

MINUTES OF THE JOINT MEETING OF THE GENERAL FACULTY AND THE FACULTY COUNCIL, HELD ON FRIDAY, NOVEMBER 4, 1966 AT 4 P.M. IN 111 MURPHEY HALL

Meeting of the General Faculty. Chancellor Sitterson presided.

I. The reports of the following committees appointed to prepare memorial resolutions were approved by a rising vote of the faculty, copies of which are attached to these minutes.

- A. For the late Professor Joe Summers Floyd: Professor Emeritus D. D. Carroll, Chairman; Mr. Roy Holsten, Professors Willard Graham, C. H. Kreps, C. H. McGregor, and C. P. Spruill.
- B. For the late Kenan Professor Emeritus William Whatley Pierson: Professor C. B. Robson, Chairman; Professors C. P. Erickson, Frederico G. Gil, Fletcher M. Green, and Dr. Arnold K. King.
- C. For the late Associate Professor Martin S. Wallach: Professor Mary Gill Clarke, Chairman; Professors Marilyn Erickson and Ronald Fox.

II. Professor Dougald MacMillan, for the Committee on University Government, presented a proposed amendment to the Faculty Legislation on procedures for electing a Secretary of the Faculty, to be acted upon at the next meeting of the General Faculty.

MOVED: That the Faculty Legislation on University Government be amended by 1) Deleting Section 1, B, the second sentence of the second paragraph ("The nomination and election of the Secretary of the Faculty shall be conducted in the manner now provided for the election of the Chairman of the Faculty."); and 2) Replacing it with the second sentence of the following, making the paragraph read:

"The Secretary of the Faculty shall serve for a term of five years and shall be eligible for re-election. The Advisory Committee shall nominate one member of the Faculty to the Faculty Council, which, after opportunity has been given for nominations from the floor, shall proceed to elect a Secretary of the Faculty."

III. In executive session the Chancellor recounted all the facts of the Paull case as he knew them, without passing judgment. He first learned of the case at 3 o'clock Monday, October 18, and his personal knowledge was from 3:30 on. At 3:30 he received a telephone call from Mr. Beard of TV station, Channel 5, Raleigh, saying that he planned to give a report on the 6 o'clock news. The Chancellor knew nothing of what Mr. Beard was asking about. He then learned from the Provost, Mr. Holman, what had happened since the previous Friday, October 15, and asked Professors Raymond Adams and W. A. McQueen to join him in his office.

Following are the facts as reviewed by Mr. Holman: On Friday, October 15, President Friday informed Mr. Holman that he had received word from Channel 5 that three parents had complained about an assignment in an English class--

BBF708

a theme on how to seduce a woman. Channel 5 did not reveal the name of any instructor but said that it was in a class in which there were five girls and an unnamed number of men. (The Chancellor expressed regret that frequently news media have information before the University receives it. The University, however, cannot quash inquiries.) Mr. Holman called Professor Hollis and it was agreed that the English Department would explore the matter. Effort was made Friday afternoon to identify the English section or sections and the instructor or instructors involved. All instructors questioned denied that there was anything to the story. It was concluded that the matter had been adequately looked into and that there was nothing to the charges.

Mr. Beard of Channel 5 called about the middle of the day Monday and it was reported to him that the inquiry had showed that the charges were foundationless. Mr. Beard then asserted that the following had taken place Saturday morning: that Mr. Michael Paull had dismissed his class after several themes had been read, which he felt showed a misunderstanding of the assignment. On Monday afternoon the Chancellor asked Professors Holman, Adams, McQueen, and Morrow to look into the matter further. Their meeting lasted until after the Monday night news broadcast. (The Chancellor expressed the wish, in retrospect, that he had not associated any one in the administration with the inquiry.)

Tuesday noon Mr. Holman reported to the Chancellor the group's recommendations. On Tuesday afternoon the Advisory Committee met and advised the Chancellor that he follow these recommendation, which he did. These involved suspending Mr. Paull from his teaching duties and assigning him to other duties. Tuesday night was a troubled one in which the Chancellor assessed all pertinent factors in the case. On Wednesday and Thursday the Chancellor discussed the issues with the President of the Student Body, a graduate student committee, the executive of the AAUP, and Professors Adams and McQueen. On Friday, October 21, the statement was issued which remanded the whole matter to the English Department for investigation and disposition. The Chancellor asserted that the matter was fully in their hands. Subsequently he discussed the matter thoroughly with the investigative committee set up by the English Department and also again with the Advisory Committee. The Chancellor stated that he originally had followed the advice of the Holman Committee because in the light of all the facts available at the time it appeared to be the best solution.

To Professor Nash's question as to why in remanding the case to the English Department the instructor was called a graduate student rather than an instructor, since as an instructor he is serving as a faculty member, the Chancellor replied that all questions were now in the hands of the English Department and suggested that there needs to be further study of the role of the graduate student instructors in the University and of their status as instructors.

