Transcript of Dean's Meeting with Students

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Those of you who are well acquainted with me know that I do not enjoy making formal statements. Nevertheless, every once in a while some formality, some care with words, is appropriate and this meeting certainly is such an occasion. I, therefore, plan to begin with a formal statement. There will be ample opportunity for questions from the floor at the end of my statement. It has been suggested that we record meetings of this type so that those who do not attend may have the benefit of the discussion which takes place. That is a good idea and I am adopting it. We are taping this meeting and a transcript will be made available for all students. If this practice appears to be successful it will be continued.

I believe that you have already heard that the Board of Trustees appointed me Dean of the Law School at a meeting held earlier today in Gary. I think it would be appropriate if I began by giving you some of my views on the Deanship and on the health of the Law School.

I see the Dean as having several important functions. It is difficult to rank them in importance. However, if I were forced to make a choice as to the single most important responsibility I think I would choose a responsibility which may be referred to as "quality control". No institution is perfect and no institution can afford to stand still and watch the world pass by. Therefore, we must constantly look at what we were doing and decide whether it is the best that can be done under the circumstances. This process of evaluation must be continual. The Dean's responsibility, if we lag behind the world of law, is to encourage change while, at the same time, making sure that every change is a well considered one. Thus quality control has both affirmative and negative aspects. For instance, I am willing to admit that our curriculum is far from perfect. Many areas that are important to the practicing bar are not well covered in our current course offerings. In many areas of study there is little sense of progression or development and this probably leads to some frustration on the part of the students. Our opportunities for clinical work are quite limited. There are many areas in which change should be considered and I will do all I can to encourage such consideration. I also will insist that any change which is put into effect will only take place after it has been thoroughly studied.

Another very important responsibility is faculty development. We have a strong faculty. It is my responsibility to bring outstanding new faculty members to Bloomington and to see that we do not lose the good ones who already are teaching here. While I have turned the Chairmanship of the Faculty Appointments Committee over to Professor A. Dan Tarlock I intend to continue working closely with this group.

Students, members of the practicing bar and members of the University community all view the Dean as the representative of the Law School. I am very much aware that the impression I make upon these various constituencies will have a strong impact on the future course of development in the School. Outstanding law schools do not magically come into existence. They develop because they have supporters, people who believe in high quality legal education and who are willing to bend every effort to make sure that such education is available. Certainly, the recent meeting we had with members of the first year class is evidence of such a concern in the student body. Frankly, I did not enjoy every minute of that meeting but I was pleased to see the healthy student interest in legal education. And I will be responding to this interest during the course of this statement.
Support from our other constituencies is also essential. I can assure you that both the University and the members of the bar of the State of Indiana are behind the Law School. I read the bulletin boards every day and I am aware of some concern that a change in administration means an end to high quality legal education. Let me make my intentions clear. I do not intend to be remembered fifty years from now as the fellow who came after Burnett Harvey. I would not have accepted this position unless I believed that both the University and the practicing lawyers of this state were willing to give us 100% support. No one in his right mind would take this job for the prestige, the pay, or the pleasure of shuffling papers. Teaching is too much fun. I am going to serve as Dean because I think the prospects for legal education at Indiana University are bright. This is an excellent Law School. It will be even better when I step down.

Since there has been a lot of talk during the past year about poor relations with the bar of the State of Indiana I would like to make a brief comment about that point. All of you will be lawyers in three years and many of you will be lawyers in a much shorter period of time. You have doubts about the School. You have questions about the faculty. You wonder what type of a fellow the Dean is. And you are no different from every lawyer in Indiana. You want to know what is going on, you want to get to know the faculty better. You want to understand modern legal education. These are exactly the same things that the Indiana lawyer wants. Once you, and once the members of the practicing bar, understand what we are doing, many of our problems will vanish. Therefore, I plan to spend a great deal of time interpreting the Law School to you and to the lawyers of this State. I am now in the final stages of preparing the Dean's annual report. For the first time it will be sent to every member of the Indiana Bar Association and to every Indiana University graduate no matter where he or she may live. This meeting represents the beginning of our effort to communicate more often and more directly with our student body. If this meeting appears to be successful it will be repeated at least once a month for as long as there is student interest.

