A toothless honor code

If the Educational Policy Committee has its way, this University will have a new honor code even more meaningless than the sham it now has. The EPC, which recently rejected a Committee on Student Conduct proposal for faculty proctoring, has moved to make sure the new code has no teeth at all.

Asked to clarify its recommendations to the faculty Council, EPC rejected guidelines that spell out the role of the faculty in regard to the honor system. The proposed guidelines would require faculty members to do the following:

- Inform students at the beginning of each course and before all graded work that the Honor Code is in effect. "Where appropriate, a clear definition of plagiarism should be presented," the proposal states.
- To identify notes, materials or aids which may be used in advance of any examination or graded work, and to require unauthorized materials or aids to be removed from the room or otherwise made inaccessible.
- To require students to sign a pledge that they have neither given nor received unauthorized aid on all written work.
- To reduce the possibility of cheating on graded work by taking "all reasonable steps consistent with existing physical class room conditions" (such as alternate seating).
- "To exercise caution in the preparation, duplication and security of examinations to ensure that students cannot gain improper knowledge of their contents."
- To avoid re-use of exams.
- To supervise the class during exams to discourage cheating and to detect any violations which occur.
- To report violations to the office of the student attorney general and to cooperate with that office in the investigation and trial of any incident of alleged violation.

The refusal of the committee to enact these minimal safeguards is incredible, especially after it has rejected faculty proctoring and urged the elimination of the "rat clause" — the requirement that students turn other students in for cheating. If all possible requirements to report cheating are eliminated, then how can the problem of cheating be solved?

Apparently the committee does not understand its role. By putting responsibilities for enforcement on no one, the committee is suggesting to the Council a system that cannot work. It is sending on a proposal that the Council cannot possibly enact.

Committees are supposed to face the issues and pass on to the general body a proposal that is ready for enactment or rejection, not an unworkable compromise. We will be neither surprised nor displeased if the Faculty Council sends the proposal back to the committee for more "clarification."

letters to the editor

Athletic department against freedom of competition?

To the editor:

I was under the impression that our scholastic institutions were the mainstay of what America stands for: freedom of choice, pursuit of happiness and democracy. The advisers we visit twice each year tell us about how important our total education is to develop us into well-rounded citizens, able to function in and preserve the society created by our forefathers. They inform us that our life out of the classroom is almost as important as our academic callings. I am a firm believer that this is true, but I'm sorry I can't say the same for our athletic department.

What I experienced over the last few days (Nov. 16-18) made my blood boil. It all started about a week or two before when our varsity soccer team, of which I am a member, and our varsity women's field hockey team arranged to play a friendly post-season field hockey match. The two teams have sort of "hit-it-off" this fall and have been known to party together quite frequently.

Word about our plans got around and everyone seemed to think it would be a fun and an interesting part of our stay here at Carolina (part of our well-rounded education). It was decided that the two teams would play field hockey because: 1) Although it is a contact sport, the emphasis of the rules is upon non-contact; 2) Even though *some* of our soccer players *may* be bigger or stronger than the women, the only advantage we could possibly have is speed. The advantages were all on the women's side: knowledge of the game and rules, practice and ability. We were all excited and ready to play knowing the game owuld be competitive as well as fun and safe. After all, nobody wanted to get hurt, especially after our seasons were over, and what's a game between friends anyway.

As the plans spread about campus they came to the attention of two members of the hierarchy of the athletic department. These two people seemed to think that they had control over the athlete's social life as well as their athletic life. Immediately they attempted to stop the playing of the game. Our coaches were put under the pressure right away, even though they had not part in the organization of the game. The contest was staged between players of our respective teams as students, people and friends, not as competitors on an organized level and the coaches were asked by the players if they wanted to partake in the activities. But the athletic department saw something wrong in it that we didn't see and began thinking up reasons why we shouldn't play. Reasons such as: we couldn't use University-owned equipment, or they wouldn't let us use it (Is this the democracy I spoke of?), and arguments over liability in case of injury (I would think it would be the same as any other student or group of students having a "pick-up" game of raquetball, basketball or football).

Determined to play, our teams ignored the threats of cancellation and prepared for the game. Our soccer team even had a practice the day before so we could learn the rules and get used to the idea of using a stick instead of our feet, also to be aware of the dangers of the game. We learned on the day of the game that our coaches would not even be allowed to be present at the game, let alone participate. The people most responsible for our mental and physical performance during the season were not being allowed to enjoy a little off-season fun or to expand their coach-athlete relationship. To me, this seems unfair and an effort should be made by the athletic department to justify thier interjection.

