

DTH financial stability

Printed below is the text of a proposed constitutional amendment to be voted on by students in the Feb. 9 campus election.

If passed, the amendment will partially free the *Daily Tar Heel* from the financial control now exercised over it by the Campus Governing Council (CGC). Under the present system, the CGC must decide on the *Daily Tar Heel's* budget each year, and thus has the power to censor the paper by altering, or threatening to alter, the *Daily Tar Heel's* appropriation. If the amendment passes, the paper will automatically receive an appropriation of 16 per cent of all student activities fees.

The amendment will also create a Board of Directors to serve as the paper's publisher and oversee its financial operation.

This amendment could form the basis for a more stable financial operation for the *Daily Tar Heel* and could also give the *Daily Tar Heel* greater editorial independence from Student Government. We hope you will read it carefully and will decide to vote Yes next Wednesday.

Part I

At least 16 per cent of all student activities fees collected by the University shall be appropriated to the *Daily Tar Heel* each semester, provided that the total received by the *Daily Tar Heel* does not exceed one-third of the *Daily Tar Heel's* previous year's operating budget.

Part II

A Board of Directors will be established to govern the operation of the *Daily Tar Heel*. Its members will serve without honorarium and consist of:

- one student appointed by the student body president and approved by the CGC to serve during the term of that president;
- one student appointed by the elected editor of the *Daily Tar Heel* to serve during the term of that editor;
- one student appointed by the Media Board to serve a term of one year;
- one student appointed by the Board of Directors itself to serve two years;
- one individual to be chosen at large by the Board of Directors to serve two years;
- one faculty member from the school of journalism; and
- one faculty member from the school of business administration.

The two faculty members shall be selected by the Board of Directors itself and shall serve staggered three-year terms. All appointees should have some knowledge of general business practice. The editor and business manager of the *Daily Tar Heel* will serve as ex-officio, non-voting members of the board.

It shall be the responsibility of the *Daily Tar Heel* Board of Directors to:

- 1) meet at least once during each month of regular publication;
- 2) establish non-editorial policies;
- 3) approve the budget of the *Daily Tar Heel*;
- 4) answer all formal inquiries of the Student Government as to operational conditions exclusive of editorial policy;
- 5) provide an annual report to Student Government; and
- 6) serve as publisher of the *Daily Tar Heel*.

The Daily Tar Heel

84th Year of Editorial Freedom

Joni Peters
Managing Editor

Alan Murray
Editor

Gregory Nye
Associate Editor

Dan Fesperman
News Editor

Merrill Rose
Arts and Entertainment

Thomas Ward
Features and Freelance

Grant Vosburgh
Sports Editor

Charles Hardy
Photography Editor

Rob Rosiello
Wire Editor

letters to the editor

Triumvirate's journal—'a political amputation'

To the editor:

We must congratulate the elections board and, possibly, also some of the candidates for student body president. The Blue Sky Party Triumvirate has been reduced from a fascinating, though suspicious-looking, trio to a solitary figure. Not that the Blue Sky Party will suffer as a result of this highly political amputation. Robert Lyman will still strive in every direction to maintain the correct perspective of this race. We cannot help imagining a group of toads who think they are lions when we see the scramble for the Ogle Office in Suite C. And this is the journal of the Triumvirate when it was:

Jan. 17: Rob, Mike and Robin decide to run for student body president on the Blue Sky Party ticket. We were quickly dubbed Thesis (Lyman), Antithesis (Penney) and Synthesis (McWilliam). Lyman calls the chairperson of the elections board:

"We want to run three people for student body president. Is there anything to stop us?"

"Three people. No, I guess that's OK."

"That means three people would take office when elected." Lyman has to explain patiently.

"I guess that's OK," is the most definite answer we can obtain from the man who's supposed to know all the laws.

Jan. 18: The Triumvirate begins petitioning and finds overwhelming support and one or two people entirely lacking a sense of humor. ("But is a giant dome really realistic?... You can't erect a giant rubber duck!... This is a serious election....")

Jan. 21: The Blue Sky Party Convention was held in Troll's. Pi Lambda Phi fraternity bought thirty pitchers of beer in advance, and a good time was had by all. Kansas City and the Big Apple were dull by comparison.

Jan. 24: Facing the students on the front page of the *DTH* was a picture of three charming individuals—us. Carrboro P.D. lent us the mugshot.