Now let me address myself briefly to the membership of our committees. We have had student members on law school committees for the past several years. We have progressed from a time when students practically had to be dragged into committee meetings to a time when students are most anxious to participate. Last year we encountered a situation in which the supply of prospective members exceeded the vacancies on committees. It was quite natural that this time both faculty and students should begin to address the general question of why students ought to be on Law School committees and what were the appropriate means of selection.

Early this fall I held an open meeting, attended by twenty to thirty students, at which there was a discussion of membership selection procedures. After that meeting I asked five students who had expressed quite different viewpoints in a public meeting to come up with one proposal for the selection of student membership. It was my hope that the students would be able to reconcile their differences with little or no assistance from the Law School administration. This did not occur. I received three separate plans and these plans, together with one other plan previously submitted, are the four plans which were publicized by notices posted throughout the building. I solicited both faculty and student comment on the appropriateness of the various selection procedures. Relatively few comments were received. Frankly, I was disappointed that the students were not able to agree on a plan but I suppose that, given the circumstances and the differing viewpoints, this failure to agree should not have been a surprise to me.
I then made a tentative selection of one plan and once more solicited faculty opinion. The discussion which followed in faculty meeting moved away from the merits and disadvantages of the selection plan I had chosen and focused on the general question of why students should serve on Law School committees. The major part of two faculty meetings was devoted to the discussion of this question. The faculty was of the opinion that it would be very helpful to have another open meeting with students at which students and faculty could exchange views about their respective roles in the Law School community. I was specifically requested not to announce any selection plan until the entire question of student participation in committee work could be discussed in an open meeting. The faculty's hope was that we can have a meeting in which no specific positions need to be attacked or defended and the basic rationale of student membership may be examined. To facilitate this, several faculty members have prepared a short report outlining the various considerations advanced to date. This outline will be distributed at the close of this meeting and I hope that you will give it careful consideration prior to the open meeting. That meeting will be held in the Moot Courtroom next Monday afternoon at 4:30 p.m.

In the notice of this meeting I solicited written questions. I have received two and will answer them now.

Q. How soon will you and the instructors have a response to the proposals of the freshman class for changes in the tutorial program?

A. We will have three responses, one of which will be available immediately. First of all, there will be a personal response. Anyone that reads the open committee memo and sees merit in it will obviously be affected by it as we go through the year. I would call that simply a personal response. You cannot ignore a well expressed and deeply felt student concern. That's not very concrete. Secondly, there is a programmatic response. I will read you part of the text of the notice that will be published at the beginning of the week.

"The last project for this semester, a Library research project, will be distributed on Friday, November 3. Each student will be asked to prepare a memorandum of law. Students will be asked to elect one of four options for completion of this project. Students may prepare a memorandum of law which will be intensively reviewed", and I might add that this was our original plan. The options that follow are additions.

"Two students may elect to submit a joint paper. Again the paper will be graded and a conference will be held. Students electing this option will both receive the same grade in this project". This is in partial response to the students' request to work together. Now there is nothing to prevent you from working together without electing this option but this is a recognized option in the program for students that want to work together.

These last two options are in response to a request for rewrite privileges. "Students may prepare a memorandum, receive a grade, have a conference, submit a rewritten paper and have a second conference on the revision. This rewrite privilege will be voluntary and the grade will not be affected by the success or failure of the rewrite attempt".

"Students may elect to rewrite the project or the memorandum with half of the grade being determined by the initial submission and half being determined by the success of the rewrite. As in the case of the third option, conferences will be held after the evaluation of the initial draft and after the evaluation
of the rewrite" so that the third and fourth option are similar; in one the rewrite is not for credit, the other option is for credit.

Students will be asked to make their election no later than Monday, Nov. 13. The problem will be distributed on the 3rd so you will be able to see the problem before making the election. Forms for making the election will be distributed in classes next week. Now there is one problem. What do we do if students from different instructors want to form teams and also what do we do if a very large number of students with one Instructor want the rewrite privilege? Evaluation of the rewrite is going to take a substantial amount of time and so we have added this paragraph:

"Students electing option no. 2 need not be enrolled with the same Instructor. If a large number of students elect either options 2, 3 or 4 it may be necessary to reassign students for evaluation for this project only. Students will be notified of any necessary reassignments shortly after the deadline for making elections. We have to do that to take care of the possibility that one Instructor may be hit with very many requests or elections for rewrite which will make the work load fall very heavily on him. We have to take care of that.

