

MINUTES OF THE BOARD OF REGENTS

WESTERN KENTUCKY UNIVERSITY

March 26, 1988

Required statutory notice having been given, a special meeting of the Board of Regents of Western Kentucky University was held Saturday, March 26, 1988. The meeting was called to order at 11 a.m., CST, by Mr. Joseph Iracane, Chairman.

AGENDA ITEM 1 - The meeting opened with a prayer of invocation by Dr. John O'Connor, Head, Department of Psychology.

AGENDA ITEM 2 - Roll call. The following members were present:

Mr. Ronald W. Clark
Mr. Joseph A. Cook II
Dr. Eugene E. Evans
Mr. Joseph Iracane
Mrs. Patsy Judd
Mr. J. Anthony Page
Judge John S. Palmore
Mr. Wendell K. Strode
Mr. Timothy S. Todd
Mr. Denny Wedge

Mr. Butler and Mrs. Wilson were absent.

Also present were Dr. Kern Alexander, President; Dr. Paul B. Cook, Executive Vice President for Administrative Affairs; Dr. Robert V. Haynes; Vice President for Academic Affairs; Mr. Harry K. Largen, Vice President for Business Affairs and Treasurer; Dr. Jerry R. Wilder, Vice President for Student Affairs; Dr. Stephen D. House, Executive Assistant to the President; Mrs. Liz Esters, Staff Assistant for Special Projects and Secretary to the Board of Regents; and Mr. Fred Hensley, Director of Public Information. In addition, Mr. John Grise, Attorney at Law with the firm of Campbell, Kerrick, and Grise, served as parliamentarian and legal advisor.

AGENDA ITEM 3 - Report by the President on University Publications. President Alexander's remarks follow:

"Mr. Chairman and Members of the Board:

"I would like to take a few minutes this morning to explain to the public what the committee--faculty committee--recommended, my recommendations to the faculty ad hoc committee concerning the policies and procedures and operational aspects of the university publications of Western Kentucky University.

"If I may, Mr. Chairman, I'd like to step over here to the overhead projector and just give you a brief background on what has transpired and

what we have recommended. I know this is redundant for the board members, but I would like for us all to go through it again just for the benefit of the public, professors, and others who are here.

"I have met with the Faculty Senate and other invited members of the faculty. I have met with the students. I have met with the Herald staff and student leadership at Western. I have explained to each one of these groups just exactly what we're about and what has transpired.

"We have had an excellent student newspaper at Western for many years. We have had an outstanding annual for many years; in fact, it has won several awards. It has been considered to be an outstanding school annual. The Talisman and the Herald, I think, are significant achievements of Western Kentucky University. We hope and we are seeking to preserve those as strengths of this university and to enhance their quality and to ensure that they will be better in the future regardless of leadership or regardless of advice; regardless of counsel; regardless of the faculty members who are involved or the leadership of the university. There is only one way to do that, and that is to have written policies--written operational procedures--so that the organization transcends individuals' experience or terms with this university. A student publication or a public body of any sort cannot exist simply by word of mouth. It cannot exist operationally by individual. It must exist by word or policy or regulation or law.

"Last summer the outstanding leader of the student Herald, the Director of University Publications (as Director of University Publications, he was in charge of the Talisman) retired. Mr. David Whitaker. Over the years he had built the Herald into an excellent student newspaper. He had engendered a strong support for the Journalism Department here at Western and had graduated many outstanding journalists, most all of whom, possibly, had some attachment to the Herald or the Talisman. Unfortunately, for us, Mr. Whitaker retired last summer; and upon his retirement, we were immediately confronted with a problem. Mr. Whitaker, being a strong administrator, had always operated very well and without difficulty because he knew what he was doing, and over those years he had demonstrated it. The problem was that when he retired, there were no policies--no written policies. There were no job descriptions; there were no operational procedures. There was no policy guide. Every university, every public school, to my knowledge, has a policy guide for its publications. Without that we were confronted with the situation of my simply going out and finding another Director of University

Publications and recommending the employment of this person to the Board and hoping that it would run well for another twenty years without policies or operational guidelines. Rather than do that and rather than make a final determination on anything, we decided that we should appoint an Interim Director of University Publications. While we continued with the Interim Director of University Publications, we would have a faculty committee to formulate our policies and procedures that we needed in place in order to operate in a reasonable way.

