

'Violations' in error, says Provost letter

by Don Ruane
Executive Editor

Provost James T. Burtchaell in a letter dated Dec. 15, 1972, stated that many of the alleged violations of due process in the Lewis Hall parietal case are in error, either totally or in part.

The letter was addressed to the rector of the hall in response to an eight point statement listing reasons for grave concern felt by hall residents. More than 50 per cent of all hall residents signed it.

Other than to say the first six points regarded questions of fact and were in some degree erroneous, Fr. Burtchaell did not discuss the points any further because "these are not facts the administration is free to discuss."

He asked the resident to "be aware that distortion and misstatement are inevitable when members of a community presume on the basis of partisan presentation of an incident that they are indeed acquainted with an objective account of the facts."

Briefly the statement's first six points were:

-complaints of unorthodox behavior should be reported to the rector before an outside authority is contacted.

-the security report was inaccurate, biased, and presumed guilt before giving the woman a chance to speak.

-the decision to expel was made solely on the report, without informing the woman of her rights, without consulting the woman or the rector, and without any defensive presentation.

-the supposed violation was more directly against the dormitory than the University and should have remained such an issue. Therefore the outcome was unjust and arbitrary, and should be appealed probably through the Advanced Students Committee.

-the residents' notion of due process is taken from the AAUP Student Disciplinary Guidelines and the current student manual which specify minimal rights to which they are entitled. Those rights were violated in this case.

-the still unspecified violation was given ex post facto treatment.

The last two points claim the punishment "unduly disproportionate to the situation," and that the University has "fractured its own ideals of humaneness and charity" as described in the preamble to the disciplinary code (*Student Manual*, p. 25).

Fr. Burtchaell, author of the preamble, said he was "indeed persuaded" they were preserved in the proceedings "to which many students are taking exception, but with which none are adequately familiar."

The Provost also declined an invitation by hall resident made Dec. 10, to visit the hall some evening before Dec. 15 to discuss the case. Vice President for Advanced Studies Dr. Robert Gordon, who made the original decision to expel, was included in the invitation.

The Provost declined noting University policy requiring confidentiality in all disciplinary cases.

Although the resident had difficulty delivering the invitation to Fr. Burtchaell, they spoke with Gordon before Dec. 15. Gordon agreed to relay the invitation, and the response, according to Rector Sr. Theresa Sandok, was that Fr. Burtchaell could not meet with them until after the holidays. No mention of the post holiday meeting was made in the letter.

Residents of Lewis Hall met several times to get information on the case. The first meeting drew 75 of 125 residents, but attendance at subsequent meeting dwindled.

Parietals talks held by student committee

by Mike Charles
Staff Reporter

The Advanced Student Affairs Committee held an open meeting last night in Lewis Hall to discuss the new parietals set by Dr. Robert Gordon for Lewis Hall. The new parietals were stimulated by the recent withdrawal of a Lewis Hall resident due to her violation of parietals.

The general feeling expressed at the meeting was that some systematic form of handling graduate violations should be devised.

The members of the Advanced Student Affairs Committee were Barry Wessels, Tony Polumbo, Michael Parott, Baha Zarak, Mark Ratkus and Finian Taylor. Sr. Theresa Sandok, Lewis Hall rector, and a few hall residents were also present at the meeting.

During the discussion the Lewis Hall residents present expressed their displeasure with the new parietals, they are now similar to the undergraduate parietals: noon to midnight during the week and noon-2 a.m. on the weekends.

As a whole the committee agreed that the graduate students should be allowed to regulate their own rules.

The major point made during the meeting was the necessity of a specified procedure when a regulation was violated. After some thorough discussion the general mechanism was something like this:

The case could be taken to either an appointed student body or a singularly,

designated person upon the discretion of the violator. If necessary, a fact-finding committee could be created. Also, the power of review would rest with some appointed administrative official.

This outline is only tentative and speculative. Specific details may be worked out later.

The meeting also covered the proposed rights of the violatee.

- Presumption of innocence.
- Right to council of choice.
- Right to confront accuser.
- Right of due process.
- Freedom from intimidation.
- Proportional punishment to violation.
- Right to remain silent.
- Public proceedings upon demand.
- Reversal by any reviewing authority in writing.

--Civil actions must be finalized before university can proceed.

--"Eminent danger to University community" refers only to physical violence.

--Punishment for only offences which are enumerated in writing.

--Voirdire right against members of a hearing board.

--Punishment will be suspended until after the final review of the case.

--Right to speedy proceedings.

--No action which is listed as a punishment will be imposed upon a student prior to judicial proceedings.

The Advanced Student Affairs Committee plans to present these items and their procedural process of violators to Dr. Gordon.

Notes seven procedure violations

Faculty leader backs Lewis grad student

by Don Ruane
Executive Editor

A faculty leader, at the request of the woman involved in the Lewis Hall parietal case, spoke with Provost James T. Burtchaell, after the woman had voluntarily withdrawn, in the hopes that the judicial process used might be reviewed and a hearing be conducted.

During the conversation, the leader noted seven points considered violations of due process and five conclusions reached by him and several other faculty leaders after reviewing the woman's version of the case.

The leader, Prof. Paul Rathburn who is also president of the local chapter of the American Association of University Professors (AAUP), said last night that the Provost was wise to give the woman the chance to withdraw, although he upheld the decision that she must leave the University.

If the woman had been expelled, she would have lost her educational visa, and would have been forced to return to Europe. Also, it would have made it almost impossible for her to enter the United States in the future.

The faculty leaders concluded that the due process was violated, and that the punishment was still unreasonably harsh. Rathburn orally noted the conclusions and the seven violations, which were:

Police in the hall without precedent, the rector was not consulted, and the authority of the housemother who took police to the room is questioned.

Security did not properly identify themselves.

Security failed to inform the woman of her rights concerning self incrimination and the seriousness of the complaint.

Security evicted the man on the basis of an anonymous phone call.

Security intimidated the woman.

Security filed a fallacious report. The administration used security without precedent, and provided no chance for an impartial hearing.

Rathburn agreed with the Provost that he may have been misled by the woman's report, but emphasized that he was asking only for a review of the process and decision, because of the lack of precedent in parietal cases (no male student has withdrawn or been expelled for a similar violation) and mitigating circumstances such as the alleged clumsiness of security and adverse publicity.

It is reported that the contents of the security report are well known throughout certain parts of the administration. Fr. Burtchaell was not available for comment for the second day.

The conclusions informally reached by the group are:

the spirit of the regulations is uncertain.

the woman deserves a hearing because of the lack of due process.

The hearing should be held quickly and privately in accordance with AAUP guidelines.

The hearing should concern lack of due process and the punishment.

Until the hearing is completed, the woman's student status should not be altered.

"It seems to me she had a right to that much," Rathburn said.

The woman contacted Rathburn because of his connection with the AAUP. He listened to her version and agreed to speak with the Provost. Although he consulted with other members of the local AAUP executive council, his action did not represent the AAUP and no official AAUP investigation was conducted.