Jan. 26: Somebody finally finds something to prevent the Blue Sky Party from running; article 3, section 1, of the constitution. The Triumvirate was not informed of the discovery. The chairperson of the elections board, to do him credit, did attempt to reach us at a melted telephone on Fraternity Court. The Office of Student Affairs (fraternities department) did not receive inquiries as to our whereabouts. No further attempt was made to contact us.

Jan. 28: The Triumvirate learns through the grapevine of the offending clause. McWilliams calls the elections board chairperson, who confirms that we cannot run. The three candidates have to find the man in the delightful surroundings of the Pine Room. Excuses in profusion. We can't say the same for intelligent reason. Three hours remained at this point before the 500 signatures were to be handed in. "When I first called you, I didn't know you couldn't run three people... I've been trying to get in touch with you at the fraternity number... someone suspected you were violating something, and they found it in article 3, section 1... I don't know if your petitions will be valid for just one candidate... the elections board will have to meet to decide that...." We change the heading of the petitions to the name of "Blue Sky Party—Robert Lyman."

Jan. 30: Telephone call from the chairperson of the elections board: "We're meeting at 8:30; you can come and argue your case." Penney and McWilliam are on time. They've already had the meeting. Fairness to all yet again. Anyway the signatures are valid for Lyman alone.

This, we presume is a victory for the very people we in the Blue Sky Party want to eliminate from control over the students' affairs. Have no fear, however. McWilliam and Penney will still be lurking under the shadow of Lyman's beaverclath hat.

Robin McWilliam
M. Anthony Penney
Former Blue Sky Party candidates

Chicken-or-the egg routine

To the editor:

Yes, R.K. Hsueh, there is something sillier than G.N.'s editorial attack on capitalism—your attack on his attack by attacking capitalism. That, Mr. Hsueh, is known as catching a fellow in *unapplied* logic. To be sure, Thomas Alva Edison had to invent the light bulb before his own Edison Electric could become a reality, but not one electric lamp reached a street corner before stockholders invested the prerequisite capital. Obviously, as you pointed out, education made capitalism possible. But it should have been equally evident to you that, whether for good or not, wealth and influence implement the fruits of scholarship.

Actually, I care nothing about perpetuating your trivial chicken-or-the-egg routine. My point to make is that one of the great tragedies of human history has been that intelligence has never inherently guaranteed the power or wealth necessary for intelligent persons themselves to be the force for good in this world that we can only hope they may someday become.

In the meantime, it remains for us also to recognize that even in an academic community such as Chapel Hill intelligence is not an inherent feature of intellectualism. If your pedantic, quarrelling and petty, egocentric diatribe-declaring intellectuals to be sacredly ordained "to rule the world" are the only contributions you have to mankind, Mr. Hsueh, then my earnest suggestion to you is that you follow your own advice to workers, capitalists and taxpayers, and that is to keep your mouth shut.

Benjamin Dean
10-E Kingswood Apts.

Leave graffiti alone

To the editor:

Please allow me to suggest a solution to Ed Chiles' problem (the time and effort he puts into cleaning graffiti-lead doors in the student union); don't clean them. I realize that it is probably not Mr. Chiles' decision to make, but it is difficult to conceive of a task more nonproductive than cleaning the graffiti off bathroom doors (except perhaps writing two newspaper articles about it).

Whoever sets this policy should rethink his or her priorities. What in the world is wrong with just leaving the graffiti on the damn walls and doors, anyway.

Robert Hamer
Graduate Student

Is she still working?

To the editor:

On reading the article entitled "UNC lawsuits usually employment disputes" (*DTH*, Feb. 2), I was reminded that Mary Carroll Smith is still receiving her salary as ordered by the courts. I was just wondering, is she working for her pay?

Hugh Goodman
308 Lewis

Editor's note: Mary Carroll Smith is teaching a course in the Department of Religion this semester.

Antiquated election laws

To the editor:

I was stunned and shocked upon reading Monday's *DTH*. I find it hard to believe that such antiquated election laws still exist on such a progressive University campus. The specific law is that which prohibits more

than one person from holding the office of student body president. The year is 1977! A year of change. Didn't Carter win the election?