"I appointed that committee and it met at the same time the University Publications continued under the interim leadership of our appointee. In November, this committee made a report. The report was made with recommendations. The report had substantial involvement, as I understand it, from the Journalism Department and I hope from other faculty members and students as well. The structure of the committee was such that appropriate input was available on the committee for students and faculty alike. This committee made certain recommendations, and I wanted for the public's scrutiny (and again, if the Board will bear with me--I know that you are aware of this, but if you will bear with me just for my public explanation, here) I would like to go over this briefly again.

"The report was made by Dr. Vernon Martin and the recommendations of the report, after pointing out the importance of the student newspaper and the Talisman, the committee recommended these things:

1. -that the Office of University Publications be changed to the Office of Student Publications

"This, I didn't think was a major issue; and certainly I agreed with it. I saw no reason not to agree with it.

2. -that the title of the Director of University Publications be changed to Director of Student Publications

"Certainly, we'd agree with that.

3. -that the Director should be under the administrative control of the Dean of Potter College

"To this point, we had not had--other than my simply writing a memo and directing the Interim Director to report to the Dean of Potter College--we had no policies as to where this university publications unit rested in the University. Upon the retirement of Mr. Whitaker--he had been Head of the Department of Journalism, and he had also been head of University

Publications--in 1984, when he stepped aside as Head of the Department of Journalism, he became the Director of University Publications, which was set off to the side. It wasn't in the Department of Journalism. It was unclear, because we didn't have policies or procedures as to whether that office as set aside reported to a vice president or reported to a dean; and it seemed to shift with persons. When one dean was there, there was no report; when another dean was there, there was a report. The only location that we could find that there was a consistent reporting to was at the President's level; and simply it was at the President's level by default, actually, because there was no consistency at other points. So this committee, in order to avert that and avoid that in the future, recommended that the Director should report to the Dean of Potter College. Of course, I saw nothing wrong with that. I suggested to the committee that they might consider the Vice President for Academic Affairs. My thoughts there were that the University Publications is a pretty important mechanism of this university; and it might be a consideration to have it report to the Vice President for Academic Affairs. Nevertheless, there was no disagreement there. It was justified by saying the faculty and staff who published the Herald and Talisman are members of the Potter College faculty, generally. It seems logical to place administrative direction in the office of the dean of the college. Good recommendation, and I certainly agree with that. The title of University Publications Committee, we've already discussed, was recommended for change to University Student Publications.

-that we have a University Publications Committee to be made up of the Dean of Potter College, Head of the Department of Journalism, Dean of Student Affairs, Director of Public Information, four faculty members, and four students (one from the Herald and one from the Talisman; the other two from the student body at large)

"I did feel that the Dean of Potter College should not be reporting to the Dean of Potter College, so there was a question there. I later asked for clarification of that issue from an ad hoc subcommittee. What I did say to this committee was that I did not think that we should have three administrators on the oversight committee or the University Publications Committee. My recommendation there was that we have five faculty members from a broad spectrum of the university, possibly from each of the five colleges, and that we have four students, or any number; but I didn't feel that there should be an administrator on the committee--certainly

not an administrator reporting to himself.

4. -that the Student Publications Committee's functions should be more clearly defined

"That is what this is all about in the first place--defining and writing down and documenting what the process is by which we handle university publications at this university.

Publications are different from other student activities.

"Yes they are. Anybody who doesn't believe that, it's been demonstrated very well.

In order for both quantity and quality in publications be produced on schedule throughout the year, a great amount of time must be invested.

"That is certainly true.

Publications are sufficiently complex that they require expertise and information from several disciplines. Therefore, the committee recommends that the President appoint a Publications Committee to serve in an advisory capacity to the newspaper staff and advisers and the yearbook staff and advisers and the director of publications.

Members of the board should (it gets a little bit confusing at this point, because the committee refers, I think, to this committee as a board) represent a cross-section of the university and bring some expertise to the board.

"A cross-section of the university--something that I think is very important--that it not be confined to just a few professors. To have strength, the University Publications should involve as many faculty as possible.

The board should not be the first body to accept criticism or complaints but should review decisions made by the editor. ("The *editor*, presumably is the student editor. I don't know, but the word 'editor' is used.) The board should not be charged with reviewing news coverage or editorial topics before publication.