By the way, there were no injuries, no ill feelings (except toward those responsible for not letting our coaches take part), and even though the two *female* volunteer referees were one-sided on almost all of their calls, the game was close, the girls winning by a score of 3-2.

Glenn Harris
UNC Soccer Team,
UNC Field Hockey Team
Connie Buell (volunteer referee)

Festival fine

To the editor:

We appreciate the publicity concerning the Women's Festival coming in January. However, the article Tuesday could have been misunderstood by readers to have indicated that Festival plans are somewhat curtailed by insufficient funds. Although more money wouldn't hurt, plans for the Women's Festival are going extremely well and we anticipate an exciting week of varied programs and festivities.

Many campus and community members will participate in the festival due to their abundant energies and offerings (not due to our budget limitations). Some speakers and performers will come from long distances and our budget will help make these appearances possible. We are grateful to the Campus Governing Council, other organizations and many individuals for their strong financial and personal support of the festival.

Betty Ausherman
AWS chairperson

J. Sharpe
Women's Festival chairperson

'Yackety Yack'

To the editor:

The 1977 *Yackety Yack*, which has been delayed so long, will come out in January, 1978. The editor and staff are very sorry for the delay, but it's hoped that the quality will make up for this inconvenience. Seniors graduating in December who wish their *Yack* to be sent to them can have this done by signing the list at the secretary's desk in Suite C of the Carolina Union. This will be done free of charge for those seniors and is meant only for those seniors. Again we regret the delay.

George Basco
1977 *Yackety Yack* Editor

Todd S. Albert
Acting Business Manager

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

Gains of civil rights movement face destruction if Allan Bakke loses case

By MORTON I. TEICHER

Editor's Note: This is the second of two columns addressing the Bakke case. Today, Dean Morton I. Teicher of the School of Social Work argues in support of Bakke's stand. Charles E. Daye, associate professor of law, argued against Bakke in the Daily Tar Heel *on Wednesday.*

The Bakke case is a tough one — it brings out a great deal of feeling and emotion.

If the Supreme Court declares that Bakke is wrong, then it enshrines preference for particular races in a way that will transform our perception of what American society is all about. It will intensify demands by all kinds of groups for special and preferential treatment. If the Court finds that Bakke is right, then it will probably eliminate affirmative-action programs, and it may cut into minority attendance.

More than two decades ago, I was appointed the first dean of a new graduate school in another university. One of my early tasks was to develop a policy on admissions. I wrote the following statement — which I was proud of then — and which I am proud of now.

"This School does not discriminate in selecting candidates for admission on the basis of race, sex, age, religion, creed, color, national origin, place of residence or similar extraneous factors."

The principle which lay behind that statement 21 years ago — a principle which still remains fundamental — is that every human being simply by virtue of being human is entitled to equal treatment.

Policies of numerical representation in employment, education and housing, however, are based on the insistence that it is possible to ignore the individual and to divide America into precise racial and ethnic groups. People are assigned on the basis of past discrimination and present circumstance to a class for which a strict statistical parity must be required. This is in opposition to the American consensus which holds that the group characteristics of an individual are of no concern to government — that government must take no account of race, creed, color or national origin. To concentrate on the rights of racial and ethnic groups is to subvert the emphasis on individual rights. To concentrate on the rights of racial and ethnic groups is to abandon the first principle of a liberal society — that the individual and the individual's interests and goods and welfare are the test of a good society. To concentrate on the rights of racial and ethnic groups means that we mistakenly attach benefits and penalties to individual human beings on the basis of their race, color, creed or national origin.

It is my view that rights attach to the individual, not to the group — and that public policy must be exercised without distinction of race, color, creed or national origin. It is my view that we should not abandon the values of personal responsibility and individual freedom. It is my view that we should avoid a nation of conflicting racial and ethnic groups seeking to expand their rights at the expense of each other. Bitter struggles for bigger pieces of the pie will carry us further and further away from the civil rights movement and from its many victories.

An early victory for the civil rights movement took place as far back as 1938 when Chief Justice Hughes handed down a decision for the Supreme Court which ruled that a black man, Lloyd Gaines, was entitled to admission to the University of Missouri Law School. The essence of the constitutional right, said Hughes, is that it is a personal one. It is the individual who is entitled to equal protection of the law.

