

Strong academic qualifications in teaching and research, as well as significant administrative experience are essential. Candidates also should have demonstrated broad educational leadership and an ability to work effectively with the constituencies with whom the provost must work--including trustees, faculty, students, staff and alumni.

The position will be available June 1, 1978. Nominations and applications (including curriculum vitae) should be sent before Dec. 8, 1977 to

Professor O.T. O'Meara
Chairman, Provost Search Committee
Post Office Box 398
University of Notre Dame
Notre Dame, Ind. 46556

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President's Address to the Faculty

(Following are excerpts from Rev. Theodore M. Hesburgh, C.S.C.'s address to the faculty on October 10 dealing with the management of computing services and with his establishment of faculty ombudsman. Also reprinted is the text of a letter sent to President Carter which Fr. Hesburgh referred to in discussing the Bakke case during his address.)

Remarks on Computing

Among the many recommendations of the University Committee on Priorities were several with respect to computing in the University.

COUP urged the establishment of a review team charged specifically with determination and assessment of needs, use and controlled growth of an optimal configuration on this campus.

A little more than one year ago we received the report of a three person review team.

The report addressed roughly three major aspects: (1) hardware and software; (2) budgeting and the allocation of resources; (3) the organization and management of computing in the University.

Shortly after receiving the report, it was distributed to the 30 people with whom the reviewers had met on their several visits to the campus. That group included faculty users in instruction and in research, administrative users, the librarian, the Notre Dame Information System group, the comptroller, the director of the Computing Center, the deans and the officers of the University.

I asked for reaction and comments from those who received the report. Concurrent to this activity, we explored and finally executed a third party purchase--lease agreement on the main computer, with the first opportunity for major change in June 1980.

In the last year, the commentary received from the faculty and administrative users, together with the report, has been the subject of several discussions by the officers of the University.

This year we plan three actions. One of these--indeed in my mind, perhaps the most important among them--will be the establishment of a University Committee on Computing.

The committee will be composed of 12 individuals (eight faculty and four administrative users) normally appointed for terms of four years and eligible for reappointment. Chief among its functions are to formulate recommendations on general policy, budgetary and technological decisions pertaining to computing in the University; to interact with the director of the Computing Center; to form a communication link with others who are using the computer for teaching, research and administrative functions; and finally, to serve as an advisory group to the Executive Committee for Computing.

The Executive Committee for Computing will replace the long standing Executive Board for the Computing Center. This committee will consist of the associate provost, the vice president for business affairs and the vice president for advanced studies. This group will be charged to receive and act upon the recommendations of the University Committee and in so doing, to formulate policy for computing and information systems in the University.

The configuration I have described is close to the second recommendation of the COUP Committee.

The business of computing in a University and of the development of information systems utilizing computing is one that requires enormous coordination and planning. If we have learned anything from this review, we have learned that computing and information systems cannot be run out of the hip pocket of some already over-taxed administrator. Accordingly, we are currently searching for an individual who will be a member of the provost's staff and who will be pivotal to the activity of the committees, the information systems group and the director of the Computing Center.

No one in higher education today can fail to recognize the importance of the computer as a fundamental tool for use in all disciplines, in the class room, in scholarly work, and in the operations of the institution itself. We expect that the usage in teaching, research and administration will grow with time. And we need to plan for that growth and for the best allocation of computer resources, just as we must plan for the use of other resources in the University.

The management organization that I have described will involve the various users and the administration as a team to face some particularly important questions for the entire University.

Ombudsman

With your indulgence, I would like to experiment with something new this year, an office of academic or faculty ombudsman. I wish I had a better title for the function, but it seems that foreign words persist in our language precisely because we do not have an English equivalent.

The office of academic ombudsman is a one-year experimental attempt to introduce an element of informality, flexibility and suppleness into the academic administrative system of the University. It is not intended to substitute another layer of administration or to by-pass the administration already in place. The ombudsman is essentially a mediator who stands between two persons who might find it difficult to do business with each other. The ombudsman must preserve essential confidentiality for both sides, while acting as a go-between. This does not mean that the ombudsman is neutral. He or she must speak for the person requesting assistance and his or her problem to the appropriate administrators: chairman, dean, director, provost or President. He or she must always have easy, prompt and confidential access to the administrator, and must essentially hear fully both sides of the question. I assume that neither administrators nor faculty enjoy being difficult. Each is trying to do what is proper as is seen from each point of view. Ultimately, there must be a solution to each problem, and it rarely pleases everyone involved.

On occasion, the ombudsman may decide that the petitioner is wrong and should frankly tell him or her so. The ombudsman may decide as well that the administrator is wrong and clearly tell him or her so. The ombudsman may judge that both are wrong and state that to each frankly. The ombudsman, as a go-between, should facilitate solutions, although he or she has no power to solve. The ombudsman should be open, persuasive, courageous and patently honest. The ombudsman cannot work miracles, but hopefully, his or her presence should persuade everyone that all efforts are being made to make the system work, when for many intangible and personal reasons it seems to be stated or too difficult to engage. The ombudsman, as a friend and confidant of both sides, should be a force for peace and for the kind of good human relations that inspire morale in any human organization. The ombudsman will not always be successful from everyone's point of view, no one is, but his or her presence should persuade all that an honest effort is being made to avoid frustration, misunderstanding, ill-will, or anything else that harms the spirit of an organization. At least, it seems worth a try. If it is deemed helpful at the end of this academic year, it can be continued.