Rathburn said last night that the AAUP will assist students when their academic rights have been violated, but it is not a common AAUP practice.

Farley and BP react in more than one way

Special feature on page 5

world

briefs

Paris--The United States and North Vietnam announced Wednesday that they would resume their private peace talks in Paris next Tuesday for the purpose of completing the text of an agreement. Administration spokesmen refused to elaborate on the joint statement beyond saying that the agreement has the "objective of stopping the fighting, ending the war and restoring peace." The announcement marked the first time the United States has acknowledged the existence of a draft agreement.

Washington--Senators Barry Goldwater and John C. Stennis, two of the Senate's strongest supporters of the Thieu government, warned that it would lose United States support if President Thieu blocked a peace settlement. To some colleagues their strongly worded statement indicated that President Thieu was presenting difficulties.

Fairfield, Calif.--Juan V. Corona was found guilty of murdering 25 migrant farm workers whose bodies were discovered buried near Yuva City, Calif. in 1971. The jury had deliberated for a week before finding Corona, a farm labor contractor, guilty of the murders.

New York--The Metropolitan Museum has quietly downgraded about 300 paintings formerly attributed to masters and attributed them to lesser artists. The reattribution involves some of the museum's most famous works formerly accredited to such giants as Rembrandt, Raphael, Durer, Van Eyck, El Greco, Rubens and Goya.

(C) 1973 New York Times

on campus today

- fri.
8:00 p.m. -- movie, klute, eng. aud.
- sat.
1:30 p.m.--basketball, nd vs. dayton, acc
- 8 & 10 p.m.--movie, to have and have not, cinema '73, eng. aud.
- sun.
8 & 10 p.m.--movie, to have and have not, cinema '73, eng. aud.

at nd - smc

Drama dept. sponsors internship

The cooperative Notre Dame-Saint Mary's College Speech and Drama Department will sponsor two high school girls for a two week campus residency program, from Saturday, January 20 through Saturday, February 3, 1973.

This program, "Project Real", is in association with the Beaumont School for Girls, Cleveland Heights, Ohio.

The two visiting students, Ann Carcioppolo and Ann Fissinger, will work essentially on the production of *After the Rain*, opens February 16, 1973 in Washington Hall, University of Notre Dame. "Project Real" is designed to help bridge the gap between theories of the classroom and practical application. The program helps to clarify the student's personal interests and vocational objectives.

It is the belief of this project that through direct experience students can most effectively learn about the various professions and the responsibilities of the people involved in them.

Under the supervision of Mr. Fred Syburg, instructor in the cooperative Speech and Drama Department, with the aid of the entire department, each girl will work on crews, attend theatre classes, and generally involve herself in the program, applying the skills and knowledge she has learned in school.

In addition, each student is required to keep a journal of her daily activities. The experience is expected to broaden her perspective as well as heighten her awareness of the relationship between the individual and the community.

An evaluation and summary, as well as the journal, are submitted by the student at the project's

conclusion. The evaluation and summary report states specifically what she has learned about the profession or the research in which she was involved. It also describes the extent to which she has been influenced by the experience and what effect it could have on her future directions.

ND gets AEC grants

The Radiation Laboratory on the University of Notre Dame campus has received two grants totaling \$1,222,000 from the U.S. Atomic Energy Commission as its annual support to continue research on the effects of radiation on matter.

Directed by Dr. John L. Magee, the laboratory is part of a system of AEC research centers seeking the basic knowledge necessary to support development of a civilian-controlled atomic energy capability. The modern research facility involves over 30 faculty from several University departments, 20 post-doctorals, 12 graduate students and a non-academic staff of about 45 people.

Scientists in the laboratory are primarily interested in learning more about the electron--the fundamental particle of electricity which is put to work in electric lights and television sets. Knowledge of the nature and behavior of the electron is also important to an understanding of

how radiation affects both living and non-living materials.

Honors club formed

Under the sponsorship of the philosophy department an undergraduate philosophy honors society is being formed at Notre Dame. It will provide a forum for those under-graduates who have demonstrated exceptional ability and interest in philosophical issues.

Nominations for membership will be made by philosophy professors and also professors of philosophy-related courses in other departments.

The faculty advisor of the society will be Dr. Gary Gutting of the Philosophy Department. The selection board will consist of Dr. Gutting, Dr. McKim, Dr. Brennan, Dr. Evans, Dr. Loux, Dr. Moore and Dr. Roos.

The society will ordinarily hold three public meetings per semester the focus of which will be a talk or discussion on a philosophical topic by one of our own faculty or an outside lecturer. These meetings will provide an occasion for philosophical dialogue

among the undergraduates in different departments with a common interest in philosophy.

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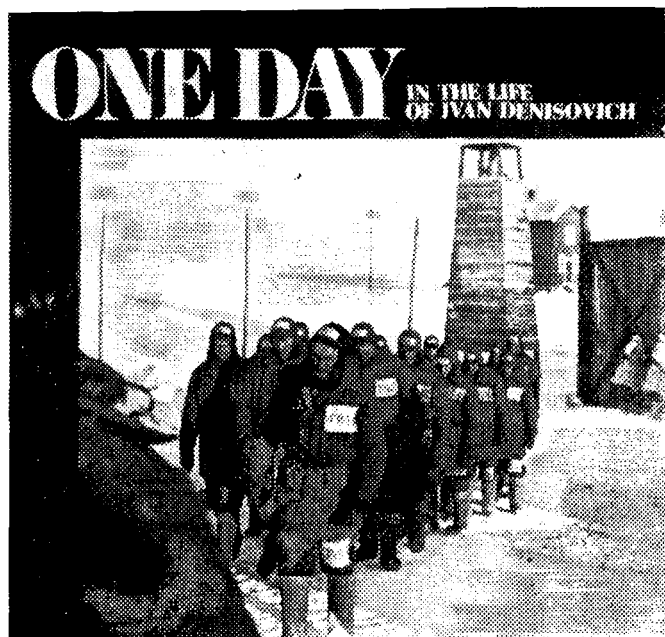
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Eight killed in Jabbar-owned house

(C) 1973 New York Times

Washington, Jan 18--Three adults and five children were reported killed late today in a shooting and drowning at a home Washington police said was owned by Kareem Abdul Jabbar the professional basketball star.

Jabbar, who was in Milwaukee with his team the Milwaukee Bucks at the time of the shooting told a Washington Radio station that the home was for the use of the community and said that it was a Muslim community.

The police said the three adults were shot to death and three children were found drowned in a bathtub. Two women were reported to be hospitalized.

There was no immediate explanation of the circumstances of the deaths and identities of

victims were not immediately known. A neighbor at the scene said that immediately after the shooting occurred at 5:30 P.M., a young woman came out on the front steps and said:

"I know who they are and they are going to pay for it."

According to sketchy accounts from the police a .38-caliber pistol was found at the scene. Neighbors reported seeing four men running from the house after the shooting.

The house, a three story brick mansion, was on a tranquil corner of upper 16th street at Jonquil Street in the district of Columbia not far from the Maryland border.