Well, all right then. Let's do away with these namby-pamby laws. I urge all students to write in the names of the Blue Sky Party's triumvirate of McWilliam, Penney and Lyman on election day if they are not allowed their right to run for student body president. Blue Sky and sunshine in 1977.

Kevin O'Brien
Rt. 4 Box 138, Pittboro

'Quarterly' not reviewed

To the editor:

Does the *Daily Tar Heel* consistently choose people as art critics who know nothing about poetry, fiction and visual art? Marianne Hansen's review of the winter *Carolina Quarterly* barely rates as a review—it is more along the lines of a high school book report. (At least the previous critic, Larry Toppman could write with intelligence, albeit with ignorance) Ms.

Hansen's style is along the lines of "well, I didn't like this; I did like this..."—wishy-washy, undecided, indeed "a mass of white shapes." She dismisses stories and poems with single-line summaries, such as "sensitive and well-handled" or "the writers lack either the perception or the literary skill," and so on.

Besides failing to give an evaluation of the poems and stories, Ms. Hansen also fails to notice what makes this issue of the *Quarterly* separate from past issues: that it has an entire section devoted exclusively to local poets, and that the inside graphics are done by a Chapel Hill resident. If the *Tar Heel* is to be the paper of the UNC community, it might at least take passing note of the activities of the people in the community. After all, at least five of the poets are in the UNC Department of English.

I would have welcomed a possible negative review if it was written critically, with intelligence and sensitivity. As it is, the winter *Quarterly* has not been reviewed at all.

Warren Rochelle
C-3 Oak Terrace Apts.
(Carolina Quarterly Fiction Staff)

Stewart—'it may be impossible to win a tenure case at UNC...'

Editor's note: Dr. David Stewart has sent the following letter to Daniel Pollitt, chairperson of the UNC Hearings Committee. The letter is printed here with Stewart's permission.

Dear Prof. Pollitt & Committee:

So far as I can ascertain, no faculty member denied tenure in the history of this University has successfully obtained a reversal of the department's decision not to reappoint. If such cases have occurred, they have certainly been rare. We now operate under a new set of regulations, but upon a close reading, they do not offer much hope of correcting this situation. Past history, my experience with my hearing so far, plus an analysis of the current regulations leads me to believe that despite how fair the Hearings Committee may be, within the allowable scope of the regulations it may be impossible for a faculty member to win his or her case within the University. It may well be that the regulations are so restrictive upon the faculty member that only outside court action can bring about justice.

As my hearing has unfolded over the past two weeks, this has become a matter of increasing concern to me. While the regulations seem to provide an avenue of appeal for the aggrieved faculty member, if no cases are ever won in the end, then it may be that the "process of appeal" is one of appearance only and of no substantive value to the faculty member. In other words, despite the many carefully written regulations, it may turn out that in the end, they are a sham—offering protection only to the department and to the Institution.

The crux of the matter lies in the awesome burden of proof placed upon the aggrieved faculty member coupled with the paralyzing constraints under which he or she must

attempt to prove the alleged contentions. It is as if one is required to run a mile in no more than four minutes while at the same time it being stipulated that ankle chains be worn.

First, the only grounds the committee can consider are the three reasons stated on page 13 of the new regulations: (1) violation of free speech; (2) discrimination based on sex, race, etc.; and (3) personal malice. This restriction, in itself, is a handicap to the aggrieved faculty member since he or she is forced to couch whatever issues pertain to the case in terms of these three reasons. Since the regulations do not guarantee tenure for a good record or for performing one's duties—however high one's standards of performance—one's record, however outstanding, is not automatically considered by the Hearing's Committee unless related to the above three grounds. In other words, the Hearings Committee does not consider whether one deserves tenure or not. In fact, the Hearings Committee does not even consider whether or not the department's decision was fair or honest. But this is not the gravest restriction.

Not only must the faculty member demonstrate the presence of one or more of these three impermissible elements, but must do so to a "substantial certainty" and demonstrate that these elements were the controlling factor(s) in the negative decision. In other words, a little bit of violation of one's rights or a little bit of malice is all right—provided it was not too much.

Further, even if the presence of these impermissible elements was the controlling factor, in truth, it is probably impossible, except in the grossest of cases, to demonstrate this to a "substantial certainty" because of the inequality of accessibility of data between the aggrieved faculty member

and the department. The department has access to essentially everything while the faculty member has access only to fragments of the essential data.

