not make any because it seemed reasonable to me.... I just want to point out [that] the administration had a chance to comment on this...."

Mr. Gavenda noted that "there is a distinction between the administrative committee described by Mr. Fonken and the standing committees of the University. The standing committees of the University are generally appointed from panels recommended by the Committee on Committees and are generally considered to be committees representative of the faculty directly, whereas the administrative advisory committees are not usually held in that regard. The standing committees are considered to be committees to which any faculty member is free to bring issues at any time, and ... [which] report regularly to the Council through the usual channels.... It may also be true that the Academic Freedom Committee could deal with some of these issues, but in my own experience, which includes two years as chairman ... and additional years serving on the Committee, I do not recall any issues like this ... having been brought up to the Academic Freedom Committee."

"Stephen A. Monti (Associate Vice-President for Academic Affairs) was granted privileges of the floor by Vice-President Livingston. Mr. Monti pointed out that "standing committees as we refer to them are standing committees of the University Council. Those are appointed by the President upon recommendation of the Committee on Committees of panels of nominees. I read this [recommendation] as saying an advisory committee to the Vice-President for Academic Affairs and Research. If this is intended to be a standing committee of the University Council that needs to be clarified. Otherwise it would be implemented, I assume, as it says -- an advisory committee to the Vice-President for Academic Affairs and Research, which would be just that. I do not know what the intent was, but there appears to be a difference of interpretation."

Mr. Otis said that the intent of the Faculty Senate Committee was that the proposed committee be a standing committee of the University Council, appointed by the President, which would work closely with Vice-President Fonken's office.

Mr. Durbin wondered "if Dr. Fonken has any disagreement that some committee like this should be appointed and if he would support it if ... the statements ... of what this committee is to do were changed."

Mr. Fonken replied that he first wanted to note "that I had not seen the specific recommendations until a few weeks ago. To my knowledge, no one sought my informal commentary on these matters, nor would I insist that they should. I still do not live in a world where vice-presidents should require faculty members to come and consult with them; heaven forbid that should happen. My earliest comments on these [recommendations] were those drawn by me when the matter was discussed briefly with some of the other executive officers."

"Having taken that liberty and violated the basis on which I am standing before the microphone, I cannot give you a good answer to that [question], because again I much prefer that ... the faculty express their interest in things. I point out simply that there is a question in my own mind, since I was asked to offer the comment as to whether this committee, as proposed, ... [is] to be indeed a standing committee of the University Council. If so, that is one matter; if it is to be an advisory committee to the Office of Academic Affairs and Research, that is another matter. What is its role and scope to be? Should it indeed, as I think it might, overlap with [the Committee of Counsel on] Academic Freedom and Responsibility, or should it not? What is it to do? So I will toss the question back by saying the Council is obviously free to propose as it sees fit and then to dispose."

Mr. Durbin said that he assumed the proposed committee "would be the same kind of committee as the other committees that are appointed through the Committee on Committees procedure, and then it would do what [the legislation proposes]. It would not be a committee of the University Council [but rather a standing committee of the General Faculty]."

[Secretary's Note: For the benefit of readers of these Minutes, Attachment A reproduces Chapter V, STANDING COMMITTEES OF THE GENERAL FACULTY, from the U.T. Austin Handbook of Operating Procedures.]

Mr. Durbin continued: "I want to speak in favor of this motion.... This committee has worked very hard; they spent a lot of time on this, and I thought we had agreed on some problems that they should work on with the administration last year.... They realize that there are very complicated problems, that they could not speak to all these issues now, and whatever the issues are this year, they will change next year. Some group should be appointed that would stay on top of this and would have the time [and] the expertise to do it.... I think the meat of the committee's work is in this resolution.... I urge you to pass it, and then it can be worked out with the administration just exactly what this committee is supposed to do. I think the direction of it is obvious and needed...."

Mr. Otis said that while he appreciated Mr. Durbin's commendation of the Committee, "we do not want the vote to occur on the basis of tears over our hard work. We recognize there are a great many hard-working committees in the Faculty Senate and University Council and elsewhere.... It should be voted on in terms of the merits of the recommendation. If there is some cleaning up that is needed with regard to fine-tuning the responsibilities in relation of the work of other committees, I think that can be done. But it was our clear impression as a committee that there is no particular group of faculty members who in any formal way have a responsibility to delve deeply and comprehensively into the complex issues with which this committee dealt. That is why we made this kind of recommendation."

