

Faculty Government at Chapel Hill

The First Two Hundred Years

A Brief History

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Author's Preface

I prepared this sketch of the history of faculty government at the University of North Carolina at Chapel Hill in 1993 as part of the work of a faculty subcommittee in celebration of the 200th anniversary of the opening of the University in 1793. I presented an oral summary of the paper as a small part of the program presented in a special, anniversary meeting of the General Faculty in November of that year.

This is my work--with informational assistance from others, to be sure--but it is not as complete in matters of the 1990's as it was originally intended to be. Others on the committee were to have furnished material relating to those years, but did not, mostly because of the pressure to finish the document by the year of the bicentennial celebration. I felt that the oral presentation in the special bicentennial meeting of the General Faculty came close to fulfilling my own commitment, but at length I felt compelled to do a bit more. A final editing and the addition of the skimpy last three paragraphs are my way of bringing this project to a conclusion of sorts.

It is worth noting that the faculty of the University at Chapel Hill has always had a healthy and significant role in the governance of the institution. It is probably accurate to say this faculty even now, when the size and complexity of the structure necessarily restricts its participation in governance of the University as a whole, has more authority and exercises more influence on matters central to the University's mission than do most faculties in comparable state institutions.

To restate the obvious, the story of change in Faculty Government will largely be the story of a gradual erosion of faculty power because of the increasing size of the University and the development of more formal and complex organization. The natural consequence of growth has been an increasing number of administrative officials supported by a multiplying host of assistants and secretaries, who handle matters once dealt with by the faculty. In recent years, the intervention of the Federal Government has played no small role in the loss of faculty authority, especially over admissions and appointments. Sometimes the loss of responsibility is unfortunate; but it will soon be clear that the loss of responsibility is not necessarily always bad.

It must be kept in mind that our documentary information on the functioning of Faculty Government, even in 1993, is always fragmentary. The earliest records of faculty meetings (which are kept in the University Archives) give us sparse information and that only about those matters that the faculty felt needed to be on record. The written minutes of faculty meetings contain only a summary of what went on in those formally arranged sessions, though there are, to be sure, allusions or even specific references to matters not in the formal record.

In any organization, what goes on informally is often quite important, especially in keeping the wheels lubricated. A personal experience will illustrate this point: I once needed an interpretation of a rule affecting the College of Arts and Sciences; I called the Dean and explained the problem involved. The Dean thought a moment and said, "How would you like that rule interpreted?" I explained. "That's the way I interpret it," said the Dean.

No organizational document, not even our current Faculty Code of University Government, gives a complete picture of how things work; for no instrument of government, from the U. S. Constitution on down, works automatically: people have to make systems work.

Henry C. Boren
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In 1795, within a few weeks after the University opened its doors, there were the Board of Trustees, two or three faculty members, and fifteen or twenty students. One of the faculty was designated the Presiding Professor (the title of President came later); under the supervision of the Trustees, the faculty ran the University. Students were soon involved in the governance of the University, in a limited way. A document exists from 1799, compiled and signed by fifty-four students, which, though barely more than a commitment on their part to obey the professors, was important in establishing order after a period in which there occurred a number of disquieting incidents. In the document, the students reserved the right to appeal to the Trustees if they felt they were unfairly treated.

The earliest Minutes are almost entirely concerned with two categories of faculty actions: the first was most important: the discipline of students; but the second was also important: the admissions of students and the admissions process. Generally the Faculty left teaching up to the individual professors, and teaching appears in the Minutes only when there was a problem--as when a professor introduced [unpopular] politics into the classroom or could not control his students in the classroom because they did not like his teaching style.

Let us first discuss the faculty and admissions. Admission was by entrance examinations, both written and oral, prepared, administered, and graded, of course, by the faculty; we know little about the format of the exams, but we do know many of the subjects upon which applicants were examined. These usually included Latin and Greek, (both literature and language), moral and political philosophy, natural philosophy, astronomy, science, mathematics, and other subjects. Probably the students' composition, organization, spelling, and even penmanship were assessed in the reading of essays. Because many promising applicants were deficient in some subjects, an Academy was established soon after the opening of the University, where such prospective students received what amounted to remedial secondary-school training, under separate teachers called Tutors. It closed in 1819, but tutors continued for some years to be a part of the faculty. Some applicants, for reasons we can usually only surmise, were admitted as "irregular" students.

The faculty of course recommended to the Trustees which students had satisfactorily completed their courses of studies and what degrees they were to receive at commencement. Commencement in those years lasted at least two days; highlights were orations by the seniors, often in Latin, and debates as well. In making all the arrangements, the faculty acted as a body. The seniors sometimes presented the faculty with disciplinary problems in their final days. It seems they often had parties--"treats," the students called them--in some outdoor spot where there was a spring of water, which they seemed not to need, since they drank mostly liquor. They also brought along playing cards and the like. One year, a group of seniors who were caught in such revelry (1823) explained that they thought they ought to be allowed to celebrate, since it was the last time they would be together.

Some of the annual reports made by the faculty to the trustees are in the Minutes. These list the names of all students, their grades, and even their "deportment." The annual reports grew more extensive, in 1840 even listing the exact number of lapses in deportment attributed to each student, and adding the names of those students with no lapses at all: that was a rather short list.

The trustees were closely involved in the details of what went on; for example, they did all the hiring of staff, at least at times. Trustees even had their own outhouse on campus, as was recorded when the faculty attempted to find out which students had tried to burn it down. They--or perhaps it was the Executive Committee, established in 1835--inspected the campus and sometimes gave detailed orders to the faculty. To use a late example, in 1886 the Trustees declared that they were appalled by the unsanitary conditions in student dorms and decreed that the faculty should provide each room with "a chamber pot of white stone china of the hardest material." Had the faculty been putting all the money into salaries? The faculty responded in predictable fashion: they appointed a committee, which a month later reported that such pots would cost 45 cents each, and galvanized iron buckets "for gathering up the slops" one dollar each. One of the grounds servants was designated to do the "gathering up" of the "slops."