"I agree one hundred percent that the board should not be charged with reviewing news coverage or editorial topics before publication. In fact, it would be impossible for a board to meet and review copy and to edit and to be in any way put in a posture which it would review or pass judgment on what the students were publishing in the newspaper. Nobody suggested that, and this committee specifically said that it should not. Everyone agrees with that.

The board should:

Interview students seeking the top positions on the newspaper and yearbook and select the editor, advertising manager and other top editors for the publications.

"I agree with that.

Review the financial operation of the publications, including sales, income, accounts receivable, expenses, forecasts for the remainder of the year, bad debts, purchasing problems, unexpected expenses, equipment purchases, and other financial information as requested.

"In other words, the revenues and expenditures side which makes a financial plan in a budget--they recommended that. Of course that is necessary if you are operating in a public university. Presently we don't have that. We only have a year-end report, and that was a concern apparently to this committee because they addressed it, and it's been a concern to me.

Review complaints that have not been resolved by the editor, advertising manager, or other involved staff members.

Review staff policy and procedures.

"I agreed with all of that; and at that meeting, I enumerated four things that should be dealt with more specifically within the recommendations as circumscribed by that committee. A problem of misunderstanding here was conveyed by the impression, first of all which was published the next day in the newspaper, that 'Alexander rejected all these recommendations.' I agreed with all the recommendations except I didn't think that an administrator should be on the committee. But I went on further and enumerated four aspects of this report that needed clarification if we are going to move toward policy development.

"This was the memo--I met with that committee; I counted out these things on my fingers. Then I met with the Chairman of the ad hoc subcommittee who was asked to serve that day--the Head of the Journalism Department--I met with her the next day and enumerated these four things as well, and then my charge was an enumeration of four aspects that should be addressed. This is the memo that I gave the ad hoc subcommittee.

(Secretary's Note: A copy is attached to the minutes as Exhibit I.)

"I pointed out that, currently, the President of the University appoints directly the Director of University Publications. That is the way it is organized right now. The President, last summer when the vacancy was created there was no policy--no procedure at all--the only process which was an assumption was that the President (because everyone has to be approved by the Board of Regents) simply appoint a Director of University Publications.

It was that, that I felt needed more definition. We needed search committees; we needed all the things we normally have in the academic affairs of the university. The President of the university would appoint everyone else without policies or procedures--everyone associated without policies or procedures--because the only mechanism written down or under law is that the President appoints and the Board approves. The President recommends approval to the Board of personnel. Without search processes, without policies, without governing this, and without this University Publications attached to Academic Affairs, we had nothing in place.

"The precedent was established some years ago, and it was under this system of direct appointment that David Whitaker was placed in charge and provided distinguished service for many years. It is my understanding that Mr. Whitaker did not report to the Dean of Potter College nor to the Vice President for Academic Affairs but instead reported to the President. Upon Mr. Whitaker's retirement, University Publications was left with no leadership and no organizational structure on which to base operation of the Herald or the Talisman. The University Publications are not attached to a department or a college and have no functional connection administratively, financially, or academically other than directly to the President's Office. Also, no job descriptions had ever been fashioned to define the positions of Director of University Publications, Publications Faculty Editor (or Advisor). No job description. These are important words to everyone here--advisor or editor--but we have no job description. There was nothing except in memo that the President might write to say that we had an advisor or an editor. Certainly, I think, most agree that we should have an advisor, although not totally. Everyone, as we look across the country and read the publications--advisor or editor, but certainly the students should be the editors, I would believe regardless of this argument, but whatever you have should have policies, and it should have a job description. Because of the obvious problems inherent in running student publications in this fashion, I appointed an Interim Director, a faculty editor-advisor. This person oversees the entire thing--the Director of University Publications--presumably this person oversees it because there is no policy. I guess this person oversees it; it's by convention not by written policy that this person oversees it. Because of the obvious problems inherent in running student publications in this fashion, I appointed this person.

"An ad hoc committee was established to address this problem. That was this subcommittee headed up by the Head of the Journalism Department, and my recommendations to them were these, and I asked them to deal with administration, academic attachment, and fiscal responsibility. In response I suggested the subcommittee of the overall ad hoc committee meet and develop guidelines or procedures for establishing a Publications Committee made up of wide representation of faculty and students. The committee had already recommended a broad spectrum, or a wide spectrum of faculty representation. I agreed and said 'wide representation.'