The neighborhood is referred to as the "Gold Coast." It is racially mixed and consists of large homes and a few embassies.

Neighbors said the house had been used as a headquarters for a sect of

the Muslims.

In his telephone interview with the radio station Jabbar, formerly Lew Alcindor, confirmed that the house was his.

Asked if he knew why the shooting had occurred Jabbar replied, "Lunatics, that's the only explanation."

He added, "It's my community and the home is for the use of the community."

Asked if he thought the shooting might be the result of a feud involving the Muslims he said, "No. I can only suspect lunatics."

Wayne Embry the General Manager of the Bucks said Jabbar told him he no longer owned the house. Embry added that he discussed the matter with Jabbar's attorney who said Jabbar had donated the house to the black Muslims. Jabbar said his wife

Habiba and Daughter (also named Habiba) were with him in Milwaukee.

Jabbar's father, Ferdinand Lewis Alcindor said from his home in Queens that the basketball star had donated the Washington home to the Muslims at the time he became a member.

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Urban Studies initiated at SMC

An urban studies program sponsored by the history, economics-business, sociology, and political science departments of Saint Mary's joins the list of interdisciplinary programs being offered at the college next semester.

According to co-directors Louis R. Tondreau (chairman, Political Science department) and Charles

Poinsatte (chairman, history department), the program was established out of the "overriding domestic concern of Americans in the 1970's whether or not our nation can arrive at a truly human environment for urban living."

By enlisting the joint efforts of the humanities and the social sciences in studying the urban problem at both the local and national level, the program will

aim toward an increased understanding on the student's part of the diverse factors which have shaped the urban environment. Urban life will be viewed from the vantage point of a variety of academic disciplines, particularly political science, history, economics, and sociology.

Students who wish to complete the program must meet the following requirements:

--the satisfactory completion of a major course of study in one of the academic disciplines at Saint Mary's.

--the satisfactory completion of four courses (12 credit hours) in at least two of the four participating departments.

Courses in urban economics, urban sociology, and urban history will be among the eight offered in the program, as well as two research and internship programs in government.

Students who fulfill the requirements will receive a certificate in urban studies which will be recorded on the college transcript.

Interested students may contact Tondreau or Poinsatte for additional information.

SLC plans discussion on black students' problems

by Janet Longfellow
Staff Reporter

The Student Life Council plans committee meetings for January 22 and 29 to prepare for the next hearing sessions on February 5 and 12.

The discussion topic, "Black Students at Notre Dame," resulted from a racial disturbance in Stanford Hall last semester. Through talks with Notre Dame black students, members of the SLC have acknowledged a need for an opportunity for them to voice their feelings about being black on a predominantly white campus.

Dr. Robert Ackerman, chairman of the Steering Committee, is setting up the hearing session to "provide a forum for sharing

experiences on what it is like to be black."

When asked his opinion on this as a topic for discussion, he said, "I have no reason not to be optimistic."

Out of a meeting with black students before the hearing, the SLC hopes to find what they wish to discuss, what kind of problems they have, and what they feel is necessary to change.

This will be this year's second SLC hearing. The first occurred before Thanksgiving vacation to discuss Room Picks. SLC members expressed hope yesterday that the attendance and enthusiastic rapport of the last hearing will indicate success for the coming session.



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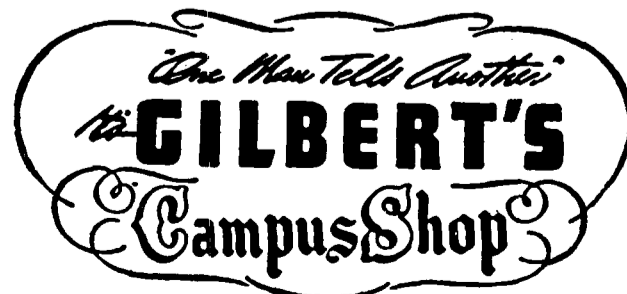
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Gordian Knot

On Lewis Hall

Ed Ellis

Friday, January 19, 1973

Daze of Our Lives

The recent incident at Lewis Hall reads like a script for Days of Our Lives or As the World Turns -- a vicious scandal that others will hear about and wonder, yet won't relate to themselves. It's like a work of hack fiction that no one will really take seriously.

One person has to take it seriously, for it will be a mark on her record for the rest of her life.

But one thing that won't show on her record is the mockery of justice that led to her withdrawal from the University. This mockery, which includes questionable actions of a security chief who has perhaps outlived his efficiency and blind groping of administration officials for a decision in an unprecedented case, will instead remain on the record of the University itself, a University whose officials hide behind "policy" to avoid publicity.

The Peter Principle

One of the two most blaring issues in the case is the direction the Security Department handled its end of the case. From the very start, its actions, which were personally handled by Director Pears, were not only highly questionable, but almost embarrassing for a university of Notre Dame's stature.

Acting rashly on an anonymous phone call (one wonders what Security would do in a flood of such calls), Pears failed to recognize any of the woman's rights through his failure to identify himself, state her rights, tell her if she was actually under arrest, notify her rector, or show her his report. He then heaped insult on the woman by intimidating her with another, earlier charge, suggesting moral turpitude that was unsupported by evidence, and actually insulting her to her face.

The point of the matter is: perhaps Pears has finally overreached his authority and efficiency. In other words, his Peter Principle hit just prior to this case, leaving him not quite competent enough to keep up with an ever-quicker changing college society. Perhaps it is time for the University to begin looking for a younger security chief, one whose outrage won't overrule his sense of duty.

Law and the University

The second, and perhaps more important, aspect of the case involves a good deal of bureaucracy and a good lack of thought: the process by which the woman found herself on the outskirts of duLac. The lack of due procedure which is the backbone of American life was missing. There was no trial, no defense, no real appeal; merely accusations (many of which were false, according to

the woman) and a pronouncement of guilt.

Granted, punishment of permission to withdraw is much better than outright expulsion, but total removal from the University was entirely too harsh. Banishment to off-campus living would have been much more appropriate and fairer. At least Fr. Hesburgh made a partial attempt of apology by his sympathy and letter of recommendation.

Why We're Here

Both issues raise the ultimate question of the amount of control the University should have over its students. Some control is necessary, of course, for the University is responsible for most students. But one wonders. Students are paying for education, not morals. The argument that the University is responsible for the total student therefore cannot reach into this area, especially in the case of students who are legally adults, such as the woman involved here. In this type of case, where does *in loco parentis* end?

The University cannot condone these incidents. Modern society has yet to reach that level. But to so totally condemn such actions is, on the other hand, a regression. The University cannot allow itself to go backwards; that's the best way to trip over its own feet.

Joseph Abell

Second Semester at the Movies

Remember the famous "wrenched connection" of last year? Well, Saint Mary's has just directed and produced another big one: Shaft.

In the coex confusion, SMC freshmen were not permitted to register for classes across the road unless they agreed to pay the exorbitant \$100 per credit hour fee. Which is fine--providing you've just won the Jersey State Lottery. (Who was it that said education is "priceless"?)