Now to an abbreviated account of the long history of the Faculty and student discipline: as indicated earlier, the Minutes from the beginning give much detail about disciplinary actions. When dealing with specific cases the record reads much like court proceedings without lawyers. The adversarial aspect appears only in the contradictory views given by the principals and by witnesses. For the professors (they are sometimes called "Guardians" in the Minutes) and tutors the disciplining of students was an onerous task: they had much more to do than merely deal with cheating on exams and the like: they were required to intervene in fights or other disorders. They were expected actually to pursue and catch culprits who, once identified, had to appear before a faculty meeting. They had little help; the faculty members were the campus police in effect; there were no Chapel Hill police for a long time. On request (it seems) the Mayor did occasionally "bind over" students involved in violence to superior court in Hillsborough; on a few occasions, the President saw to that personally.

Most student misbehavior involved minor lapses, for there were rules galore: students had to stay on campus; they were to be in their rooms by 8 p.m.; they could not even go into the growing number of businesses and taverns on Franklin Street or to neighboring towns or almost anywhere else without permission of their chief faculty advisors. Hillsborough, with its horse-racing and gambling, was thought to be an especially bad place for students. Students were forbidden to miss the daily "prayers" or their class "recitations," play cards, use profanity, et cetera; the rules accumulated almost ad infinitum. Eventually a few students were allowed to stay off campus, but they still could not change boarding houses without permission, as one student learned to his disgust in February, 1822, as he received a disciplinary penalty. The handling of such matters as these made for dull Minutes. (Of course there were even duller matters; Most clerk-secretaries did not bother to list the minutiae dealt with, but others did: for example, in 1836, the faculty decreed that wagoneers had to deposit firewood at least twenty yards

from the buildings. Probably that didn't require nearly as much discussion as do allocation of parking spaces or basketball tickets in today's Faculty Council.)

Students quickly realized what great fun it would be to bait their teachers in the dark of night, required as the faculty were to hunt down the miscreants who were flouting the rules of order. Exuberant youths disturbed the quiet of night, sometimes by breaking into the belfry and ringing the bell, sometimes by firing off pistols and creating a general uproar. Pistols were forbidden on campus after several incidents in the first months of the operation of the university. When the poor professors roused themselves from sleep and tried to chase and catch the rowdies in the dark, they were almost always outrun by the fleet and more agile students. Only occasionally could the faculty nab a culprit, usually after other students gave information that led to the guilty one, or, one may guess, after a bed-check of the dorm rooms. Many of the troublemakers, it seems, got away with the outlawed behavior.

Let us look at a couple of the more interesting disciplinary incidents. In 1799 a student who later became U. S. senator from Missouri, Thomas Hart Benton, was defendant in two disciplinary cases; the first is not clearly described, but it involved a horsewhip and a pistol, "loaded and primed;" the second was connected with the disappearance of money belonging to two other students, Fleming Saunders and Marmaduke Baker; Benton had allowed them to place their funds in his sturdy but in the event, none-too-secure trunk. He was expelled. We do not know whether the students recovered any of their money.

When Mannie Jones (in 1801) stabbed Osborne Jeffries with a knife in an altercation that he had himself initiated, he was "severely horsewhipped"--though that seems to have been a rare form of punishment. We are not so well informed about the miscreant behavior of John Toomer in 1802, but it was so serious that he (like Benton) was expelled "without hope" of future readmission. Thomas Neevers got the same penalty later in the year for beating another student with a large stick. For serious but lesser offenses, students were expelled to a certain date. Still other students whose offenses were minor--they were absent from their rooms after 8 p.m. and the like--were only "admonished before the faculty."

Apparently the War of 1812 brought a rift between some students and some of the faculty and trustees somewhat comparable--if in reverse--to the campus problems during the Vietnam war in our own time. In February, 1814, students tarred and feathered one of the gates to the campus, leaving a message that it was to protest the "Toryism" amongst the faculty (in his history, later President Kemp Battle says they were "federalists") and to leave "a monument to the memory of the inspired politician and designing traitor." In March, a disorder of such a nature occurred that Professor of Mathematics Joseph Caldwell (earlier the first President of the University) made a sworn statement before a magistrate in Hillsborough about it, a copy of which is included in the Minutes. Students had broken into the house of President Robert Chapman and taken away some property. They had also cut off the tail of his horse (one hopes only the hair). A few days later, the property was brought back covertly, but a thorough investigation was made. Apparently all students were questioned. A document in the minutes lists 84 names and what each

knew about the outrages. Most swore they "knew nothing." It is said that Chapman had been reluctant to assume the presidency in December, 1812, when the "Reverend Doctor" Caldwell had wanted to devote more time to academic matters. In 1816 he resigned and soon Caldwell resumed the presidency.

In President David Swain's period (1835-1868), the faculty began to meet weekly; each of the student classes was made the chief responsibility of one of the faculty members, who reported on their classes at each meeting. Seldom are we told what was reported. Swain very aggressively recruited students from many states, so the faculty and student body were growing rapidly. By the 1840s UNC was the third largest university in the nation, it is said. With so many more students, there must have been a multiplication of problems, including disciplinary ones. We have already mentioned that, in these years, the faculty reported actual numbers of student "lapses," infractions of the rules. Yet many of the minutes of faculty meetings in this period record, simply, "No business." The weekly meetings were held in the houses of the professors, and one assumes both that they were mostly social occasions, and that the clerk was not pressed to set down such matters as specific disciplinary cases or other substantive discussions.