The Court condemned a racist admissions practice which discriminated against Mr. Gaines because he was black. It should now condemn the racist admissions practice of the University of California at Davis which discriminated against Mr. Bakke because he is white.

The Court said that the University of Missouri could not treat Mr. Gaines worse than others because of his race. Mr. Bakke should not be treated worse than others because of his race. The argument that discrimination against Bakke is benign while that against Gaines was evil just doesn't hold water. Discrimination based on race is always pernicious. It submerges the individual into a racial aggregation and ignores his individual humanity. So-called "benign discrimination" fosters a new kind of dependency for minorities — it hands out rewards in patronizing fashion — here — take 16 out of 100 places — stay stigmatized — stay dependent on bureaucrats — rely on our favor — acknowledge that you are disadvantaged — seek preference because you belong to a particular group. I think this is anti-black — it is racist — it is patronizing.

In the 1952 presidential campaign, much resentment was expressed about Eisenhower's statement that a certain amount of segregation is necessary in the armed forces, because, he said, under integration, the competition is too tough for blacks. If that bigoted point of view was resented then, shouldn't we resent now the notion that preferential consideration is needed because without it the competition is too tough?

The federal government should not arrogate to itself the power to determine who shall and who shall not enjoy equality of opportunity in our country. The constitutional rights of all citizens represent a birthright for all Americans; they are not to be bestowed at the caprice of government. If government is allowed to demand discrimination against whites and males today, then it can be allowed to discriminate against anyone else tomorrow.

To bestow a benefit on the basis of race is as wrong as it is to bestow a burden. Allocation of burdens and benefits by government or by universities or by employers should have nothing to do with race.

In the case of De Funis, which the Supreme Court did not decide, Justice Douglas said of De Funis, "Whatever his race, he had a constitutional right to have his application considered on his individual merits in a racially neutral manner."

There is no dispute about the objective of increasing educational opportunities for all Americans. The dispute is on the means to achieve this end. As the University of California at Davis, the means used is an arbitrary setting aside of a quota of 16 places reserved for minority applicants. Of the 100 places, 16 were open all to minority candidates — even if their test scores were lower than those of non-minority candidates.

Is this the only way to achieve the goal of equal opportunity? I think not. I think that a good case could be made for random selection by lottery. After all, the truth of the matter is that our selection procedures — requiring as they do, a prediction about the course of human behavior — are very frail and faulty. I recently saw a convincing argument for the selection of deans on the basis of random selection. Some deans turn out good — some do not. The pool of potential candidates also contains some good and somenot as good. Both those already on the job and those aspiring to it probably fall in the normal bell-shaped distribution curves — so why not pick at random?

In selecting for admission to higher education, one could argue that the pool of candidates is similarly distributed along a bell-shaped curve. Some are good — and some are not — so why not pick at random? This would guarantee the elimination of any extraneous, irrelevant considerations — it would finesse the arguments about predictive capacity of various tests and would follow a great American tradition. We once used a lottery to determine who would be drafted into the armed forces, where the stakes were much higher since those selected by lottery might eventually wind up dead. Clearly, one could make out a good case for random selection.

If this is considered too extremist an approach to the goal of equal opportunity and if we are confined to more traditional approaches, then let's consider these possibilities.

Applicants could be judged on a combination of factors: test scores, grade point average, motivation, leadership ability, job experience and success in grappling with handicaps such as poverty or illness.

Secondary schools could do more to spot promising students and could guide them toward professional careers.

Compensatory and remedial programs could be expanded to help educationally deprived applicants measure up to those with better schooling.

Applicants could be classified on the basis of whether or not they committed themselves to serve in communities that do not have professionals.

None of these methods is fool-proof. Maybe, we need them all — but any or all of them are far more preferable to a procedure which sets some Americans against others on the basis of race, color, creed or national origin.

The civil rights movement was concerned with social justice — with ending discrimination and segregation. Its goals were equality before the law and equality of individual opportunity. Its basis was morality and equity. The civil rights movement fought against racism — all racism — and the fight today should continue to be against racism — either black or white. Human suffering is intolerable whether the sufferer is black or white. Discrimination is intolerable whether the subject is black or white.

The Civil Rights Act of 1964 was passed to grant and protect individual rights — not group rights. Indeed, Section 703(j) of Title VII explicitly states: "Nothing contained in this title shall... require any employer to grant preferential treatment to any individual or to any group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer...."