"For this ad hoc subcommittee's guidance, I recommended that four aspects of establishment and operation be taken into account:

First: The Publications Committee be constituted of faculty and students from a broad spectrum of the University.

"The committee, the ad hoc committee, the total committee had already recommended that. Clarification is what we needed.

Second: This Publications Committee be given oversight responsibility for personnel (The ad hoc committee had already recommended that, but without specification.) (including selection and recommendation of editors and/or advisors) (They had already said 'select the editor.' The ad hoc committee had said in their recommendations that this Publications Committee should 'interview and select.' and for purposes of financial accountability of the Herald and Talisman, including budget formulation and approval. (A plan, a fiscal plan that was approvable and one projected for the next year as all other units of the University provide except the Herald and the Talisman.)

Third: That the Herald and Talisman be administratively attached to the established university structure.

"The committee recommended attachment to the Dean of Potter College, but the Dean of Potter College was on the committee. I asked them to consider some other attachment maybe to the Vice President for Academic Affairs, but that was of no great issue. It just has to be attached to the University somewhere if it's a part of the University.

Fourth: That the Herald and Talisman be academically connected to the University through laboratory, internship, or some other acceptable curricular experience and that students' participation be formally acknowledged. ("The ad hoc committee in its first page in their explaining the present operation as best they could referred to the Herald student activity as 'laboratory--loosely structured laboratory.' On the first page they spoke in terms of laboratory twice. If it's a laboratory as that committee said it was, and apparently the journalism professors had indicated that it was in conferring with that committee, if it's a laboratory, it would seem logical that they would be given some kind of credit. If it's an internship, (I added the word *internship* because you have that in education and in other areas of the university) if it's an internship, probably credit of some sort or some other acceptable curricular experience, whatever that might be--the world is wide open--but it should be attached to the University in an academic sense--somewhere

in an academic sense. This could range all the way from giving hourly credit to having papers prepared and calling it an internship, calling it anything you would like, but it should be established--it should be in policy--if it's not that kind of experience, then it should specifically say so in policy. But we don't have policies.

It is important to emphasize that you have substantial latitude making your recommendations, and I will appreciate your best thinking on this important matter. Thank you for your assistance.

"Those are the recommendations which I made to the ad hoc subcommittee that was meeting to provide more detail on the general recommendations of the total committee. It is from that, as you see there is no specification, no disagreement with the committee (as the papers have indicated) other than taking the administrators from the committee or suggesting that they be removed, there is no disagreement and there was no specification of a plan--what has been referred to as a plan. There was no specification of a plan. It was a suggestion of aspects of consideration for an ad hoc subcommittee in order to develop policies.

"Mr. Chairman, at that point we went completely from a discussion from a development of policies with a normal university committee to all of the discussion of censorship, and it took quite a leap to go from there to censorship. The plea of the University was to develop written policies; document what we've done in the past so we'll know what we are able to do in the future. That protects the student press. It protects the student press to have written policies. As a matter of fact, if there's one danger to freedom of student press or freedom of any kind of press, it's not to have documentation, not to have policies that everyone should abide by."

Judge Palmore moved that the Board go into closed session for discussions which might lead to the appointment, discipline, or dismissal of an individual. The reason for closed session discussion is to protect the reputation of individual persons being considered. The motion was seconded by Mr. Cook and passed by voice vote.

The Board went into closed session at approximately 11:30 a.m., and Mrs. Esters, Secretary to the Board, accompanied the Board in the closed session. In addition, President Alexander, Mr. John Grise, and Dr. Stephen House attended the closed session.

The Board returned from closed session at approximately 12:35 p.m. Chairman Iracane reported that during the closed session the Board discussed only matters within the scope of the motion and took no formal action and made no decisions.

Mrs. Judd stated, "As a publisher, this controversy has caused me a great deal of concern; however, it seems quite clear from Dr. Alexander's remarks today and during the past week that he has been working with a university committee to establish accountability--not censorship. "Until the committee makes its report, and the President makes his recommendation, further reaction would be pure speculation. I am optimistic that the committee will come up with satisfactory recommendations to address the issues relating to student publications. And, I feel 100 percent sure that none of these recommendations will contain the least hint of censorship.