Still, in the late 1830s and early 1840s, the faculty was much disturbed at disorders instigated by the members of the "Ugly Club." Perhaps it was the Uglies who, late one night set off some gunpowder near Person Hall, and in another nighttime foray trashed South Building so that extensive repairs were required.

Since the options for punishing student offenders were few, the faculty, as already indicated, often resorted to expulsion. Students were dismissed from the University for too many absences from class or prayers, for drinking or fighting or gambling or violent behavior. But many of those expelled could soon be back in the University if they wrote a letter of abject apology and promised to behave in the future. Sometimes the worst punishment must have been the letters written to parents. Hazing was a problem on--and off--campus from the beginning to recent times.

The faculty inevitably made mistakes in judgment in disciplinary matters. A couple of times they were persuaded that they had erred by a document presented in protest and signed by most of the students. And occasionally, successful appeals were made to the Trustees.

Some of the recorded incidents involving Faculty and Trustees are of interest. Presidents might support the faculty against the trustees, or vice versa. Once (that we know of) during Caldwell's presidency, the trustees tried to get a student reinstated who had been dismissed by the faculty; they backed down, however, when President Caldwell threatened to resign. President Swain, however, once used the trustees against the faculty. As a former Governor of the state, he was a lifetime member of the of the Board, even while serving as President, and ordinarily, this gave him a certain clout. When he refused leave of absence to a faculty member who wanted to depart before commencement (it seems), and the man appealed to and got the formal support of the Faculty, Swain took the matter to the Board of Trustees, who overruled the Faculty.

In these years under Swain's presidency, when the university grew rapidly, a miscellany of problems had to be confronted. Since the number of classes doubled, and not only were classes held on Saturday morning, but even one on Sunday, the faculty began to feel that their increased labor was not adequately compensated. An appeal was made to the Board of Trustees for higher pay (Minutes of August 9, 1837). Possibly the Board authorized higher tuition; at any rate, the following year, the Minutes list the faculty salaries (the President got \$2,000) and it was agreed that if the income from tuition increased by a certain amount, salaries would rise by \$200--and if tuition increased by an additional amount, still another \$100. Thus, it seems that, at least at times, faculty members had some influence over their own salaries, even if only by keeping students in school.

Students occasionally were aroused to joint action against an unpopular faculty member. In 1840, a mathematics professor, who surely was already disliked, began to insist not only that the students pay attention to lectures but also that they bring their textbooks to class. To get the students to do either was like pulling teeth; as to bringing textbooks to class, for some reason only about half would do so. Continued demands and threats got most of them to conform, but at the end, three students absolutely refused, saying that bringing textbooks to class had never before been required, and therefore this was a novel demand. The matter went to the Faculty and the three were dismissed. But the President, having learned that the three had never been in any sort of trouble before, and having received a petition signed by many students, apparently (there is no precise statement in the Minutes) reversed the dismissals. A month after the affair of the math prof, there were riotous disorders at night, with students yelling, ringing bells, parodying a religious camp meeting, using indecent words in the hymns; meanwhile other students painted a professor's horse and cut off its mane and tail. Could it have been the steed of the math professor?¹

In the mid-nineteenth century, as during the war of 1812, political matters sometimes intruded within Academe, among the faculty as well as the student body. The Faculty rather early (May 18, 1838) had adopted a statement of policy. It reads, "Resolved that the Faculty disclaims all right to restrain or control the expression of political opinions, where the language is not in violation of philology or good taste." Admirable if pedantic. At any rate, there was to be no outspoken partisan politics among the faculty.

In 1856, one professor, Benjamin Hedrick, disregarded the political policy and proclaimed himself a Free Soiler. He recruited support for Fremont, an opponent of slavery in the territories. He was encouraged to leave the university, it appears.

Quite different--and non political--was the affair, in the fall term of the same year, of one faculty instructor named Herisse, a French national who taught French; he gave both the faculty and President Swain a bad time. He had considerable difficulty controlling his students, and in particular one student who, he claimed, was impertinent and insulting.

¹ Minutes of August 9, 1837.

When the case was brought before the Faculty, the vote was a tie, and Swain himself gave the casting vote, against the charge--and thus against Herisse. The latter now appealed to the Trustees, alleging that there was a "want of discipline and maladministration of the affairs and government of the university." This charge was referred back to the Faculty and an ad hoc committee appointed to look into the controversy in its entirety. The committee reported negatively, apparently feeling that the failure to control students was largely Herisse's own fault. The instructor made additional charges against both the faculty and Swain personally, to no avail, and at the end of the year, he departed.

The professor's charges of lax discipline may, however, have perturbed the Trustees: they "censured the faculty" later in that same year for not enforcing student discipline. Swain drew up a lengthy document, endorsed by the Faculty, saying that some incidents were greatly exaggerated, that it was not possible to prevent some breaches of discipline, that the faculty used all diligence in carrying out the rules, etc. etc. Apparently the trustees were mollified, for there is no further mention of the affair.

The period of the Civil War was a bad time for the nation and the state, as well as for the University. As early as the late 1850s problems arose between groups of students and between students and faculty. Enrollments fell from 430 in 1859 to 376 in 1860 and later, understandably, even lower, but the university stayed open throughout the war. The period of reconstruction following of course impacted the South especially, and almost every institution in it, including the University, which could not pay its bills in 1866 and was closed de facto in 1867. It reopened briefly in 1868, but could not continue. The University was viewed as an elitist institution during much of its existence, and especially was seen as such by the anti-aristocratic reconstruction government in Raleigh. Changes were made: the trustees, previously chosen by cooptation, now were chosen by a Board of Education (later by the General Assembly); they were mostly politicians. The curriculum was to be democratized, with few courses required. A new president was named, Solomon Pool; like all the professors, Pool was a Republican. In 1869-70 there were about fifty students, but economic problems kept the university from effective operation. Eventually there was a complete reorganization; Pool was removed over his protest. The school reopened for good in 1875, with a Chairman of the Faculty in charge. Under President Kemp P. Battle (1876-1891), matters began to approach normalcy, and the University began once more to gain a modicum of prestige.