Now for the sequel: Shaft's Big Score. Those SMC frosh who considered price no object now don't have to pay the coex fee since only 1700 of the 3000 allotted credit hours are being utilized by Saint Mary's.

How nice. But not for freshmen who really wanted a Notre Dame course last December and couldn't pay for it. It's too late to add one now.

The rich grow academically richer, and the poor...well, I won't say it. But know what underprivileged means?

Maria Gallagher

Well, our crack Security Chief has finally put himself in contention for the Bummer-of-the-Year award, presented whenever necessary by the Philadelphia Boobirds Association, Inc. In fact, it is my humble contention that the man, with invaluable support from a University Vice-President, may even merit some sort of medal.

Think about it for a minute, or less, if possible. Arthur N. Pears, in one grandstand flourish of his fuzz badge, a) rid the campus of The French Menace, an insidious Protestant-Communist plot residing within the very shadow of the Dome, b) produced an official report of such lurid literary quality that, when produced on film, it will doubtless challenge "Deep Throat" and "Vixen" for longest-run honors, and c) showed himself to be a typical Notre Dame administrator, which is to say that he and the other folks over at the Dome have about as much sensitivity as an icy granite toilet seat.

Such a Triple Crown is no mean feat here in this land of mediocrity, and certainly deserves such recognition as the Bummer-of-the-Year award. However, we are shortchanging ourselves, I suspect, if we limit ourselves to a few sarcastic commentaries on *L'Affaire de Lewis Hall* like the above. Which is not to suggest that we multiply sarcastic commentaries, but rather that we allow our minds to absorb the finer points of what happened.

First of all, the image of Art Pears as Gestapo chieftain is no doubt rampant among those who read the *Observer's* front-page story yesterday. Many students will also recognize the event as a chapter from Orwell's *1984*, in which the protagonist and his paramour by a combination of telescreen and Thought Police are taken, scantily clothed, to their respective demises.

But really now, Art Pears is not a very Orwellian type. He could never head the Thought Police. He's much more the redneck grandfather. The truly humorous image in the story is that of the kindly and grandfatherly Pears drooling outside the poor girl's room as he prepares to make the first really big pinch of his career.

But there are more. Note the scholarly Dr. Robert Gordon, looking and sounding for all the world like John Connolly, but behaving like a third-rate Larry Zeigler no-commenting his way through his first press conference. A surprising performance for a man so experienced and distinguished as Dr. Gordon.

We cannot, unfortunately, exclude the Provost from our list of outstanding performers in this matter. Fr. Burtchaell must realize that more people on this campus shack up or have at one point shackled up than regularly attend church services (which says more, I suspect, for Notre Dame's Catholicism than it does for its social life). In any case, why did he choose to play Big Brother in none but this instance, especially when the victim was so obviously unfit to tangle with the Provost's wit and charm?

It is very strange indeed, especially since it comes amid rumors of one of those booze-broads-dope crackdowns that never seem to materialize. Rumors are also current to the effect that the Administration's incredible lack of finesse has left them open to a lawsuit by the Mademoiselle, a rumor which perhaps Mr. Faccenda can handle far better than either I or my colleagues.

Perhaps the most disturbing point of the whole episode is the official silence that has prevailed on the subject. Now few of us would argue that the private affairs of a young woman are the legitimate concern of the campus at large. But when this young lady has been so blatantly denied any sort of due process in the matter, when her own intelligence and that of the student body in general has been insulted by goon squad tactics, and when legitimate graduate school regulations are ignored by those who made them, then perhaps we are entitled to an explanation, despite some minor embarrassment to an individual in her position.

Somebody in our Administration has apparently behaved somewhat like an ass. Recriminations are of course unnecessary, but we ought at least to find out what really happened at The Great Panty Raid, and we should take steps to insure the future of human dignity at this school.

But then, if we can accept past performance as any sort of barometer of the future, we shall be forced to await the grand premiere of the Pears movie, "The Night She Gave Him Her Body."

the observer

doonesbury



garry Trudeau

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Doorway art

Announcement of next year's dormitory selections for co-education brought forth many different reactions from the residents of Breen-Philips and Farley. Some were verbal—and highly expressive—others took the form of posted notices, as you can see.

any female wishing to move in now and try farley on for size... please apply within for co-occupancy information

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COLLEGE SEMINAR	SEP	321	03	163244	02	HH4	56	337	C NOYALIS W	UN	
COLLEGE SEMINAR	SEP	321	03	163245	02	TT4	56	215	C BYRNE D	UN	
COLLEGE SEMINAR	SEP	321	03	163246	04	HH6	56	104	C HASLEY L	UN	
COLLEGE SEMINAR	SEP	321	03	163248	07	W10	56	102	C HELODY H	UN	
COLLEGE SEMINAR	SEP	321	03	163249	07	TH10	56	102	C MURPHY A	UN	
COLLEGE SEMINAR	SEP	321	03	163261	07	TU10	56	102	C MURPHY A	UN	
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SEM PLM EDUCATION	SEP	421	03	164100	04	TT6			C MUSTAL T	UN	✓
TEACH HUMANITIES	SEP	422	03	164260	07	S9			C VACCA R	UN	✓
FOLLOWING COURSES TAUGHT OVERSEAS											
COLLEGE SEMINAR	SEP	321AF	03	163390					C DOERING B	UN	
COLLEGE SEMINAR	SEP	321A	03	163490					C WIMMER A	UN	
COLLEGE SEMINAR	SEP	321R1	03	163591					C PICKARD E	EG	
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Messbarger: 'Procedures not followed'

Tenure controversy draws AAUP

by Mary Janca
Staff Reporter

Dr. Paul Messbarger, Saint Mary's professor of English, whose appeal for tenure was refused earlier this school year, is now seeking the intervention of the American Association of University Professors (AAUP). "Both I and the local chapter were all along reluctant to involve any parties outside the college, and we had done all we could to seek a review and a reversal," Messbarger stated.

Messbarger was contacted before Christmas by AAUP official Dr. Jordan Kurland, who said that he had been through all the materials, offered his assistance, and thought that there were sufficient grounds to involve the national office.

"By the time he called," said Messbarger, "I had given up hope of any kind of internal resolution."

Kurland has since sent a letter to Dr. Edward Henry, President, stating that he will "inform us of his actions," added Messbarger.

Messbarger said that he could find no reason why he was not granted tenure.

"The criteria for tenure that's published in our faculty manuals lists such things as teaching competency, scholarship, and service to the community. And on all three scores, I was clean.

"My department gave me the highest recommendation. I had just published a book, and I had been nominated by the college last spring to receive an award from the National Endowment for the Humanities, which I subsequently won ... I was promoted last spring and I did a fairly decent job in the classroom, plus I chaired the English Department for three years."

He contends that the tenure procedure needs reforms, and feels that "There will be some changes, partly because of this experience."