"Accountability is required of all the colleges, departments, and subgroups within the university. We can't make exceptions if Western is to function as a University.

"Because of this, I would like to move that the Board approve the following resolution:

WHEREAS, *Western Kentucky University is a public institution accountable to the Commonwealth of Kentucky and to the citizens of the state, and*

WHEREAS, *as members of the Board of Regents, we are charged with the responsibility of efficient management for all units of the institution, and*

WHEREAS, *no unit of the University can be permitted to operate outside of the auspices of the University's established system, and*

WHEREAS, *there is an obvious need for documentation of policies, procedures, and fiscal accountability for the College Heights Herald and the Talisman.*

BE IT THEREFORE RESOLVED, *that the Board of Regents assembled at Western Kentucky University on March 26, 1988, does hereby endorse the need to adopt guidelines which will insure fiscal accountability and protect the quality and integrity of the College Heights Herald and the Talisman.*

BE IT FURTHER RESOLVED, *that this Board supports President Alexander in his efforts to establish such policies for the said publications and endorses the procedures he has outlined to accomplish this task.*

Ordered at Bowling Green, Kentucky, this twenty-sixth day of March in the year of our Lord one thousand nine hundred and eighty-eight."

The motion was seconded by Mr. Cook, and the roll call vote follows:

Aye: Clark, Cook, Evans, Iracane, Judd, Page, Palmore,
Strode, Todd, Wedge

Additional remarks from the Board members follow:

Mr. Clark - "I don't know if any of you in this audience ever (I'm sure some of you have) put on a military uniform--suit up to go to war. When I was a kid I didn't want to go either, but I've had to do some things that I didn't want to do. One of the things that I did that for was the right to be free. With this plan that we've seen presented, I see nothing that has destroyed any of my rights to be free and speak. I commend the plan, and I think it will work. I am optimistic that it will work.

"There were some questions; I had some phone calls concerning the accreditation--concern that we might lose our accreditation. In the accreditation manual it clearly states, '. . .When student publications exist, the institution must provide a clearly written statement concerning their role and the control of their operations . . .' [*Excerpt from Criteria for Accreditation - Commission on Colleges 1988 Edition, Southern Association of Colleges and Schools*]

"I compliment Dr. Alexander's committee appointments. I think it will work. I think the students will give it a chance to work, and I think it's time we all get back to our jobs."

Dr. Evans - "I think when my colleague said he approved the plan, I think that he meant that we are approving the plan on how this is going to be decided. There is nothing that has been decided yet. We don't have a plan to react to. There is general agreement, though, among the Board that there can't even be the slightest hint of censorship in whatever is final. If I didn't think that was so, I wouldn't be sitting here, I'd be standing. I have great confidence here that we will have a plan presented to us that will not have the slightest suggestion hint of censorship. That was never intended. It will not happen; of course, obviously, it should not happen. We must wait for the plan itself before we can react to it. It is not the function of the Board to dip down into the processes that take place unless it looks like there is no due process in those processes. I think that, as far as we can determine, there definitely has been due process and certainly will be.

"Again, I think I need to reassure people who are concerned about this; and I think, legitimately concerned (this is not something that should go by without any kind of discussion, particularly after things got in the paper). It's a bit embarrassing to the University, but it would be more embarrassing if no questions were asked. I have confidence in the process, and I have confidence that when we do get the plan and adopt it, it will be acceptable to everybody."

Mr. Cook - "It appears to me that if there is great concern that there has been some devious attempt to try to censor student publications at this university, it has come through an obvious misunderstanding or miscommunication of what the actual facts are. It appears that the absolute capacity for censorship is the situation that currently exists where the President of the University has the total force and capacity to name the person who is in charge of all of these student publications. It appears to me that an attempt by Dr. Alexander to enable the University community to have more say-so in the affairs of the student publications has been obviously misunderstood. I look forward to the final version of what the recommendations are to do a couple of things: (1) to guarantee the continued success and excellence of our student publications and (2) to put them into a situation where that continuity can never be challenged

because of changes in administration or changes in retirement of individuals who are directly involved in those publications. I see our whole opportunity here to be doing a 180 degrees from what I've been reading in the newspapers. I think there has been a very, very big misunderstanding."