Battle was one of the professors, too, teaching history after 1876. There had been some discussion in faculty--there were fifteen now--about that subject, and a committee of the faculty recommended that each language professor should also teach the history that corresponded with his field; but when President Battle volunteered to take care of the whole subject, the faculty with alacrity agreed. The faculty has always had much power and/or influence, but seldom does it just say no to the President. Changes were made in various ways: students had more freedom of movement; faculty members were no longer required to chase those involved in night-time disorders--which, for students, took much of the fun out of them.

Up to this time the Faculty had often functioned as a sort of committee of the whole, except for ad hoc committees; but with growth of the student body and faculty, more and more of the work was handled in permanent Committees of the Faculty. In the 1880s, one such was the Committee on Lectures in Hygiene and Morals. By 1902 there were fifteen Committees of the Faculty.

The faculty was still in the business of disciplining students. In March, 1887, for example, a student was seen drunk in the gymnasium and was subject to dismissal. In this instance, however, something unusual happened: fifty students all took a pledge of abstinence for their entire stay at the university, if the offending student (who must have taken the pledge also) were allowed to remain in school. The faculty thought that this was a pretty good bargain and agreed to it. Three years later the same thing occurred, with the same results.

When George T. Winston was named president in 1891, the Board of Trustees, evidently again unhappy with the Faculty's handling of disciplinary cases, requested that President Winston "have full charge of discipline." The Faculty concurred but requested that cases involving dismissals should still be referred to them. There was soon a new faculty committee to handle cases of student discipline, the Executive Committee.

Despite this action of the Trustees, in practice student discipline remained very much a faculty matter. The establishment of a Student Honor System, however (by 1921), in connection with student self-government, brought about a rather radical change in the handling of student discipline. A Student Council now began hearing cases of discipline. The Executive Committee, however, occasionally reported to the Faculty that the honor system was not working well, and in 1928 the role of the Committee in relation to the student system was studied and clarified. The tension between the Committee and the student-run system continued for many years, and at times there were reports of widespread cheating by students. Eventually the students were allowed to take over the basic handling of disciplinary matters, and the Committee heard only appeals.

The Executive Committee would, in a few years, be renamed, appropriately enough, the Committee on Student Discipline; by 1969 the University Code had decreed that the faculty was no longer to share responsibility with the Chancellor for student discipline; nevertheless, the Chancellor (J. Carlyle Sitterson) asked the Committee to continue its work. The Honors System, under student control but with some supervision, was now firmly established and working reasonably well. It had been a long time since the faculty had to roust themselves out of bed in the dead of night to chase disorderly students.

Since specific accounts of cases of student malfeasance seldom appear in the minutes after the late 19th century, and for some reason, other sorts of things that make for lively reading disappear too, the Minutes of the time are dull reading indeed. Perhaps the most interesting discussions now took place in committee. The faculty committee on student discipline would still, on occasion, have important work to do, especially in any situation in which the student-run honors system (usually the judicial end) did not seem to work. And the intervention of the Board of Trustees could be expected when that happened, if the Faculty or the President (or later, the Chancellor) did not step in as vigorously as the

Trustees would prefer. In 1960, when a committee was studying the freshman year, Chancellor William B. Aycock reminded the Committee and the Faculty Council that the University, under a Trustees' rule of 1936 was "directed to dismiss or discipline any student who is known to engage in drinking . . . or gambling, hazing, . . . or dissolute conduct."

At the turn of the twentieth century, in 1901, the university was still relatively small. There were 23 professors, 9 instructors, and a librarian. Forty-eight undergraduate degrees were awarded and nine graduate degrees. The assembled General Faculty was still dealing with such details as course substitutions for particular students and on almost everything that related to graduate studies. The tendency to rely on committees intensified, however; there was now a committee on entrance exams, for example. In 1903 there were 15 standing committees; in 1906, 23; in 1921, 28, three of them elected.

The post-World War I period brought rapid growth to the University. In 1922 there were fifteen new faculty members and a correspondingly larger number of students--by fall, 1929, 2413 of them. There was a shortage of housing especially affecting new faculty. In February 1923, a faculty committee on living conditions reported on the lack of housing and on such matters as interest rates on mortgages. The rapid expansion put pressures on faculty government: there were more and more decisions to be made in an assembly that grew more cumbersome; the committee system also became cumbrous; ways had to be found to divide responsibilities so as to function more efficiently. In 1920, responding to the problem (and to the disparate situation of faculty members in the schools), the Faculty adopted a proposal of the President's Advisory Committee establishing separate school faculties with complete authority over courses and curriculum. In addition, administrative boards were appointed for each school; these were to monitor and study performance, and to advise.

By the middle of the decade proposals surfaced for the delegation of some of the powers of the General Faculty to a smaller body; one of these, put forward by Professor J. M. Booker, was for a faculty senate. He proposed a senate of senior faculty members only. Clearly his primary motivation was his conviction that things were getting out of hand because of the recent addition of so many inexperienced junior faculty members. Others, with a little less concern for rank, mentioned size as the major obstacle to "adequate consideration of important questions . . . impracticable in the general faculty meetings."² The body was not to deal with minor matters but with the important questions of policy and procedure.