Q. "Why are classes scheduled on six days instead of five when there appears to be no classroom space problem?" Put another way, why do we have Saturday classes?

A. We have never moved away from Saturday classes for several reasons. Reasons are different for first-year classes and for upper-class offerings. Now, in some cases we simply have a space problem. While there are space problems this factor does not account for all the schedules. There are other considerations involved. It has been a tradition at the School that faculty members teach classes in blocks: Monday, Tuesday, Wednesday or Thursday, Friday, Saturday, leaving the faculty member free for part of the week. Most faculty members prefer this because if you're doing research it's very difficult to do any significant amount of research if you have class preparation on one day. Inevitably class preparation tends to take up a major part of the day's work and the research gets put to one side. Similarly, our schedule attempts to accommodate students by not bunching students. That's another factor that goes into making the schedule. You want to bunch faculty members in either the beginning or the end of the week and you do not want to bunch students--overload students where they go to five or six hours of class in a row, which we try to avoid. Now sometimes we're not successful but that is something that goes into the decision of schedule making. And this becomes particularly troublesome when you realize that the basic course unit at this Law School is three units. Yes we have one, two and four unit courses but the basic unit course unit is three units meeting three days a week and therefore if you were to abandon Saturday morning classes you're going to have an awful crush on Wednesday because Wednesday will be the end of the first group of three hour courses and the beginning of the second group of three hour courses, unless you start giving people classes on say Monday, Tuesday and Thursday. We've always followed the Monday, Tuesday, Wednesday; Thursday, Friday, Saturday pattern or Tuesday, Wednesday, Thursday, Friday pattern. What I'm trying to point out is that with a three unit schedule you're likely to get bunching in the middle of the week if you rule out Saturday classes absolutely. For freshman students we believe that it's sound educational policy not to cram and so we deliberately spread the classes out through six days. We probably could move some of the freshman classes off of Saturday without too much bunching. But we choose not to because we think that the freshmen should not be hurried in their legal studies and they should not have to have
the work jammed up on them. There's been a choice that it's good educational policy.

With upper-class students we have the problem of class conflicts. Students are very unhappy when they find that two classes that they want to take are offered at the same hour and so one of our considerations in scheduling is to try to spread the classes out so that the students do not have to make choices. For instance, I just looked at this last semester schedule. Mr. Hopson--his family law class meets on Thursday, Friday and Saturday. We could move it back and make it a Wednesday, Thursday, Friday class but then all those students that were in Mr. Hopson's class would have to choose between Family Law and Criminal Process I because both these classes meet at 9:30. You can say the same thing about Baude's course upper-class course on Constitutional Law and Richardson's course on Privacy and the Public Interest. You could move Baude back from a Wednesday schedule to a Tuesday through Friday schedule but then people that were in Baude's course could not take the Richardson course. Now these are examples that I just got by looking at the fall semester schedule quite briefly and maybe there are others that I could discover. Quite frankly one of the problems we have every year is the students get very aggrieved when they find out about these conflicts and one of our principles of schedule building is to try to not have conflicts.

Apart from questions of educational policy some people say--students have argued "Well, attendance on Saturday classes is poor and if you moved Saturday classes to Friday it would be better for the students and the faculty because more people would go to class". Experience at other schools that have done this indicates that moving Saturday classes to Friday merely transfers the bad attendance problem from Saturday to Friday.

There are other things that we could do. We could have night classes. We currently try to schedule upper-class courses starting at 8:30 in the morning and run until 3:30 in the afternoon and then schedule seminars from 3:30 to 5:30. We could start law school at 7:30 in the morning. We could run law school classes through until 5:30 at night or we could have evening classes. The point I'm trying to make is that---as we schedule classes we're trying to harmonize a number of interests and the more time that we have open, and that means Saturday morning, the more flexibility we've got. Those are the reasons ---the considerations of why we have Saturday classes at present. There is a Scheduling Consultation Committee which, when we get the question of student membership on committees solved, will have student members. It had student members last year and one of the functions of the Scheduling Consultation Committee is to point out to us undesirable sequences.