Thomas W. Kennedy (Engineering) said that he could not support the motion until the role of the proposed committee was made more explicit. With that, a vote was taken on Recommendation IV, which was DEFEATED 28-18.

#### NEW BUSINESS

##### A. PROPOSED SCHEDULE FOR MEETINGS OF THE UNIVERSITY COUNCIL IN 1984-1985 (D&P 9526). (APPROVED)

Secretary H. Paul Kelley (Educational Psychology) moved that the University Council approve the schedule of University Council meetings for 1984-1985 (D&P 9526) which, he said, followed the same pattern as the meetings of the current year. The motion was seconded and APPROVED by a voice vote.

##### B. MOTION TO CREATE AN AD HOC COMMITTEE ON IMPROVING THE FEE PAYMENT SCHEDULE (D&P 9527). (DEFEATED)

James B. Smith, Jr. (Student Representative) made the following motion:

#### MOTION:

I move that the University Council create an ad hoc Committee on Improving the Fee Payment Schedule to make an investigation into the methods of collecting tuition and fees at other universities and to report to the Council on ways which might be used to increase the flexibility and convenience of the payment schedule for tuition and fees at The University of Texas at Austin. The committee shall be composed of

the following persons: Vice-President for Business Affairs, who shall serve as Chairman; Vice-President for Student Affairs; and two students appointed by the President of the Students' Association.

Mr. Smith said that the purpose of the motion was to explore the options for fee payments; some students needed other options than there were at present. David L. Phillips (Student Representative) seconded the motion.

Stephen A. Monti (Associate Vice-President for Academic Planning) was given the privileges of the floor by Vice-President Livingston. Mr. Monti said: "As I understand the motion, one of the issues would be, 'Can we spread or have deferred payments of tuition fees?' That is probably the major focus. It is my understanding that, in fact, that is prohibited by the amendment [to the Texas Constitution] which says the state cannot extend credit, so we are not able to offer an extended payment system for tuition and fees. If you think about the consequence of that, I think it becomes clear very quickly. The University is funded on twelfth-class-day enrollment counts, and that depends on students having paid their tuition fees by that time. All of the statutes that deal with the refund of fees and tuition presume that the fees and tuition have been paid at the point of refund, and there is a schedule for refunds if you withdraw during the first part of the semester. Since we are funded on that basis, and since all the University's commitments of faculty time and space are made for at least a semester at a time, we would have no way then to address the issue of a student who decides halfway through the semester, for financial reasons, not to pay the rest of [his or her] fees, and therefore is no longer a student. So I really think the issue is a moot one with regard to tuition and fees."

"With regard to room and board, I understand in fact there is a payment plan which does spread the cost of room and board out over eight equal payments, and that is again reasonable.... You pay for your room and board as you need it. If you stop paying, you stop having the services of the room and board. It is not the same as tuition and fees by any means."

Vice-President Livingston asked Mr. Smith if he wished to withdraw the motion. Mr. Smith replied that he did not. "I do not think that the fact that we cannot do it at this point means that we should not do it at all. We should try to do it. I think... there is a need for this kind of thing, and in light of the anticipation that a lot of people have that tuition will rise and things will change along that line, that the need is even greater. I would suggest that the committee might look into [it], and things might change then later.... While Dr. Monti's argument is relevant, I do not think it ... destroys the purpose of the committee."

J. David Gavenda (Physics) said that he objected "to a committee being appointed or established by the Council which does not include faculty members. The University Council is supposed to be the representative body for the General Faculty. The authority of the General Faculty to act in any of these areas has been delegated to the University Council, so I would oppose any motion to establish a committee which does not contain at least one faculty member."

Shirley F. Binder (Director of Admissions) suggested "that this proposal could be given to the Financial Aid Committee, which does consist of faculty, staff, and students. Several changes have already been made over the years that do facilitate the payment of fees of financially needy students, those who have documented financial need; this has been proposed by the Financial Aid Committee and has been put into effect. If there is a concern about adequate loan monies, emergency loan monies, then perhaps that proposal should be given to the Financial Aid Committee. It is an already existing body, and I think one that could certainly be given this task."