The faculty was not ready for such radical change and adopted a substitute proposal for an elected Advisory Committee, more representative of the faculty than the existing, appointed one, which would regularly advise the President on the same issues of policy and procedure. Even with minor changes in 1931 and 1932, this measure did not solve the real problem. Further action, however, was to be delayed by the coming of the great

² Minutes, December 10, 1926.

depression. Student enrollment fell off and faculty salaries dropped--by 10% in 1931 and 32% in 1933.³ It was not a time for mundane academics.

One arena of conflict between the faculty and the trustees over the years and even in recent times lay in the choice of persons to receive honorary degrees. For example, during the sesquicentennial celebration, which for some reason was held in April, 1934, many candidates for honorary degrees were presented and considerable tension surfaced between the faculty Committee on Honorary Degrees and the Board of Trustees on the procedure for naming candidates. There must have been a compromise, for 39 honorary degrees were awarded.

The immediate effect of World War II on the university and its faculty need not be discussed here. The stresses of the post-war period, with the influx of veterans as students and the rapid growth of the faculty, brought to a head the movement toward significant change in faculty government. In 1942 a Committee on University Government was established to study the matter. Three years later, a joint committee combining the Committee on University Government and the [Chancellor's] Advisory Committee was charged with drawing up a proposal for a new faculty government, to include an elected legislature; it was to be a rather comprehensive document, dealing with all aspects of academic structure and the like. The discussions show that there was, among the faculty, an undercurrent of misgivings about the recent establishment of the Consolidated University, with three campuses including UNC under a President; as now each campus had its Chancellor.

The minutes report a stirring speech by Professor Preston C. Farrar, apparently given to garner support for the expected report of the joint committee, deploring the decline of democracy in institutions of higher learning; at Chapel Hill, he attributed the decline to business connections among the Trustees and the great power of department heads, who then held office for indefinite terms, often for life.

Meanwhile, the faculty as a group discussed the rapidly growing number of students; there were about 4000 in spring 1946 and some expected the number to rise to 6000 by fall. Obviously much planning had to be done. The press of business must have given emphasis to the need for some system more effective than general faculty meetings and faculty committees.

In the fall of 1947, the joint committee reported, presenting the first draft of the document later named Faculty Legislation on University Government but generally called the Instrument of Government. In part it reads much like a faculty handbook, to a considerable extent listing existing practices; but it also detailed a new structure for faculty government, mostly confined to the College of Arts and Sciences, however, setting up a Faculty Council and also regulating procedures in the (Arts and Sciences) Departments. It spoke of the relationships between officials, for example between the

³ The minutes of June 3, 1932, were the last prepared by then Secretary of the Faculty Walter Toy. He had been secretary for 43 years, a record that surely will never be surpassed.

President and the Chancellor, set terms of office and listed the responsibilities of Deans and Department Chairs. As to the faculty, it described the ranks and regulated promotion and tenure procedures. There was an attempt to make the tenure system conform generally with the AAUP Statement of Principles of 1940. Deans were now to serve five-year terms. For the departments, the Committee wanted "to present a fairly democratic form of government," according to Dean Wettach, committee chair. Thus the departments were now to be no longer under heads, but under chairmen serving specific terms; the document specified particular circumstances when the Chair should consult his faculty or the full professors. There was much debate in the meeting on what powers the Chairmen should have.

The report was sent on to the office of President Frank Porter Graham, who in time returned it with suggestions and comments, one of which was that some matters needed to be reconsidered, and another, that the document did not need to go to the Trustees but could be handled administratively.

One consequence of this latter decision is that the Trustees have never formally approved the document. This may give the faculty less actual authority than might be wished; however, Chancellors and other officials have almost always respected the arrangements in the document, and have accepted as binding the decisions of the Council in areas of academic matters; even outside those areas, when the Council has spoken, it has been influential. There is one specific advantage to the lack of formal adoption by the Trustees: it is not necessary to consult that body every time some small change is required in the Code.

The proposed document was refined in a faculty meeting of February 1950, and in May, the joint committee, now under Professor M. T. Van Hecke, presented its revised report, including, most importantly, the recommendation for an elected Faculty Council. The General Faculty would still meet twice a year but would no longer be a legislative body, except that it alone could amend the Instrument; the Faculty Council otherwise would exercise all legislative power for the General Faculty. Committees of the Faculty (reduced in number from 27 to 20) were to report in writing to the Council. The Council was given specific power over all curricula, undergraduate and graduate. There is no need to give a detailed summary of the entire Instrument, for much of the content is familiar to anyone who has read today's version, now called The Faculty Code of University Government. The first elected Council had 51 members (and 29 ex officio), of which a specific number, 10, were from the Health Affairs area (it should be noted that at this time UNCCH had only a two-year medical school). Its first meeting was January 5, 1951.

Subsequent changes in Faculty Legislation have been numerous, but relatively few are important. Of the more significant changes, provision was made in 1951--as required by the new Consolidated University Code--for the election of a Chairman of the Faculty for a three-year term. For some years the Chairman had almost no duties except to serve as the president of the Council in the absence of the Chancellor. Rules of Procedure for the Council were developed and approved in 1952. The Medical School, now with a four-year program, grew rapidly, and on April 6, 1965, after long consideration of a motion originally made by Dr. John B. Graham, faculty in the Division of Health Affairs were

given equal membership in the Council with the faculty in Academic Affairs, in proportion to their numbers. It was, however, some years before new programs and curricula from Health Affairs were submitted to the Council for approval, and Faculty Legislation was not immediately changed so as to make regulations for Arts and Sciences departments apply to all departments in the University. Several changes have been made in the electoral units, in the terms and beginning dates for service. Some other of the more important changes are referred to later in this document.