I think that the best answer to questions as to why we have Saturday classes is to simply say try to figure out how we can do without them and see what the costs are. Apart from the educational questions, just from the student point of view--I'm not talking about what the faculty thinks is a sound educational policy--but from the student point of view the question would be, "Do you want the conflicts and the different hours that you get if you go to a fiveday week?" And that's a problem that the students have to face--but we have the Scheduling Consultation Committee and every semester we will be reviewing the schedule---we will be open to suggestions.

Now, I previously received further questions from the Radical Caucus--I will treat them as written questions for the purpose of this meeting and will answer them now.
We will be offering a course entitled "Women and the Law" during the spring semester. It will be taught by Professor Getman.

With regard to the questions concerning class attendance, faculty members may have differing opinions on the educational value of attendance in their classes. Nevertheless, I believe we all perceive a substantial difference between a correspondence school where there is no class attendance and an accredited law school in which there is some requirement of class attendance. We have never sought to establish a uniform policy by making a precise definition of regular attendance or excessive absence. We have seen no need to make a quantitative judgment but if there is such a need we will make such a judgment. The academic regulations spell out several sanctions for excessive absences, including reduction of credit hours, dismissal from a course or exclusion from the School and possibly adjustment of a grade. I do know of cases in which a student has been excluded from a course. The nature of the sanctions are such that they may be imposed prior to or after the examination. If the implementation of the academic regulations in any particular case results in injustice I would be interested to learn the facts of that case. While the Law School does not have grievance procedures as such it does have an Administrative Committee of which I am the Chairman. Students who feel aggrieved by the application of any one of the academic or administrative regulations can bring their case before the Administrative Committee.

I, myself, personally, in my classes, do not take attendance--I simply give a final examination and the student that is not in the class bears that burden. I think if you'll look at the ABA statement--what the ABA is trying to do is straddle a very tough position--let's say make a very ambiguous statement. They say that students should be in attendance which gets rid of the correspondence school, and yet they do not require that the law school take specific action against people that don't attend, leaving the situation very ambiguous. There are certain losses that happen when a student does not attend class. I prefer leaving it to the individual faculty members to decide what they'll do. I must say that in the question of attendance that I find abstract discussions very difficult to cope with. I would like, if there is a student that feels that the attendance rolls are working unfairly, I would like to know about it--with specifics.

Insofar as the Law School's policy concerning anonymity of exams is concerned, we have tried to harmonize the principle of anonymity with the principle that students ought to be treated as individuals. It would be perfectly possible to adopt academic regulations that made the final examination grade, examination being taken anonymously, the only mark in the course. We have not done this because we believe that other measures of student achievement such as papers and class participation should be taken into consideration if the particular professor so desires. Of course the fact that the grade must be submitted to the Recorder before the adjustment can be made carries some protection for the student because it puts the adjustment of the grade on the record in the Recorder's office. Once again I will be happy to learn of particular grievances. That concludes my formal statement. I apologize for its length. If any of you have questions from the floor I will be happy to attempt an answer.

(At this point there was a discussion about how to get the questions on the tape.)

Q. Referring to the meeting announced for the following Monday will the
students have the opportunity to poll each professor on how they feel and will a vote be taken at a meeting open to students and will faculty members not present at the meeting be denied a vote on the matter?

A. I can answer all those questions by saying that the purpose of the meeting is not to settle the controversy—it was never proposed and I think it would be destructive to the sense of the meeting to take a vote. The thought was that the faculty wanted to sit down and talk with the students about what is the relationship between faculty and students. It's very open ended. We didn't even discuss the structure of the meeting—I suppose that I will stand up front and recognize people and not say anything—we didn't discuss anything; we just said that some of the faculty—I don't know how many will be there—will be in the courtroom—they've got a think piece that's been distributed—they want to hear how the students react to it and they want to talk to the students about how they feel about students on Law School committees or student influence on any aspect of the Law School life. It's a much more unstructured and informal meeting than you assume when you ask those questions.