Let me illustrate how I would hope this could work. Professor X has a problem with Dean Y. It has aggravated their already not too cordial relationship which may indeed be quite simply a result of bad chemistry between them. Professor X believes that he has a legitimate gripe, but cannot bring himself to state it easily to Dean Y. So he gets frustrated and it affects his good performance on many fronts, even at home. Fortunately, one of the ombudsmen he finds agreeable and easy to approach. He simply unloads his problem as best he can. The ombudsman listens, maybe asks a question or two for clarification, and having as clear as possible picture of the problem approaches Dean Y. The dean explains his judgment of the matter, indicating any element of confidentiality that cannot be expressed publicly. Then the ombudsman, possessed of the full picture from both sides, must after reflection tell both sides how the rightness or wrongness of the situation appears to him or her. Hopefully, both parties will be guided by this presumably good advice, although both are still free to do what appears to them best. One would hope, though, that both parties will be guided by counsels of peace, which may indeed require an adjustment on one or generally both sides. Thus, whatever the ombudsman is, he or she is essentially a partisan of understanding, good will and peace. As I have tried to describe this activity, I was struck with its similarity to a former activity of mine, namely marriage counseling, where understanding and peace is the only desired outcome. Certainly, it is worth a try and I trust that all involved will give it a fair chance of success.

I am grateful to John Fitzgerald and Elizabeth Christman who have agreed to act as Ombudsman this year.

Letter to President Carter on Bakke Case

September 10, 1977

Honorable Jimmy Carter
The White House
Washington, D.C.

Dear President Carter:

The case of *The Regents of the University of California v. Allan Bakke* is about to be considered by the Supreme Court. For all of us in higher education who consider its issues, it is a hard case, and, as Justice Holmes said, hard cases make bad law. Whatever the court does, the position of the administration on the issues in this case is crucial to the future of education in this country. Permit me to suggest a position that might be taken by the administration which would represent both a benefit to education and a forward step in jurisprudence.

The position which I suggest must be prefaced by the following remarks. This case has a potential to be a no-win situation for the education of members of minority groups. A win for Bakke would do irreparable damage to the momentum of affirmative action programs nationwide and cause the opponents of such programs to push for their total abandonment. A win for the university, unfortunately, might be interpreted as a recommendation for quota systems. Quota systems not only have a bad history of being misused for purposes of discrimination, but are demeaning to minority groups and often do not result in the selection of the best qualified minority students. In most instances, the establishment of fair goals for minority admissions and a reasonable adjustment in standards of admission to achieve these goals are preferable to quotas. Thus, I suggest the following principles be part of the Administration's position:

1. A major educational need in establishing admissions policies is to achieve a diversity within the student body and wide opportunity for leadership training, so that a broader based learning environment will be available to all students and faculty;
2. Giving consideration to an applicant's race is relevant to this diversity, as are such matters as grades, test scores, economic and social background, and leadership experience;

3. The purpose of affirmative action programs for university admissions is not to discriminate against majority applicants, but to achieve the diversity of student body necessary to increase the quality and equality of teaching and learning for all students and to provide a diverse group of future leaders for this country;
4. Preferential admission programs, therefore, not only have a rational relationship to a legitimate governmental objective, but serve what the courts have called "a compelling state interest" (as recognized in Bakke by the Supreme Court of California);
5. If a school's educational goals, in reference to diversity and to training for leadership, are to be reached, affirmative action programs must vary from school to school and from program to program, based upon circumstances, the heritage, and the aspirations of each school;
6. It seems to me to follow that the method for accomplishing particular goals should be left in the broad discretion of each school's authorities--they are in the best position to judge the most effective means for serving their school's vision and in this way serving "the compelling state interest";
7. Quota systems should be used only when a school determines that a quota method best fits its educational needs; thus quota systems should remain as a less desirable option available for admissions, but should probably be discussed. In fact, I believe that goals are almost always a better option than quotas, provided that goals are seriously established and frequently monitored by the institution itself;
8. The record seems to support the contention that the University of California's decision to use a quota system was a proper exercise of its discretion in fulfilling its educational needs. There is nothing in the record to support the California Supreme Court's conclusion that alternative methods could have been used to serve the "compelling state interest" in that case. If there is some suspicion that alternatives were available, the case should be remanded to consider further evidence.

The above is a short summary of the position set out in the brief of Columbia University, Harvard University, Stanford University and The University of Pennsylvania as friends of the court. The University of Notre Dame supported that brief; and I urge the administration to adopt its rationale.

Mr. President, there are four principles that I believe must be maintained if we are to avoid regression in educational quality and equality: 1) Preferential admission programs should be continued and intensified; 2) consideration of race in admissions is essential to educational goals; 3) affirmative action programs should only be imposed upon institutions which are found to be discriminating against minority group members, a rare case today; and 4) where an institution undertakes voluntary efforts to remedy the effects of discrimination in our society, the implementation of affirmative action programs should be left to the demonstrated good will and wisdom of each educational institution. The position of the administration in the Bakke case can do much to establish those principles.

With all best wishes for your continued leadership in this and so many other difficult matters, I am

Cordially yours,

(Rev.) Theodore M. Hesburgh, C.S.C.
President