Curiously, in its early days, the Council did not seem vigorously to take up the role envisioned for it, as the Minutes themselves show. In April, 1952, the faculty Executive Committee (not to be confused with the present committee of the same name) in a Council meeting deplored a tendency for the body to act as "a rubber stamp . . . on actions already more or less decided before they are presented to it." In October 1955, a statement by N. J. Demerath entitled "More Faculty Influence on University Government?" suggested that something was fundamentally wrong with faculty government, a matter of great concern to both professors and administrators. Most of the problem he attributed to the Council and the Committees of the faculty. He saw faculty influence diminishing and the power of the Board of Trustees increasing. A committee was appointed, but in the end, little came of it. In May 1959, Secretary of the Faculty Almonte Howell presented a statement reporting that many of the faculty believed the Council was ineffective, not debating important matters; he added that some of the faculty averred they would not serve on it. In March 1962, Law Dean Henry Brandis spoke in the Council of "faculty timidity;" it appeared to him that faculty members were afraid to use the right of free speech.⁴

There has always been in the University some tension between the undoubted legal power of the Board of Trustees and the traditionally strong de facto power of the Faculty at Chapel Hill. In 1952, for example, the Trustees' Executive Committee, without consulting the Faculty, decreed that there should be Saturday classes. Though the Faculty protested (a committee report which the Trustees must have seen said the action was "disturbing" and "unwise"), they agreed to schedule Saturday classes, but they did not fit in well with the quarter system. The ultimate result was the institution of a semester system.

There was also something of a prickly relationship in the same period with President Gordon Gray (1950-1955), when he announced that, in the interests of efficiency, he had arranged for a complete survey of the University by an outside agency, Cressap, McCormick, and Paget. The firm had had some academic experience, but seems to have made its recommendations without regard for the document, Faculty Legislation. President Gray did, however, discuss in the Council the recommendations of the review and promised full faculty consultation. One of the recommendations was to strengthen the powers of the divisional chairmen at the expense of the department chairmen. Another was to eliminate the General College and in other ways to weaken the Dean of

⁴ Those were repressive times on the national level.

Arts and Sciences. Yet another (of many) was to place the Office of Admissions in Student Affairs. Chairman of the Faculty William Wells said that the faculty wanted to have the direct connection between the Dean of the Faculty and the department chairs; and he specifically asked President Gray about the status of Faculty Legislation on University Government. In a meeting in October 1954, the faculty voted to retain the General College. The President wrote to Chancellor Robert House that the Faculty didn't understand the rationale of the review, but he acquiesced--for the time. Another recommendation for changes in the Graduate School was rejected by the Council in December. Council meetings, it seems, for a time livened up a bit.

In response to a request of the Council, new Chairman of the Faculty D. D. Carroll appointed a special committee, under the chairmanship of J. Carlyle Sitterson, to study the question of the Deanship of Arts and Sciences. The committee's report was considered by the Council in three meetings in April and May of 1955. The committee reported for a strong deanship, emphasized by the recommendation for the Dean to have control of a separate Arts and Sciences budget. The Committee also dealt with the matter of placement of the Office of Admissions; committee members were well aware of faculty fears that the change might mean the end of faculty control over admissions policy. The committee "vigorously maintained that Admissions and Records are primarily academic activities" and stated that under its proposal "the Faculty would still exercise policy control over admissions." At the end, apparently fearing the consequences if too many of the review recommendations were rejected, Chancellor House, along with President Gray and the Board of Trustees, decreed that Admissions and Records were to be placed in a new Division of Student Affairs. Nevertheless, the Chancellor stated that "policies governing admission should continue to be the responsibility of the faculty," and he accepted a recommendation of the Sitterson Committee for a new Committee on Admissions and Records, chaired by the Dean of Arts and Sciences, which was to deal with enrollment objectives, admissions policy and standards; moreover, it was to report to the Faculty Council like other committees of the faculty.

The administrative change did in fact, for the first time, significantly weaken faculty control over admissions. In future years, faculty influence in that area continued to decline, primarily owing to the sheer growth in numbers of applicants and also to federal guidelines that superseded local policies and procedures. In the middle 1970s when the Trustees requested that a document be drawn up outlining admissions policies and procedures, the paper compiled by administrators did not even mention a faculty role. Sadly, those who put it together thought they were only describing the actual procedures. The Faculty was not even aware that the document was being written. Still, the Advisory Committee on Undergraduate Admissions chaired by the Dean of Arts and Sciences continues to exist, and it continues to report to the Faculty Council. This means, of course, that the Faculty Council can debate and pass resolutions on any aspect of admissions. Further, the Faculty Code was later amended to list among the powers of the Council "to prescribe the requirements for admissions." As with the whole Code, this amendment was not ratified by the Trustees or the Board of Governors. Still, it is probable that, if the Faculty wishes to see admissions policies changed in any important way, it is likely to be listened to.

Another threat to academic freedom at the University deserves brief mention: it was the infamous Speaker Ban law. In 1963 and for some years after, several Council meetings were enlivened considerably by faculty reaction to this gag law, enacted by the Legislature on the last day of the session under a suspension of the rules. It was directed against speeches on University campuses by known communists, and the Chapel Hill campus was the particular target. Perhaps the resolutions of the Council were not significantly instrumental in ameliorating the effects of the law or getting it changed (federal judges found the law unconstitutional), but the Council didn't have to cancel meetings for lack of business after this.