Mr. Todd - "I would like to echo over what Mr. Cook said about continued success. To have written policies established is crucial, in my opinion, for continued success of the Herald, of the Talisman, of everything associated with Western Kentucky University. As the student regent, Dr. Alexander, I want to pledge complete support of your proposal."

Judge Palmore - "I guess, as usual, I shouldn't say anything, but I'm awfully sorry to hear the word 'censorship' even mentioned. The more I consider what has taken place, the more confident I am that censorship really had nothing to do with it."

"You know, in a bull fight the matador carries a cape or whatever they call it--a red cape--and throws it out here so that the bull will charge at the cape and miss him until the bull gets tired, and he then stabs the bull and kills him. I have an idea that the 'censorship' is the cape here. Nobody really, really is concerned or believes that there was going to be such a thing as censorship."

"I once heard an old lawyer say in a courtroom when another lawyer jumped up and objected to something, the first lawyer said 'well, the hit dog howls!' So when a dog cries out, you wonder what has hit him. I don't think it's censorship at all."

"I'd just like to say that as a member of this Board, I was one of the people who asked Dr. Alexander to accept the appointment as President of this University. I have seen nothing whatever to give me any reason to doubt his capacity to operate this University and do it well. I have the utmost confidence in him today. I think the thing for him to do is go on running this University in a quite, efficient manner. It appears to me that that is what he is doing. I'm in favor of that."

Mr. Iracane - "As Chairman of the Board of Regents, I have a few comments that I would like to relate regarding the student publications."

"First, let me say that any form of administrative control for the written content of the College Heights Herald is not and has never been the desire of the Board or of this administration. What is at issue here is a question of organizational structure, communication, fiscal accountability, and adequate documentation for the duties and responsibilities of positions and funds assigned to the College Heights Herald and the Talisman. As individuals responsible for the operation of a state supported institution of higher education, this Board must insist on written guidelines which clearly demonstrate a plan and an organization for all units associated with the University and receiving state funds. This documentation is necessary not only to fulfill our responsibility to the state and to its citizens, but to protect the integrity of the programs which we operate. The absence of such documentation results in confusion and leaves those who are responsible uninformed. Information is necessary for those who must make decisions and who are accountable for those decisions."

"The committee which has been requested to study our student publications must be allowed to do its work in an atmosphere of objectivity and submit its recommendations after thoughtful deliberation. Our President will then have the opportunity, with the

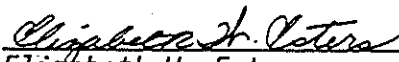
full support of this Board, to make decisions which are in the best interest of the University.

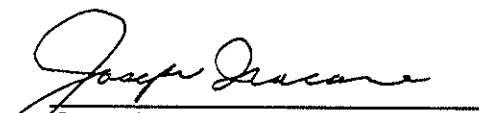
"Dr. Alexander, I want you to know that your efforts on behalf of Western are recognized and sincerely appreciated by this Board. Western is fortunate, indeed Kentucky is fortunate, to have someone of your caliber and national reputation to lead this institution. You deserve better than what you have received this past week. It is unfortunate that your time and efforts, particularly during a period of such critical activity at the state level, have been consumed by issues which in reality are nonissues. I congratulate you on your patience and can only hope that you will now be permitted to direct your talents and energies once again toward the projects in which you have already accomplished so much. I want you to know of my personal support and the support of the members of this entire Board for the important activities in which you are engaged. Western is in good hands."

There being no further business to come before the Board, motion for adjournment was made by Mr. Cook and seconded by Mr. Page. The meeting adjourned at 12:50 p.m.


CERTIFICATION OF SECRETARY

I hereby certify that the minutes herein above set forth an accurate record of votes and actions taken by the Board of Regents of Western Kentucky University in a special meeting held on March 26, 1988, in the Regents Conference Room of the Wetherby Administration Building on the Western campus and further certify that the meeting was held in compliance with KRS 61.810, 61.815, 61.820, and 61.825 (enacted as Sections 2, 3, 4, and 5 of House Bill 100, 1974 Regular Session, General Assembly).


Elizabeth W. Esters
Secretary


Joseph Iracane
Chairman

May 23, 1988


Elizabeth W. Esters
Secretary

May 23, 1988