Q. When the vote is taken will students be present?

A. No. Until we change the policy this goes to the question of open faculty meetings which I assume is part of the whole question of students on committees but previous practice will control until we have a change. We have in the past invited students to faculty meetings and they have been involved in the discussion. They have not voted but they have witnessed the vote. In those cases when students have worked on projects, for instance I am thinking specifically of the Curriculum Committee of three years ago which had three student members. The students attended the meeting, they spoke in behalf of the Curriculum Committee report. They were at the meeting all during the deliberations on the curriculum; but this was a decision of the faculty and unless the faculty decides that it wants students at faculty meetings the previous practice will control.

Q. How can you honestly say that students are involved if they don't have any final vote on a matter which concerns them?

A. I suppose the answer is that you assume that the only involvement a student can have is a vote, and if that's your definition you've solved the problem by definition. Students can be involved in many ways. Student opinion can be sampled in many ways. And the fact that student opinion is sampled does shape the way a decision is made because once student opinion is found out it can't be ignored. So I guess the answer is that I don't define influence the way you do and we've got quite a problem of defining our terms.

Q. Inaudible.

A. That's getting difficult. Your position simply if I understand it, is that if the students don't vote they don't have influence and I say I don't agree with you.

Q. What kind of sanctions are you willing to impose on the sexist antics of Mr. Schwartz?

A. I guess I would say that I don't know an appropriate sanction and I'm not sure that a sanction is merited. My personal belief is that we're going through a difficult period and that we're going to have strange stresses.
We've got to live with them as best we can. I'm not about to run around and reprimand faculty members for a large variety of things they do. I'm not prepared, I would say, to reprimand students for a large variety of things that they do with which I don't agree. It's a free world—you live your own life—you can take your consequences and the consequences are quite often something different than a sanction imposed by the Dean. If I think that educational policies are involved, I will be very happy to consider student grievances.

Q. How do I defend imposing sanctions on students for not attending classes in the name of sound educational policy and not, to paraphrase you, impose a sanction of Professor Schwartz for something that is said to have happened in his class—which is also not sound educational policy?

A. Your view of a sanction, and the only view of a sanction you have, is an official administrative action. I was trying to make that point when I said we all have to live our lives and bear our burdens. And if Professor Schwartz offended someone or if any member of the faculty offended someone, there is a burden.

Q. Approximately 75% of the freshman class did not get carrels, yet in the writers' room there are 20 carrels, at least 20 carrels, that are assigned only to one person. I think this is an injustice to some of the freshmen and I'd like your opinion on it. Also there are a lot—there are a number of volumes at the Law School Annex rarely used—they're Library volumes, the A. L. R., all the US Reports for the last 2 years and yet there's a shortage here at the Library. Now the third question is the check-out policy of the National Reporters. A lot of books get bogged down in writers' room and other carrels—it's hard to get to the law books it's a great inconvenience. This is not done at most law schools, I understand. I'd like to get your opinion on these three questions.

A. I am aware that there are complaints against the Law Journal for hoarding books which I think is part of your question. I have spoken to the Editor-in-Chief of the Law Journal already and he's promised to do something about it. That was a couple of days ago. I think that this Law School recognizes a special status for the Journal. You might debate the policy. But until the policy is changed this Law School will recognize a somewhat preferred claim on the assets of the Library by the Law Journal writers and I suppose that's the real justification for the carrels. Given a basic policy that we value what the Law Journal writers do we can justify a lower carrel ratio, more liberal sign out privileges, special Library resources. One of the suggestions was that these resources are not used by the Journal and I'm simply not going to make a snap judgment this afternoon on whether the Law Journal is making adequate use of the Library resource. We've got a very good Law Journal, it's something that we're very proud of and it's something that does a lot for the School. And so I'm going to be very cautious and say I will want to see what is the extent of the problem before I say that I'm going to do any particular thing.

Q. Why do you value the Law Journal work over student work done within the School and for classes and what are the policies of records on each student and how the Law School distributes these records to outsiders, particularly members of the Indiana Bar Association and your own personal use?