Currently, the Rank and Tenure Committee, composed of three faculty and two administration members, reviews each candidate eligible for tenure and forwards their recommendation to the president. He in turn can either accept or reject their proposal.

However, the candidate has "no way of knowing who decided, and it's a terribly closed circuit.

There's no way to penetrate it to find out reasons, to get at the evidence, or even know who made the main decision," he stated.

"The AAUP is on record for calling for major reform of that system," Messbarger continued.

"I raised questions about the tenure decision and asked for a review, not because I'd been turned down and not because the procedures themselves had been bad, but because they were not followed," he explained.

Following the break-off of the merger, the Rank and Tenure Committee immediately began setting up their appointments with every department and holding hearings, began Messbarger.

"At the time, the Saint Mary's Board met and said 'We are not going to issue any promotions or tenure for a year, and those people who were to be considered for tenure will have to be let go,'" he said.

Despite this decision, the committee continued its hearings and reviews. Consequently Messbarger, in a letter to the president, requested that those faculty members who were reviewed and were to be let go be sent out with a letter of recommendation stating that "they had stood the review favorably." This, Messbarger continued, would assure them of a new employer. ployer.

The issue was renewed before the Board by college president Sr. Alma Peter when they met again.

"She wrote back and said, 'I'm sorry to tell you that the moratorium has been sustained...., but we are able to meet your other recommendations. Those people who were favorably reviewed by the Rank and Tenure Committee will be so notified,'" Messbarger recalled.

Certain faculty members received letters, he continued, stating their credentials indicated that their case should be reviewed in the fall. Not getting the response he had requested, Messbarger proceeded to write another letter. At the time, however, Dr. Henry

became president, and responsibility for granting tenure was his.

Messbarger did not consider his job to be in any danger, and had thought that "if you got one of those letters, that meant that the moratorium was lifted and you had tenure."

However, this was not true, and Messbarger was denied tenure.

"By the time you've been at an institution for seven years you must be judged for tenure if you wish to remain," he explained. Those who do not wish to be reviewed must leave. As he was not granted tenure, Dr. Messbarger also will not return to SMC, yet he said that he still does not know where he will go.

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ND Student Union joins national organization

by Dean Mayors
Staff Reporter

The University of Notre Dame has joined the Association of College Unions - International, according to Dr. Robert Ackerman, Director of the Office of Student Activities.

The ACU-I consists of approximately 900 schools in the United States, Canada, and Australia.

Its primary purpose, according to Ackerman, is to improve the services which a student union can provide to college students. He added that the organization consequently serves as a clearinghouse for information on student unions.

Ackerman commented, "The ACU-I will serve as a source of ideas from other colleges. Through its committees we can find out how other colleges keep their students entertained."

The ACU-I headquartered in Stanford, California and sponsors an annual international conference as well as several regional conferences. It specializes in seminars and training programs in college union operations and

coordinates such activities as tournaments in bowling, billiards, bridge, and chess.

The charter of the ACU-I states that the student center should be the "living room" of the college, providing "services and conveniences that the members of the college family need in their daily life on the campus." According to Dr. Ackerman, such "services" can be implemented at Notre Dame through membership in the ACU-I because "the ACU-I can help in the designing, building, or remodeling of the student center."

Some colleges, according to Jay J. Kane, Assistant Director of the Department of Information Services, have student unions which contain student bars and have facilities for movies and dances. "Notre Dame can learn how to make such ideas a reality through the ACU-I," Kane commented.

Dr. Ackerman stressed the two-way nature of the ACU-I. "While we will at first receive many ideas from associate members of the ACU-I, we hope to someday reach the point where we will be able to channel information back into the organization," he commented.



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12:15 p.m. Sun. Fr. William Toohey, C.S.C.

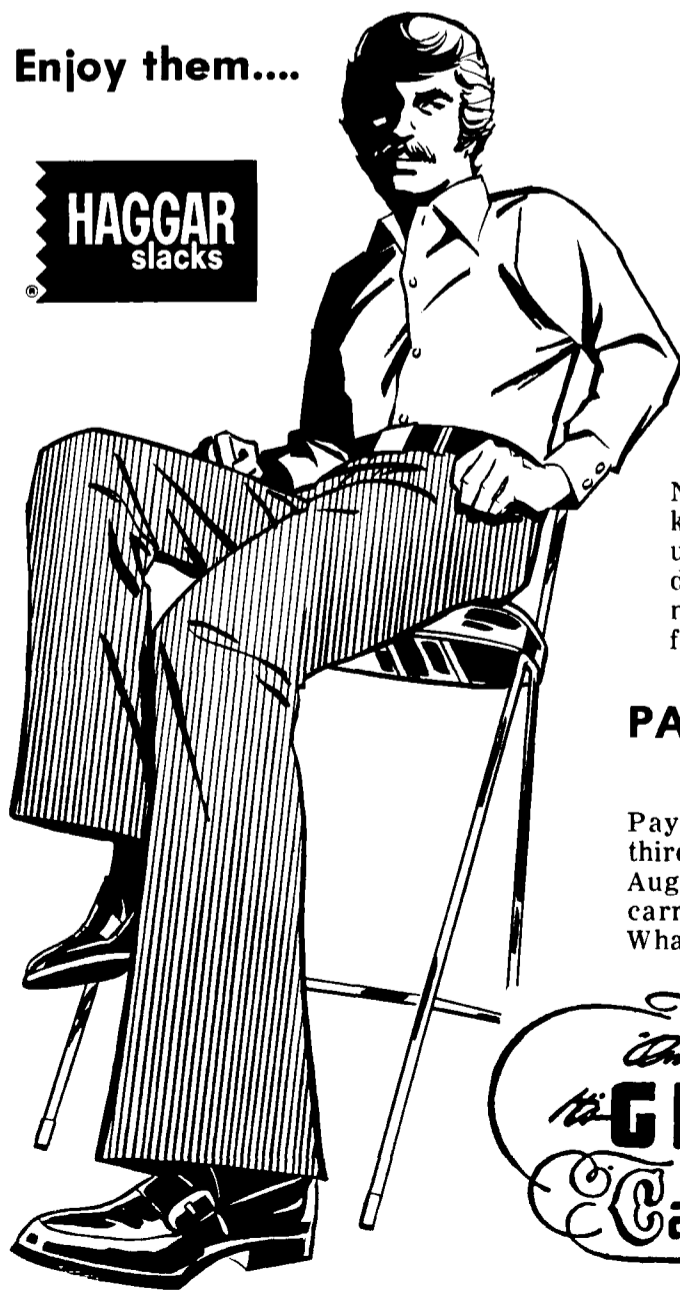
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ON THE CAMPUS . . . NOTRE DAME

Icers battle Mich. Tech for 8 pts.

by Stan Urankar

Going on the road is a hazard for every team in the Western Collegiate Hockey Association, but coach Lefty Smith's Notre Dame icers will have more than that on their minds this weekend when they face the perennially rugged Michigan Tech Huskies in a crucial eight-point conference series.