Mr. Smith said that the focus of his motion was not financial aid. He therefore stood by his motion for the creation of an ad hoc committee. He further said that he would accept a friendly amendment from Mr. Gavenda about the inclusion of a faculty member on the committee. No such amendment was forthcoming, and the Smith motion was DEFEATED by a voice vote.

#### REMAINING QUESTIONS TO THE PRESIDENT

R. Neill Megaw (English) said that he had "a three-part question, really, and the answer can be by action or can be deferred until the next meeting of the University Council if the President has reservations. The first [part of the] question is: 'Would the President be willing to provide the faculty, or alternatively the Faculty Senate, with figures on the number of recommended promotions in each department and the number approved and disallowed; also the number of promotions approved by the higher administration when the department had not, in fact, recommended promotion? This to be in terms of figures by department..., no names mentioned.' The second part of the question is: 'Would the President be willing, after consultation with other officers of the administration, to provide us moreover with figures of the same sort reaching back several years, so we would have a basis of comparison?' The third [part of the] question is: 'Would the President, after such consultation, be willing to establish it as regular policy that the faculty be provided with these results each year, preferably sometime in January?'

"Let me speak to this briefly. It was occasioned by the reports of some colleagues that a very massive slaughter had taken place during December. Now I have heard that in the past and it turned out not to be true, so I have no basis for knowing whether or not that is an exaggerated report..., but certainly it is a matter of extreme importance. I refer to the attention of this body the most ... responsible established statement on the proper governance of colleges and universities, and that is the tripartite statement of 1971 which was put together jointly by professors in the AAUP [American Association of University Professors], by board members in the Association of Governing Boards, and by presidents in the Association of American Colleges. There, quite properly I think, it points out that because of their special expertise in their different areas, the professoriate in a university is in the best position to judge the merits of candidates for retention or non-retention and for promotion to tenure. It seems to me [that] this is one of the most crucial responsibilities and rights of the faculty, and we should have some contextual basis for knowing whether in any given year there is in point of fact real ground for concern of the kind expressed to me or whether in fact there is no such basis for the alarm.

"It is largely on the basis of the ups and downs of a given department, which would be lucky some years and unlucky in other years, that I request similar data from preceding years. I think that would be invaluable in helping us to determine whether a given department's feeling of being put upon is justifiable or not, and I think it would be important and heartening to this faculty if the President were to endorse the establishment of this as regular procedure. I know that we do all hear usually later on about the individuals who have been promoted, but as far as I know we do not at the moment have any means of finding out across the University as a whole what has happened. It may not be enough, moreover, to look at the batting average within one's own college, it may be necessary to look at the University as a whole; but in any event it seems to me [that] this is a crucial item of information that should be made available to the faculty....

"If the President, after consultation with administrators, agrees that this is a good thing to provide the faculty with, why then action can be taken without waiting for another month to pass. If, on the other hand, there are reservations -- conditions that the President wishes to bring to our attention, then the question could be answered next month."

Vice-President Livingston promised to pass the questions on to the President. He then called on Assistant Vice-President Stephen A. Monti to speak to the general question. Mr. Monti said that the information sought was already "available publicly, [and] has been for at least eight years to my knowledge. [It] has usually been published in The Daily Texan, department by department, [with] chairman's recommendation, dean's recommendation, [and] President's action. If anybody is interested in the information, historically or currently, ... it is on public access in the Equal Employment Opportunity Office [and] also in the News and Information Service.... What we do not do is assimilate the data; it is all there in raw form, [without] names.... So I think we can answer affirmatively to all of the questions and say that has been the practice for at least eight years."

Mr. Megaw said that he was gratified to know of the availability of the information but thought it "would be useful to consider separately the desirability of automatically making that information available to the faculty. I rely on The Daily Texan for a great deal of information, but in this particular case I think we are dealing with something of crucial importance to the faculty, and I think the information should automatically go out to the faculty."

John R. Durbin (Mathematics) suggested that the Secretary of the University Council circulate "as part of the Documents and Proceedings the figures over the last few years...." Secretary Kelley agreed to investigate the feasibility of doing so.

#### ADJOURNMENT

The meeting was adjourned at 3:40 p.m. The next meeting of the University Council is scheduled for February 20, 1984, at 2:15 p.m. in Main Building 212.