A. I speak for myself personally—but I think I probably express the
view of some number of legal educators when I state that I value the Law Journal work because it's the one place where students have been teaching themselves for a long time. I know that student attitudes concerning the Law Journal are tied up with feelings about elitism in the Law School and I know it touches some sore points. But we must admit that one of the unique contributions of law schools to education in the country has been the law journal which is quite an old institution in which students have trained other students to do work and you will note that that was one of the thoughts that was in this memorandum that was submitted by the first-year students—that we ought to get more assistance from our students. Well, that, of course, is what the Law Journal is doing. Seniors are teaching juniors. Now, you may say that the Law Journal as an institution is bad—that there is a wrong set of values here. I'm explaining to you why I think the Law Journal is an educationally valuable project.

A. Now the second question—what about student records. We have guidelines on the distribution of student records. I don't recall all the guidelines but basically it is—if you don't want us to say anything about you, we won't. Your records are not open to the public. Period. Now, I'll provide those guidelines when this transcript of these proceedings comes out, (see attachment) I will see that a copy of the guidelines on the release of information by the Recorder's Office are made available to students. So essentially under those guidelines it's the student's choice. If you don't want us to say anything about you we will not say anything about you. There are two types of information in student files. There is some information which will be revealed if you ask us to give information. For instance, if you give me as a reference, I am authorized to release certain information about you—how you did, and so forth. There is other information which is sealed. If a student has a disciplinary problem and a sanction is imposed (this most commonly happens in plagiarism cases) this information is sealed and is not available to anyone but the Dean. It's in a sealed envelope so the Law School files contain two types of information—that which will be made available to the public if you request us and authorize us to do so. And that which will simply not be made available unless the Dean makes a decision on availability. But the basic guideline is—if you don't want us to talk about you, we won't.

Q. Can the students see their own records?

A. The answer is Yes.

Q. Both kinds?

A. Both kinds. As applied to students that are now in School, whenever there's been any difficulty, I have called the student in my office, told the student what is going to be in the file, what will be revealed, given the student a memorandum of our conversation, and placed a copy of that memorandum in his file. (It should be noted that letters of recommendation sent to the Admissions Committee are not available to students or faculty members.)

Q. She raised a question about what is the basic policy here on women and women's rights which we're all aware is a fairly critical policy. Your response rather than directing your attention solely to that, centered on the question of grading and the attendance policies. Now it seems to me that what you've actually said and I want to see if this is correct—that you have made an educational decision because I think that their choice of educational policy
was a wise decision. I think that's the description of the women's problem in the Law School. Have you stated that you have made an educational policy choice that you would rather see freedom of the faculty as opposed to coming down as the Dean of the School and actively supporting women's rights?

A. The question was put in the form of sanctions. Let me say this. I am not prepared to impose a sanction on students or on faculty members for conduct that I might consider to be offensive and I will say as far as Professor Schwartz is concerned that all I've had is rumors and I haven't talked to him about this. But well, let's make the type of assumption we ought never to make—that it's absolutely the worst thing that you can imagine. Now, there are lots of bad things going on in the Law School every day and I believe that if you go run around every day imposing sanctions, whatever those sanctions may be, official reprimands, deductions of credit, and so forth—you can imagine a lot of sanctions, there will be losses. I don't think it's good for the institution. There is a lot of play in the joints and there is a lot of abrasiveness in the Law School. Now I don't particularly enjoy the abrasiveness but I'd much rather have the abrasiveness than some sort of arbitrary code of conduct where everybody is tied down by rules. I just don't believe that educational institutions work well when they're hidebound by rules. There are some things that have to be taken care of simply by expressions of community sentiment feelings. Now I will state my position if you want a record of what the Dean of the School thinks. I think that the women have had a bad deal from lawyers for many generations in terms of getting jobs and I think it's obvious that we have got to have more women practitioners, that we have got to have more women students in the School. I will do my best not to offend but I am not prepared to start telling the students and faculty of the School that you have got to be polite to each other and while—the students, some students, may want to, I think in the long run they will realize the wisdom of this course. I think that women should come to equality with men in the legal profession and that we ought to move as rapidly as we can. You must realize that this is very hard for everybody concerned. It's very hard for the women, I know it is. It also happens to be hard for the men and the problems are not going to be solved overnight. But I think we should work in whatever ways we can. But I am not prepared now to say that we are going to have a list of rules in the Law School covering all sorts of conduct. It would ruin the place.