It is this last point that makes it virtually, if not actually, impossible for a faculty member to make a case strong enough to meet the demands of the regulations. Consider the following facts:

1. Tenure decisions are made by full professors behind closed doors. Minutes are not customarily taken, and even if they were, they would not be made available to the faculty member under consideration.

'It may be that the regulations are a sham, offering protection only to the institution.'

—Dr. David Stewart

2. The full and actual reasons for non-reappointment are not given to the faculty member concerned. The regulations do not require it. A "simple and unelaborated" statement may be given, but is not mandatory. Neither is it mandatory that even this simple statement be representative of the true reasons. Hence, from the outset, the faculty member is required to build a case against accusations he or she has never heard. This puts the faculty member in the weak position of having to guess the real reasons for the negative decision and build a case upon this guess.

3. The department has full access to all personnel files, the faculty member does not even have access to his or her own file. In my own instance, I have been completely open

and would be willing to open any of my files to anyone, including the department. The department, by contrast, hides everything from me. During my hearings the chairperson, Roy Ingram, always carries a brief case full of files and papers that I assume pertain to my record at UNC and to their decision not to reappoint. I do not know what is in that brief case except for bits and pieces the chairperson pulls out as needed to make a point.

4. No oaths are taken at the hearing so that perjury is of no concern. Hence, there is no deterrent to untruthfulness.

5. There is no subpoena power on the part of either the committee or the faculty member. Hence, only information obtained voluntarily and only witnesses that volunteer participate. In a case like this, the essential information that would make the case for the aggrieved faculty member would not come voluntarily, and witnesses that might make the case would not come willingly. The result of the present system is that any information unfavorable to the department in its possession remains secret. They cannot be forced to produce it. Also, witnesses fearful of retaliation on the part of a resentful department will not appear in support of the aggrieved faculty member. This tends to stack the presented evidence in favor of the department.

6. Letters written by the department to outside experts to obtain other opinions on the faculty member are not only held in confidence from the faculty member, but even the names of those written are held in confidence. All I know in my own case is that I turned in a list of six names of my choosing as outside references. They then wrote to three of my choices and six of theirs. Hence, when the returns came in, they had already stacked the vote 2 to 1 in their favor.

In summary, the whole process has the effect of keeping the concerned faculty member considerably in the dark while the department has information on virtually everything. The system is so accepted as normal, the department does not even have to pretend to openness. Such guarding of secrets and withholding of information is routine and accepted. The system forces the faculty member to rely largely upon inferences from fragmentary second- and third-hand information. And herein lies the "impossibility" of really making one's case except in gross instances:

Since no contention can ever be proven to a "substantial certainty" based upon second-hand inferences, the system virtually guarantees that the aggrieved faculty member will lose.

All a department need do is keep as quiet as possible, keep the faculty member as uninformed as possible, and just wait. This has exactly been the tactic of my department. Were it not for this hearing, I would not know 90 per cent of what I now know about their reasons for my non-reappointment. And even now, I only have a view of the "tip of the iceberg." The rest lies unrevealed in departmental desks, briefcases, stainless steel files and to the largest extent—in the unrecorded words and minds of the full professors.

The thoughts expressed here are in no way directed at the members of the Hearings Committee. They are not even directed at the Department of Geology since, so far as I can tell, the withholding of information on their parts is not illegal and certainly is common practice in proceedings such as this one. My concern is the regulations themselves that condone and allow such inequities. How can it be considered "fair" when the information essential to making one's case is not obtainable within the constraints of the regulations?

I realize that it is not the committee's charge to revise regulations, but as a part of the record, I have requested that this letter be included with the end in view that when the transcript and documents of this hearing become available to the public at large, appropriate action can be initiated to correct the limitations of the current set of regulations. My concern is not just my own case, but for the University at large and for all others in the future who may find themselves in my position.

David Stewart, Director
MacCarthy Geophysics Laboratory

The *Daily Tar Heel* welcomes letters to the editor. Letters must be typed, double spaced, on a 60-space line and are subject to editing for libelous content or bad taste.

Letters that run over 25 lines (150 words) are subject to condensation. Letters should be mailed to the editor, *Daily Tar Heel*, Carolina Union.

Unsigned or initialed columns on this page represent the opinion of the *Daily Tar Heel*. Signed columns or cartoons represent the opinion of the individual contributor only.