The years 1968 to 1972 brought great tension to University campuses everywhere; at Chapel Hill national tensions were compounded by local stress.⁵ The series of non-academic campus crises brought the Council, the General Faculty, and the Chairs of the Faculty problems never before encountered; these they met with unprecedented activity. The Council and General Faculty held numerous special sessions, engaged in heated discussions, and took unprecedented actions. At first hesitant, the Faculty ultimately rose to the occasion and helped to defuse the most tense situations. The process made the Chairmen of the Faculty more independent and influential, tied to the University administration less closely than before. It thus seemed permanently to have changed the nature of the office. To a degree, the Council changed as well. It became, in the words of Frederick Cleaveland, Chairman of the Faculty at the time (1967-70), "a vehicle through which the faculty could make representations to the University Administration, . . . and take positions on University policies and practices."⁶

A rule change of the Council in December 1964 almost inadvertently had already made it likely that not only the faculty but other groups of the University community might turn to it in such unexampled crises. The new rule allowed any faculty member to participate in Council debates, though as before, only Council members could make motions and vote. In practice, during this period, almost anyone including students and staff personnel were allowed to bring matters to the Council through a Member and also, with permission--or sometimes without--to participate in the discussions. Those presiding, both the chancellors and faculty chairs, were sometimes hard-pressed to keep order, as faculty and students (some radical), staff personnel, and even non-student activists, tried not only to present their views to the Council but also to manipulate the Council to publicize their causes.

The turbulence of the period related to the Vietnam war and the draft; to the assassination of the Reverend Martin Luther King (1968); to local problems involving a worker strike at Lenoir Cafeteria (1969); and to the expansion of the war in Vietnam into Cambodia, when students at Chapel Hill and numerous other university campuses demonstrated--on some campuses with violence. Repression of the disorders brought even more violence. The students were most outraged by the killing of three

⁵ See the discussion on later pages of the problems faced and actions taken by the faculty and the Faculty Council or involving those bodies.

⁶ In a communication to James Peacock, Chairman of the Faculty, August 31, 1993.

demonstrating students at Kent State University by National Guard troops ill-prepared to handle such situations.

The most serious local problem involved the food service employees' strike. Mostly black, these employees worked under mostly white supervisors at Lenoir Hall, which had been losing patronage and money for several years.⁷ The workers complained about pay and back-pay owed them, working conditions, and unfair treatment as early as 1967; they got the support of many students, especially in the recently organized Black Student Movement, and of numbers of faculty members as well. Student militants took over Manning Hall, which was empty at the time, awaiting renovation; they installed loud speakers and made it a somewhat raucous command post. A few days later (March 6, 1969), Governor Robert Scott, without consulting University officials, sent in State Troopers, who cleared the Hall and imposed order for the time.

Chancellor Sitterson attempted, with some success, to deal with grievances and to improve the general situation in Lenoir; a small amount of back pay was provided, but wages of state employees can be raised only by the state. A most important complication that made any attempt at settlement difficult was the charge by workers of racism on the part of supervisors. In this "brief" history, it is not possible to follow the controversy in detail.

Eventually, faculty supporters of the workers brought the matter to the Faculty. Three Faculty meetings (presided over by Professor Cleaveland, since Chancellor Sitterson was a party to the negotiations) managed to defuse the situation and to help in the ultimate settlement. An ad hoc committee did good work. One of the Faculty meetings, in Hill Hall, was a tense affair: non-faculty persons were excluded, but student and other radicals pounded on the walls, demanding admission; eventually some of the students were allowed to take seats in the back rows, and the meeting went on.

The Food Service affair was hardly over before an even more serious and potentially dangerous crisis erupted, in spring 1970. This, as mentioned above, involved the extension of the Vietnam war and the deaths of students at Kent State University at the hands of National Guardsmen. As earlier, there were campus radicals who wanted to use the situation here (as was done on many campuses, not just at Kent State) to destabilize the campus and the nation. The Student Body President, Tommy Bellow, and the new Chairman of the Faculty, Daniel Okun, worked together--and separately, of course--to try to keep the lid on. A student strike closed down most classes and a few windows were broken in South Building, but serious violence was mostly avoided.

⁷ This section owes much to Dr. John B. Graham, who was Chairman of the Committee on University Government during the period. He drew up a paper that described the walkout of the workers and events leading to the introduction of restrictive legislation in the General Assembly and ultimately to the adoption of a Disruptions Policy by the Board of Trustees. The new University Advisory Council, made up of faculty members from each of the now 16 constituent institutions of the Consolidated University, became involved as well, as did AAUP chapters from the institutions.

On request, Chancellor Sitterson called a General Faculty meeting for May 7, 1970, with Professor Okun as presiding officer. Faculty members nearly filled Hill Hall; some 160 students were admitted. To keep other students from feeling left out of matters that involved them, loudspeakers were placed outside; photographs of the gathering show thousands of students listening to the debates on resolutions presented by the Agenda Committee and other faculty individuals and groups. The meeting began with a memorial to the Kent State students, to indicate the generally sympathetic view of the Faculty.

Despite the tenseness of the situation, the Faculty conducted a high-level debate on resolutions that covered the entire spectrum of opinion: there were those who felt that for the Faculty to take political positions would ultimately damage academic freedom and/or that it was wrong for the Faculty by majority vote to force political views on the body; others felt the Faculty should entirely side with student activists and go on strike also. There were also well-reasoned middle views, and ultimately the Faculty adopted three moderately active resolutions. The first authorized the Chairman, Professor Okun, to charter buses for "interested members of the University Community" to travel to Washington, D. C., to "express their views" to officials and congressmen; the second provided for a committee to draft a resolution to be circulated and signed by faculty members "expressing concern for the extension of the war in Indochina and its impact on the fabric of American life and especially its disruption of college life," to be sent to the North Carolina Congressional delegation and to the President of the United States. The third resolution complimented the students on their mature behavior; it did not specifically approve of their academic strike, but it did allow professors to give grades on the basis of work done before the strike or to allow extra time for completion of course requirements. In a letter to all Faculty, Professor Okun emphasized a point made by several speakers at the meeting: "Students and faculty . . . have a long tradition of friendship and respect . . . We will follow in this tradition."