Professor Corydon Spruill made a statement (no action taken) about general questions raised in discussions of the Paull case. The statement is attached.

The meeting adjourned at 4:45 P.M.

Clifford Lyons
Clifford Lyons
Acting Secretary of the Faculty

41
49

General Questions Raised by the Current Discussion of the Case of Mr. Paull

A. There is substantial agreement on some of the essential considerations.

1. Reasonable security of tenure is a condition of academic freedom.
2. The tenure of a teacher (who has tenure) extends throughout the period of his appointment. (University Code of 1965, p. 39.)
3. Change of the terms of appointment or termination of employment of the teacher within a period of tenure and without his consent should be in accordance with established procedure which is generally understood and which assures him full and fair hearing and consideration.
4. The body hearing appeals from intended suspension or dismissal should be a committee of the faculty, preferably a standing committee, elected "on the basis of their objectivity and competence and of the regard in which they are held in the academic community." Statement on Procedural Standards in Faculty Dismissal Proceedings, "AAUP Bulletin, March 1964, p. 70.)

B. With respect to other questions, there are significant differences of opinion.

1. Does an instructor, part-time instructor, or graduate assistant who is "an active candidate for a graduate degree" (University Code, p. 37) have any element of faculty tenure?
 - a. A prominent passage in the University Code (p. 37) is subject to conflicting interpretations.
(Note: Chapter IV of this Code, "Academic Freedom, Tenure, and Academic (Due Process," pp. 36-42, was drawn up by an all-University Faculty Committee under the chairmanship of Dean Brandis, was adopted by our Faculty Council on February 7, 1958, and was approved by the Board of Trustees.)
 - b. A recent official letter from the President of the Chapel Hill Chapter of the AAUP stated that, under the principles and standards of the national Association, the guaranties of tenure apply "to all classroom instructors, whether or not they are degree candidates; whether or not their appointments are only for a one-year term; and whether or not the salary is continued after the instructor is removed from the classroom." (Letter of October 22, 1966 to Dr. Raymond Adams from Dr. Carl W. Gottschalk, President, University of North Carolina Chapter of AAUP on behalf of the Executive Committee.)
 - c. May the University's letter of appointment of a junior member of the instructional staff have the force of a contract, expressed or implied, which establishes for him some measure of faculty tenure during the period of his appointment?
2. Does transfer of a classroom teacher from teaching duties to other duties without his consent involve the question of tenure?
If it does, do those procedures apply which are provided in the University Code for cases of suspension with notice of "intention to discharge"?
3. If any member of the instructional staff having tenure is suspended from his assigned duties with or without notice of the "intention to discharge," and if he requests the hearing provided in the University Code, does he have the right to continue in his assigned duties until the consideration of his appeal has been completed and a decision has been reached?
 - a. The University Code does not appear to establish this right. (pp. 39, 42)

B. 3. (Continued)

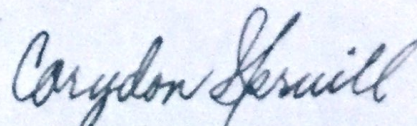
- b. The "Statement on Procedural Standards in Faculty Dismissal Proceedings", which was approved by the AAUP and the Association of American Colleges in their annual meetings in 1958, includes the declaration that "Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance."
- 4. At what stage of the proceedings involving a person having tenure should a public statement be made and in what way should it be made?
 - a. The University Code (p. 41) and the AAUP-Association of American Colleges' "Statement on Procedural Standards ..." *seem to be generally consistent in favoring minimum publicity until the proceedings are concluded. (*p.71)
 - b. Both statements are general and are qualified. Thus, differences in essential details of practice may seem to be authorized.

C. Comment

The formal regulations establishing procedures for suspension, dismissal and appeal are and can be only partial expressions of our concern for both the integrity of the University and the rights of the individual members. Sometimes these elements of concern seem to be in conflict. When they are in conflict, the Administration and the other members of the Faculty must weigh the claims of (1) the continuing human values associated with the institution and (2) considerations of fairness and generosity to an individual member.

In the present case, partly because of the special difficulties immediately involved, the lack of clear precedent in recent memory, and fundamentally different ideas about appropriate procedures, there are serious handicaps in the way of clear understanding and wise action. I believe that the Department of English is making an earnest attempt to overcome these handicaps and that the Chancellor is giving the Department his full support in this endeavor. I believe that in any further consideration and action which may be necessary the Chancellor, who, by the nature of his office and under University regulations, has an inescapable responsibility, will continue to be mindful of the integrity of the University and, in the way that this consideration permits and requires, he will do his utmost to act fairly and generously.

A lesson from the present experience is that there might well be a systematic effort (1) to clarify the procedures governing suspension, dismissal, and appeal, and especially those affecting junior members of the instructional staff, and (2) to provide, in so far as possible, for general understanding and observance of these procedures. Accordingly, I propose that at an appropriate later time the Administration and the Faculty give consideration to means of providing the clarification and promoting the general understanding.



Corydon Spruill
November 4, 1966