Q. Inaudible.

Q. To make the kind of statement that I think you've been making about not having any rules in view of the kind of factual realistic power structure that we have, it's highly foolish for a student to criticize a professor; on the other hand, if you make the assumption that Professor Schwartz did what he is rumored to have done, that can be done with a great deal of impunity in the Law School situation now and it seems to me that the Law School on the administrative level has some kind of responsibility to make an attempt to work these things out -- in the end perhaps in not taking sanctions but in trying to work out this kind of difficulties.

A. Your definition of impunity and mine are obviously different. I wouldn't describe this meeting as impunity—that's not the correct term of word. I will state—we can argue for a long time about this particular alleged incident. I simply will— I think I state my view that life goes on much better in the long run when there are not rules regulating every single aspect of life in the Law School including social relations between people,
and in turn - in being polite. That's my judgment. I guess we disagree --
that you would like to have a rule covering a lot of things and I believe
that the fewer rules we have the better. There may be occasions when we have t
to have rules but I would like to see a community in which there were as few
formal rules as possible. All I hear is the question again: why not set up
a formal system or informal system? Whatever you call it, I am it. You may
want another one but I'm the best you've got until that time that we have a
new system and I would suggest that nobody has tried me. And this is one of
the very frustrating things. Occasionally students come into my office and
talk to me and occasionally I have quite violent disagreements with students.
I have my views and probably some of them are held a bit too vigorously. But
there are times when I'm open to persuasion and one of the frustrating things
at this School is the extent to which the students will not consult the
administration of the School whether it be myself, Dean White or Dean Under-
wood about specific problems. So I would suggest that before we go off struc-
turing formal bodies that we see whether the bodies we've got right now might
be able to do the job.

Now that I am aware that some of the students have a grievance against
Mr. Schwartz, am I going to talk to him? I'd like to talk to the students
first. I have not had any contact. I've got rumor. I do not deal in rumor.
I deal in facts and if somebody wants to come and see me I'll be very happy
to talk to him.

Q. You stated that the policy of the Law School, I guess so far as you
knew, in accepting high-risk students, high-risk women, high-risk minority
students, was that there was no policy and that all qualifications be equal
and there was a tie between a woman and a white male, then the woman would be
chosen or the black would be chosen, I have heard a rumor--you need not
address that rumor --that this is not in fact and that LSAT scores for blacks
and women are disregarded to some degree in order to get them into the Law
School and if that--what is your view that in view of what you said at the
address you made last spring--do you intend to change that policy as it is
practiced and if that is not the case--in fact, admission is run as you
stated it ran last year then do you--why continue with this policy of not
accepting "high-risk" blacks and women. Why are you not doing that?