The debate which preceded the passage of the law made congressional intent clear. Senator Clark stated flatly, "Quotas are themselves discriminatory." Senator Humphrey asserted, "Title VII does not require an employer to achieve any sort of racial balance in his work force by giving preferential treatment to any individual or group." Senator Williams explained 703(j) Title VII to mean that government could not require "employment to be on the basis of racial or religious quotas."

In the years that followed, regulations and guidelines were issued which steadily eroded the law and the victory of civil rights advocates. The specific ban against using statistics of imbalance to require preferential treatment has now yielded to regulations which require counting by color to secure evidence of discrimination. So the provision of the law which says that you cannot use "imbalance" to do anything, now becomes discrimination under which you can do everything. The anti-preferential provisions of Title VII have been contorted so as to become meaningless. The worst depths were reached in 1972 when the Equal Employment Opportunity Commission, in its seventh annual report, stated that an employer could not consider an applicant's criminal record in reviewing employment qualifications on the grounds that this constituted discrimination. Its reasoning was that a "substantially disproportionate percentage of persons convicted of serious crimes are minority group persons." Therefore, to consider a person's criminal record meant discriminating against blacks! Give the EEOC credit. It did say that conviction for embezzlement "may disqualify an applicant for a position of trust requiring the handling of money or accounts." Note the "may"!

The extremes to which universities may be driven by preferential admission programs are illustrated by the case of Mr. DeLeo who applied for admission to the University of Colorado Law School. His application was placed into the Spanish-surname pool When it was discovered that he was actually of Italian origin, he was removed from the special pool of candidates and placed into the general one.

Quite properly, Mr. DeLeo is suing on the grounds of racial discrimination.

These examples demonstrate a perpetuation of discrimination, not its elimination. I believe that special pools of candidates for employment or admissions which are constituted on the basis of racial or ethnic groupings should be condemned.

They violate the law against discrimination; they do not uphold the law. The law is clearly designed to prevent discrimination — that was the goal of the civil rights movement. Now, the law has been subverted. Individuals are no longer to be treated as individuals. They are group members, and this membership becomes a primary determinant of personal destiny.

My position is simply stated. Discrimination of any kind — affirmative discrimination, benign discrimination, preferential discrimination, reverse discrimination — whatever you call it, is wrong. It has never worked and it never will. Discrimination has destroyed justice and fairness and it has created cynicism, conflict and more discrimination.

Non-discrimination means that every human being should have equal opportunity to obtain the benefits of higher education. Non-discrimination means that the government may not arbitrarily dictate who shall be favored on the basis of race or sex or any other irrelevant standard. No candidate should be neglected — no candidate should be discouraged from applying. Discrimination of any kind should be condemned.

The fundamental issue in the Bakke case is this: Can race be used as a criterion for admissions? Equal opportunity and equal protection means that institutions must be color blind. But it is argued that race may be considered if the intent is to redress the effects of past discrimination. The evidence for past discrimination is the failure of merit systems to operate successfully in the past. Therefore, it is argued, race may justifiably be used. This is the specious argument that two wrongs make a right. I believe that you cannot redress a wrong by another wrong. Our past failures to give each candidate equal opportunity provide no excuse for perpetuating these failures. Considerations other than those of individual qualifications should not be used to determine who is admitted and who is not admitted. The fact that they have been used does not justify the perpetuation of this immoral, illegal and incorrect system.

From fighting for equality and fighting against discrimination, we now find ourselves justifying quotas, supporting statistical requirements and rationalizing racial school assignments. We are taking a course of action forbidden by law, abandoning concern for the individual and we are substituting a preoccupation with racial and ethnic groups. The historic disgrace of official and open discrimination in the past has been replaced by open and official discrimination in the present. For our emphasis on the individual we have now substituted an emphasis on the group. Thus, all blacks are in one group, regardless of whether or not they, as individuals, deserve redress on the basis of past discrimination and all whites are in one group, regardless of their individual religious or ethnic affiliation. The lumping of whites together in this way poses some peculiar problems. Should the descendants of post-1880 immigrants from Europe be held accountable for enslaving the blacks and for the Jim Crow patterns? Why should they have to make atonement for a past in which they had no part? Should they now be penalized in order to achieve compensatory treatment for blacks? How can we determine what is proper compensation?

It seems to me that the governing principle is still that which animated the civil rights movement — full equality for every individual regardless of race, color, creed or national origin.

This is what justice and equity demands. This was the goal of the civil rights movement — it was a goal that was good enough for Martin Luther King — it is good enough for me.

Morton I Teicher is dean of the School of Social Work.