The Irish are working on a five-game league winning streak that dates back to that big win over Denver last December 9th at the ACC. This consistency within the WCHA is good for a fifth place showing via an 8-6 record (10-10 on the season) and 18 points.

Tech, however, is only a minor part of one of the most important stretches of the 72-73 campaign. Following the series in Houghton, Notre Dame returns home for

consecutive weekend battles with league-leading Michigan State and fourth-place North Dakota, the latter still another eight-point tussle.

"These next six games will determine whether we can expect to make the playoffs and even if we are in contention for the top

position," says Smith. "But doing well in this series at Tech is the key to it all."

Junior Eddie Bumbacco continues to give fits to opposing goal tenders. The left winger from Saulte St. Marie currently tops Irish point-getters with 46 on 25 goals and 21 assists. Ian Williams

OBSERVER SPORTS



Irish goalie Mark Kronholm faces a stern test this weekend as Notre Dame meets Michigan Tech in an important 8-point series.

all scorers with 26 points and frosh sophomore winger, whose 17 assists leads the squad in that department, will be watching in street clothes due to a game-misconduct received for fighting last Saturday at Duluth.

Tech will be without the services of playmaker Bill Steele in tonight's opening game. The

ND fencers open Saturday

by John Fineran

"This first weekend will tell us an awful lot," admitted ND fencing co.38-15like DeCicco, and he wasn't exaggerating. No one will really know how badly graduation losses have hurt the Irish until after Saturday's Quadrangular Meet against Indiana, Purdue, and Chicago Circle in the A.C.C. Auxiliary Gym at 1:30 p.m.

DeCicco, starting his twelfth season as Irish coach, will field his most inexperienced squad to date at du Lac, and he is particularly worried about the teams' prospects, especially in Sabre Competition. Ron Sollitto, an assistant this year, and Matt Fruzynski, DiCicco's one and two men last season, left the team after posting 100 wins between them in the weapon, and the burden for the Irish Sabre success now rests on the shoulders of tri-captain Dan Mulligan (twenty victories last year), Roy Seitz and Mike Lyons.

DeCicco is optimistic, however, saying, "Roy learned a lot last year and hopefully this will make him better. Mike has the quickness and desire to be a good sabre man, and I think he is ready to make his move. Last year, we said the same thing about Ron and Matt. They kept us in many meets, and I think the boys, especially with Ron helping them, will come through."

In the epee, Mike Matranga will serve as tri-captain after finishing 34-8 last season. DeCicco calls his talent in this weapon "experienced" with John Lauck, North Carey, and Rick Waugh providing it. The coach also feels

that competition this season will favor his epee-men, as other teams have graduated many talented fencers in this weapon. Tim Taylor, who graduated last season after going 38-15, also returns as an assistant to DeCicco in the epee class.

DeCicco feels the strongest weapon for the Irish this season will be the foil. Tri-Captain Mike Cornwall, Tom Coyle, and Jim Mullenix all return, and each is fighting to establish himself as number one in the weapon. DeCicco feels this competition is good. "The three have this competition going and it can only make them stronger," he feels. And, the Irish will probably face their strongest competition in this weapon, with Illinois, Wayne State, and Detroit all returning excellent fencers.

DeCicco, after last season's 19-2 mark and eighth place in the national rankings, now stands 183-27 for eleven years. He is proud of his team ("The kids are working hard"), and he feels Notre Dame again will have a winning season. He is particularly happy to have Sollitto and Taylor helping him. He realizes the personal sacrifices each is making and says, "Any success we have this year will be the result of those two guys."

The team faces another tough schedule, with Ohio State, Illinois, Wisconsin, Wayne State, Detroit, and Wisconsin -Parkside providing the toughest competition for the Irish, yet when DiCicco says, "We'll win our share," he says it with such confidence that you know Notre Dame will win more than its share.

and John Noble are next in line with 30 and 27 points, respectively.

Most pleasing to Smith, though, is the balanced scoring production throughout all three lines that has been desperately needed since early in the season. Larry Israelson and freshman Dave Howe each came through with three goals in last weekend's sweep of Colorado College.

The Huskies won't be playing dead, despite their seventh place ranking and 6-5 conference mark. Tech has lost just once in eight non-league games which include a pair of wins over Bowling Green and second-place showing in the Great Lakes Invitational Tournament.

Lately, things haven't been that good in Houghton. Coach John MacInnes' squad is saddled with the burden of a three-game losing streak, the last two coming at the hands of Minnesota-Duluth, a team that had never before swept a two-game set with Tech.

Goaltending is the Huskies' biggest strength with Rick Quance, freshman Jim Warden, and former All-American Morris Trewin combining for a 3.7 goals against average. Quance, a junior from Toronto, has been the best so far, sporting a 2.8 mark in six games.

Six different players have better than 20 points, and four of those have chipped in with at least ten goals. Captain Graham Wise leads

WCHA STANDINGS

	W	L	T	Pts	Pts Lost	Pts Remain
Michigan State	9	2	1	29	7	36
Denver	9	5	0	26	14	32
Wisconsin	11	4	1	25	11	36
North Dakota	10	5	1	23	13	36
Notre Dame	8	6	0	18	14	40
Minn-Duluth	8	8	0	16	20	36
Michigan Tech	6	5	0	14	14	44
Minnesota	3	8	3	11	25	36
Michigan	3	13	0	8	28	36
Colorado Col.	1	12	0	2	26	44

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Irish seek .500 level vs. Dayton

by Vic Dorr

When the University of Dayton's basketball Flyers make their appearance in the Athletic and Convocation Center tomorrow afternoon, they will be in much the same position that Notre Dame's cagers were in only a week ago.

It will be the luckless Flyers, not the Irish, who will be seeking a streak-stopping victory, and Notre Dame, not Marquette, who will be trying to add to a consecutive-win string.

The Irish are still years away from Marquette's at-home record, but Coach Digger Phelps' squad has won four games in a row, and a win over the young ND team would be a sorely-needed tonic for Dayton. The Flyers will come to

South Bend with a losing record—they are 5-8—but UD's most recent setback was a one-point loss to nationally-ranked Louisville, and several other Flyer losses have come at the hands of big-name powers such as Michigan (81-78) and Alabama (77-76).

The plus side of the Dayton ledger includes wins over Doug Collins' Illinois State quintet (81-75), Auburn (106-63), and Xavier—a future opponent of the Irish (98-82).