A. That is not the case. I don't think I want to go back to last year--
I'll state it again--I'm not sure that's exactly what I said but I'll state
what is the policy of the Law School on admissions. It's interesting. I'd
say students are a lot like lawyers, because of much of the same concerns
about admissions I hear in the practicing bar, although usually they do not
refer to minority groups and women, but they refer to sons of alumni and
Indiana residents. Now, the Law School follows a discretionary admissions
policy. This means approximately 50% of the people admitted to Law School
each year are taken on the basis of Law School Test Scores and undergraduate
grade point average. If a person has a 700 LSAT score and a Phi Beta Kappa
key you are unlikely to spend much time figuring out an excuse not to take
this person. They will be accepted. This is automatic admissions. We have
a large number of students that come to us with very good, very commendable
credentials. We know that there is a large degree of inaccuracy or not very
significant correlation in our admissions statistics. Our correlation is not
perfect by any means between the test scores and the grade point averages.
So we start looking for things about the students or their character which
would make them valuable law students--would encourage us to take them. We
are very concerned that in 1970 there were only 52 Black lawyers in the state
of Indiana. Somebody's got to do something about that and the Indiana picture is no different than the nation wide picture. We are very concerned with the low number of women lawyers. You can just see that by inspection if you go to any large law firm. Now, I think it a legitimate concern, I think a state university law school has got to pay attention to its own constituency. We have some obligation to the residents of the state of Indiana to educate sons and daughters of Indiana. And particularly alumni--I think alumni--sons and daughters of alumni have a good claim on this school. We also would like to get in our student body people that are mature, people that have a large sense of responsibility. This is what a discretionary admissions system means. We will not be misled by the numbers but I don't think that you can go any further with a meaningful description of the process because the Admissions Committee takes a large number of files and starts to argue over them and try to figure out whether one is better than another. In this area academic credentials are important to people who wouldn't have gotten that far if they didn't have the academic credentials. But there comes a point when you have to stop with the academic credentials and say "What are we trying to do?" And that is the function of the Admissions Committee to say we are trying to do certain things with our admissions process. We are trying to see that there will be more women graduating from law school. Our statistics are moving up--I believe about 20% of this year's entering class are women. And we have increased our minority group enrollment and we should, and we do give consideration to other factors. But it's not mechanical. You're not doing the people we seek a justice by saying people are underqualified. You're playing well, they're not underqualified. You're getting to a point where you have 700 or 800 people all right next to each other. When you start talking about decimal points and carrying scores out to 100ths of a point, you're playing with numbers. You really are playing with numbers. The Law School is making an effort to bring more women and more Black students into the Law School. It requires not only recruiting, which we're doing, it requires in some cases scholarships--we are aware of all this. You may say we're not successful--we're not doing enough but we are doing. For instance, I have been informed by Mr. Popkin that women law students this year will be going out and meeting prospective law students at other schools. There is a great deal that both the women law students and minority group students can do to convince people that Indiana University is a good place to come. We want that to be done. We are asking for the cooperation of the students. I spoke to Ms. Gaither, I believe it was just yesterday, about how do we get more Black students in the school. She came to talk about it. We talked briefly. This is an area in which we really need student help. We're pursuing the policy but that's all I can say.

Q. Are you and the Instructors preparing a written response to the first-year students report on the tutorial program.

A. I will treat our statement of the new project as written response, namely that part of the statement that asks for more ability to rewrite and consult with other students. It is a form of written response. We have not prepared a pleading.
Guidelines for Student Records

Section I. Student Records. A permanent record will be established for each student entering the School of Law. The Recorder has the responsibility for the establishment and maintenance of student records.

Section II. Contents of Student Records. Student records shall contain:
(1) a completed application for admission to the School of Law; (2) certification of law school aptitude tests results; (3) transcript listing courses taken in the School and grade and credit received for each course; (4) records of any academic or other discipline imposed by the School of Law or the University; (5) all correspondence with the student; (6) all correspondence concerning the student received from or sent to agencies of government; (7) record of academic honors; (8) record of degree conferred.

Section III. Access to Student Records. Subject to the provisions of Section IV of these guidelines, the Dean, Associate Dean, Assistant Deans, members of the Faculty, and the Recorder may have access to student records for academic and administrative purposes. No other member of the Law school staff may have access to student records unless ordinarily may be viewed only in the Recorder's Office, or in the offices of the Dean, Associate Dean, or Assistant Deans. No records may be removed from the designated offices without the permission of the Dean or his authorized representative.

Section IV. Disclosure of Information Contained in Student Records.
No person shall disclose any information contained in student records unless authorization for such disclosure is contained in these guidelines.

A. Public Information. Any person authorized under Section III may regard the following as public information and may, after determining that the person requesting such information has a legitimate interest, disclose the following information to any other person:

1. Name
2. Home address
3. Campus address
4. Dates of law school attendance
5. Name of undergraduate institution(s) attended and date of graduation
6. Degree conferred by Indiana University School of Law and date thereof
7. Academic honors

B. Academic Record. A transcript of his law school grades, computed grade point average, and class standing shall be available to the student at all reasonable times. Members of the faculty and administration may not release this specific information without the consent of the student or graduate whose record is involved.

C. Applications for Financial Assistance. The information requested on applications for financial assistance involves highly confidential facts concerning the income and financial situation of the applicant, and, in many cases, of his family. Unauthorized release of such information would be an unwarranted intrusion on the applicant's right of privacy, even after his graduation. Information on applications for financial assistance will not be released without the applicant's consent.