This meeting, unsatisfactory as it was for both conservatives and activists, surely did much to bring stability to the campus once again. These two tumultuous years, to repeat, brought the Faculty and the Faculty Council new roles and new influence; and the position of Chairman of the Faculty acquired new importance and independence.

The campus preoccupation with troublous local and national problems did not preclude action on other important matters: during 1970, for example, the Council considered the report of a committee chaired by George V. Taylor on the reorganization of ROTC on this campus. At a time when some universities were eliminating such programs altogether, UNCCH broadened its program, giving it a more academic thrust. The resulting Curriculum in Peace, War, and Defense not only brought academic respectability to a somewhat suspect program, it also became a much-studied model for other institutions.

Another committee, On the Future of the University, chaired by J. L. Godfrey (earlier Dean of the Faculty), produced a voluminous report for Council consideration in these same years. It was a response to the establishment in this period of the sixteen-campus greater University of North Carolina (replacing the former Consolidated University). The ambitious colleges that now were named universities were expected to

demand a greater share of the state's resources; this was seen as a potential threat to Chapel Hill and other senior institutions. The Godfrey committee had as its chief purpose to define the role of UNCCH for the future and to assert what resources it would require to fulfill that role. Most of its recommendations were adopted by the Council, and many have been implemented.

One feature of the greater University system mentioned earlier was a Faculty Assembly, with delegates from all sixteen campuses; it advises the President on matters important to all the campuses. Naturally, it also on occasion has become a sort of battleground in a struggle to influence the President and Board of Governors in the allocation of resources. At UNCCH, the Chairs of the Faculty also chaired this campus's delegation and had to try to educate colleagues in the new universities and even, at times, oppose "the drive", in George V. Taylor's words, "for uniformity of salaries, facilities, and functions" among the components of the system.⁸

Probably Professor Taylor, Chairman of the Faculty 1973-6 and E. Maynard Adams, 1976-9, with their colleagues in the Faculty Assembly, were the two who had to give most energy to this matter, though the resource allocation problem understandably and inevitably has continued. During Professor Adams' term, selected faculty from UNCCH and NCSU met several times and formulated a common strategy: the two institutions would be designated as "Research Universities". Faculties elsewhere, the general administration, and, it was hoped, the people of the state as well would understand that these research institutions needed to be supported at a higher level than others. It was a strategy that had some success, but it may have been overstressed; in some quarters this was resented as an elitist view, and there may have been some short-term damage to the general image of this university.

Another committee of the 1970s that deserves space even in a brief document is the Tenure Study Committee under the Chairmanship of J. Dickson Phillips (then Dean of the Law School and now a Federal District Judge). New formulation was given to the Tenure Rules and Regulations of the Board of Trustees. The reader may well understand the importance of the task; principles underlying academic freedom and concern for fair and open procedures suffuse the whole document, which was adopted by the Faculty and then by the Trustees, on presentation by Chancellor Ferebee Taylor, after only minor changes.

Down to the present, an ongoing task has been to involve more faculty in faculty government and to make it more responsive to the needs of faculty and non faculty as well. In the late 1970s, an effort was made to include more Council members on committees, as well as students and some non-faculty persons. Professional librarians, though the Trustees refused to give them faculty status, were nevertheless designated as faculty for purposes of faculty government; they were thus made eligible to vote in faculty elections and to serve on the Council and on elective committees. A potentially

⁸ He suggested that uniformity would at best produce a mediocre level for all, given the total resources of the state.

important Educational Policy Committee was put in place, and more committees formerly appointive became elective.

Many committees in the last two or three decades did effective work which showed that the Faculty still exercised strong influence on important academic matters. Only a few of these can be mentioned here. Two such, the earliest headed by Eugen Merzbacher and the later by Weldon Thornton, formulated and carried through the Council thorough revisions of the curriculum, especially in the General College. New committees were designed to meet the needs of changing times and of the growing faculty. Among them were the Committee On Minorities and the Disadvantaged and the Committee On the Status of Women.

One of the most significant structural changes in faculty government was made more recently: on April 10, 1992, the Faculty Code was amended to establish an Executive Committee of the Faculty Council, which has broad powers formerly assigned exclusively to the Council, including its legislative power.⁹ Among advantages of the new arrangement is that the Committee can be available year-round to advise the Chairman of the Faculty or the Chancellor, and it can act more promptly when needed. The Council, thus, like the General Faculty earlier, is only a shadow of its former self. Whatever power the Faculty still has is mostly in the hands of the Executive Committee. Some fear that this smaller unit is potentially more likely than the Faculty Council to be subject to manipulation or control of Administrative leaders, Trustees, or Governors.

It is apparent that the struggle between faculty, students, Chancellor, and Trustees will continue, especially in any crisis. One must believe that this sort of struggle, waged by people of good will, can continue to mold one of the country's premier universities, and that the excellent faculty here at UNCCH will contribute significantly to that.¹⁰

⁹ It is obvious to the reader that most of this document was written before this action, and the author chose not to change conflicting text.

¹⁰ This paper, entirely the work of Henry Boren—with informational assistance from others, to be sure—is not as complete in matters of the 1990s as it was originally intended to be. Others on the committee were to have furnished material relating to those years, but did not, mostly because of the pressure to finish the document by the year of the Bicentennial Celebration. The author himself felt that the oral presentation in the special bicentennial meeting of the General Faculty came close to fulfilling his own commitment, but at length felt compelled to do a bit more. A final editing and the addition of the skimpy last three paragraphs are the author's way of bringing this project to a conclusion of sorts. August 11, 1988.