Inconsistency has plagued Coach Don Donoher's club throughout the 1972-'73 campaign. Against Xavier's Musketeers, earlier in the season, the Flyers put on a brilliant first-half shooting exhibition—77 percent from the field—and coasted in to any easy win. Just last Saturday, though,

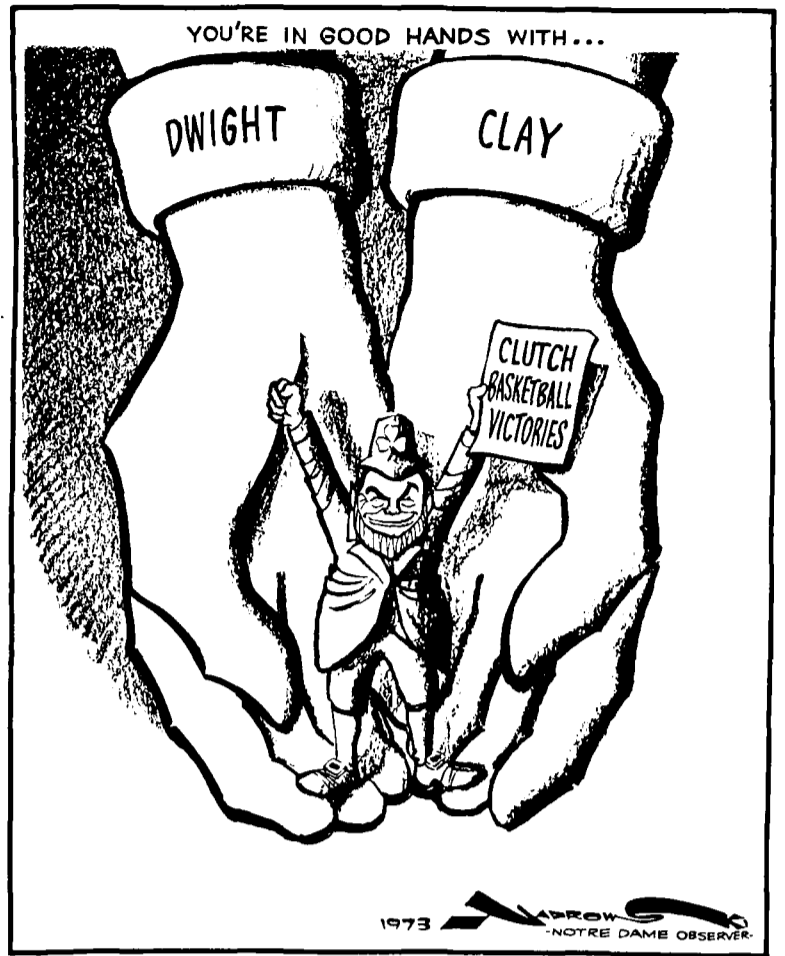
Dayton did little offensively or defensively against unheralded Old Dominion University, and lost 77-72.

But the Flyers, should they have an "on" day tomorrow, will give the Irish all they can cope with. The toughest UD player for Notre Dame to handle will likely be Donnie Smith, a 6-0, 155-pound junior guard. Smith, who is touted by the Dayton athletic department as being a sure All-American condidate, was averaging 25.9 points a game prior to Wednesday's game with Louisville, and he has been the brightest part of Dayton's disappointing cage season. Two weeks ago, in a losing effort to Eastern Kentucky, Smith tallied 34 points. And last week, in the Flyers' romp of Xavier, Smith pumped in 15 field goals and two free throws—all during the first 20 minutes of play.

Joining Smith in the Flyer backcourt is 6-5 Mike Sylvester (15.6 ppg), a converted forward. Sylvester, like Smith, is a co-captain this year, and the two of them are such steady performers that Coach Donoher has rated his backcourt as the strongest part of his team.

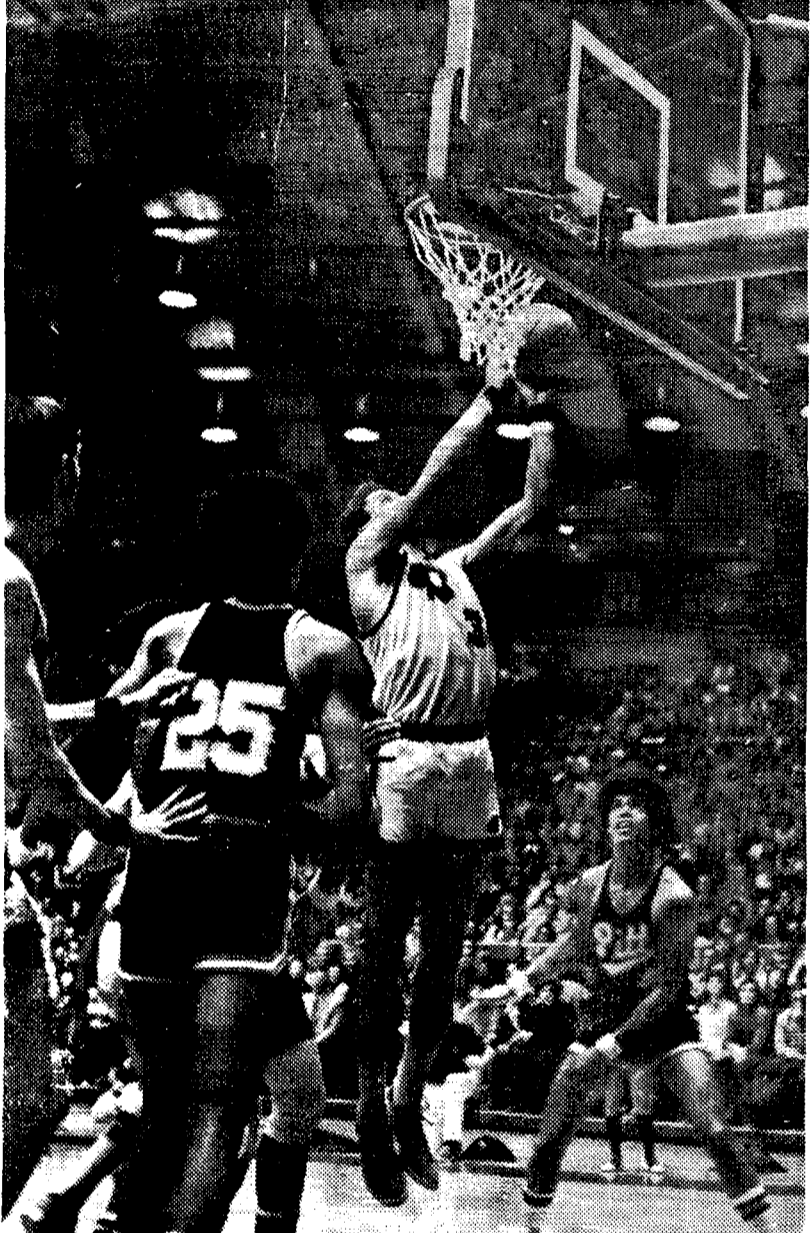
The Flyers' front line is anchored by center John VonLehman, a 6-8, 200 pounder who is averaging just over 10 points a game. VonLehman, Smith, and Sylvester are the only Dayton starters currently averaging double figures. The two forwards, 6-8 Allen Elijah and 6-8 Joe Fisher, are scoring 8.4 and 7.8 points, respectively.

Last season, Dayton downed Notre Dame, 86-74, in a free-wheeling, run-and-shoot affair which was the final game of the season for both teams. But the Flyers' tempo has been different this season.



"Last year," said the UD coach, "we thought that we were going to have to utilize our speed because we didn't have a whole lot of size. Actually, we overestimated our speed. We didn't have that much of it. As we got into our schedule, full-court presses and the run-and-shoot style kind of hurt us. This year we'll be a bigger team and we probably won't rely on the run-and-shoot tactics as we did last year. We'll probably play more like our teams of the past, although we will

spend some time with full-court presses." In Nctre Dame, the Flyers will meet a team that enjoys run-and-shoot, full-court pressing games. Offensively, the Irish are led by Gary Brokaw (who scored 26 points in ND's win over Pitt) and John Shumate (who clicked for 24). On defense, the Irish rely heavily on trapping, pressing combinations that forced Pittsburgh into many of their 30 turnovers. Tipoff for tomorrow's game is set for 1:30 pm in the ACC.



"The Big Shue", John Shumate, shown in action here against Pitt, has been a key man in Notre Dame's basketball resurgence.

Don Silinski

Winning is the medicine

There is a definite change among the Notre Dame basketball players. Their confidence seems to be building with every game.

The first seven games of the season were very frustrating and demoralizing. Our single win over Valpo didn't seem to supply the spark to win the close ones that followed. Losing games in the last minute can create a very bad atmosphere among the team and the fans. We were wondering if we were jinxed in the close ones. This was topped off by losing to Kentucky by two points the night before we got a three day break to go home for New Year's Eve.

But we came back anxious to play Kansas and to put the old year behind us. It was a new year and we were going to treat the rest of our games as such. We lived in the Morris Inn during the vacation, and this brought the team together as friends, not just as basketball players. We had our minds set that we were not going to be here over vacation just to lose games.

Finally, with our overtime win over Kansas, something happened. We knew we could win the close ones. The locker room was filled with congratulations and laughs. It was better for us mentally to beat Kansas in overtime than to beat them by a wide margin. The team had gained some experience and maturity in the previous games and with the help of a few wins, that created some much needed confidence. We're now thinking positively, and we feel we can play with anyone. The team as a whole has gotten closer, and everyone has confidence in each other. There aren't just five players involved in the game—each member of the team contributes to a victory.

The squad is tired of losing and of letting the coaches, the fans, and themselves down. We're still a young team that doesn't want to be aged by more losses. We're going to take each game as it comes, and give 100 per cent every time. We hope this will produce as many victories as possible.

The fans have helped us greatly so far, and we need that support. We're ready to compete with anyone. There is definitely a winning attitude growing within the team.

Hurting wrestlers beaten in South

by "Lefty" Ruschmann

Notre Dame's wrestlers will attempt to resume their winning ways this weekend, following a disappointing Florida vacation road trip during which they dropped a pair of dual meets to Florida Tech and the University of Florida.

Injuries continued to compound Irish woes. This time the services of 177-pound Mike Moran were lost for the remainder of the season as a result of a knee injury—the fifth of the season for coach Terry Mather's matmen.

Notre Dame will have three chances this weekend to improve upon their record, all of them on the road. Coach Mather's squad travels today to Greencastle, Ind., to face DePauw University in a dual meet. On Saturday, the Irish move on to Eastern Kentucky for a triangular meet against Evansville and E.K.U.

Mather, who has been forced to use patchwork lineups all season, admitted that his wrestlers will be at a disadvantage for the remainder of the season. "We'll be behind the eight-ball every match we go into from now on," the Irish mentor commented. "But these are fighting kids with a lot of dedication, and I think we're going to win some matches." Mather, explaining the rash of knee injuries, said, "I guess the law of averages just caught up with me."

Florida Tech, the first Irish opponent, eked out a 19-16 decision after a late Notre Dame rally. John Dowd (190) registered a second-period pin and heavyweight Al Rocek won an 11-5 decision. Mike Martin, the squad co-captain wrestling at 126 pounds, was also a winner, while both Marc Ronquillo (118) and Rick Gilloon (158) both earned draws. Gilloon, tabbed by Coach Mather as the team's most improved wrestler, was also voted "Wrestler of the Week" for the Florida trip by his teammates. The University of Florida

wrestlers proved to be much tougher competition and beat the Irish by a 28-9 margin. For Notre Dame, Mike Martin was again

victorious, this time by a 5-4 decision, while Al Rocek upped his season log to 10-1 with a third-period pin.

Trackmen host Ball State

Notre Dame's track team, under new coach Don Faley, will open its 1973 indoor season against a strong Ball State University squad tonight at 6:30 in the ACC.

The Irish are expected to present a well-balanced team this year and should be especially strong in the middle distances. NCAA cross country finals participants Dan Dunne and Marty Hill will provide the leadership and experience in these events while sophomores Mike Gahagan and Mike Housley will provide excellent depth. Ball State senior Steve Wynder, who finished second in Notre Dame's Cross Country Invitational this fall and who placed first in most of Ball State's dual meets this year will spotlight the distance events.

Sailors elect new officers

The Notre Dame Sailing Club finished the fall sailing season with its annual Midwinter Awards and Election Banquet. New officers were elected, and trophies were given for outstanding performances.

"We've had to sacrifice some workouts because of the vacation period," said Faley, "but hopefully we can get off to a good start in our opening meet."

Al Constants was voted the new Commodore, taking over the job from Tim Floor, Jon Makielski, the Vice-Commodore, Neil Barth, Rear Commodore, Rob Albergo, Secretary, and Mike Dooley, Treasurer. The 1973 Racing Team Captain is Bruce Marek. Dr. Don Linger, Chairman of Civil Engineering, is the faculty advisor.

Three upperclassmen and two freshmen will give the Irish fine quarter-mile and mile-relay squads. Juniors Don Creehan, Vic Pantea and Bill Phillips will be joined by first-year men Bob Schott, the Connecticut State 440-yard champ and Don Opal, the Illinois finalist.

Along with Flood, the other outgoing officers were Chris Nedeau, Will Donelan, Bruce Marek, Dick Keenan and George Gaw.

Current NCAA indoor champion, Tom McMannon will lead the Irish in the 60-yard high hurdles and will be joined by Jack Gerwe, Mike Dimick and frosh Ed Burns in the shuttle hurdle relays. McMannon, who won the NCAA crown last year in :07.2, also shares the American record for the shuttle hurdle relay. Junior Shawn Powers and freshman Mike Hogan of Mishawaka Marian, should give the Irish improved strength in the pole vault, one of the weaker events in the past few years.

The "Yachtsman of the Year" award went to Gaw. His performances included Low Point Skipper at the Northwestern and Marquette regattas. He also did very well at the 17 school Timme Angsten Regatta. Marek was named the "Crew of the Year." The Donahue Cup, awarded annually to the best freshman or novice skipper, went to Robie Gaw. The sailing team has already started its 1973 activities. Finding St. Joe's Lake clear of ice on return from Christmas vacation, they already have three boats in the water and are sailing daily.

Field events start at 6:30 while the track events begin at 7:00 p.m. Admission at Gate 4 of the ACC will be \$1.00 for adults and 50 cents for children. Notre Dame students will be admitted upon presentation of their ID cards.