Dorm resident leaves ND over parietals violation

by Don Ruane

A Lewis Hall resident voluntarily withdrew from Notre Dame Dec. II, 1972 rather than face expulsion and loss of her educational visa for violating hall parietals rules.

The woman, a graduate student in government from France, was given the chance to voluntarily withdraw when she appealed a decision by Vice President for Advance Studies Dr. Robert Gordon, which was apparently made on the basis of a report from the security department. Gordon expelled her Dec. 7, but she appealed the decision two days later to Provost James T. Burdick.

As of Jan. 3, when Gordon sent a letter with attached regulations to all graduate students, there was no central judicial and appeals procedure for graduate students comparable with that for undergraduates. All cases were either handled by Gordon himself, or through his staff which then forwarded a report to him.

According to the security report, an anonymous phone call from Lewis Hall reported that a man was living with the woman who was received Nov. 27. At 6 a.m. the next day, Security Director Arthur Pears and Investigator Jerry McGilvren went to the woman's room. They attempted to contact the rector, Sr. Therina Sanda, according to official procedure, but she was out of town. They sought advice from the Dean of Students and were told to enter and get the man out. They reached the Housemother, whose duties include responsibility for the hall in the rector's absence, who took them to the woman's room.

Pears allegedly called the woman a "pig" and referred to her room as a "stif. During further questioning at security headquarters, he is reported to have been quite explicit, intense and insulting. In a typed list of inaccuracies by the woman, she says Pears "had pushed me to my limit by his approaches" and "you gave him your body."

Yesterday he replied to the allegations with, "I know nothing about it. I don't know where they got that. " He refused to make any comment on the various steps of the raid. Pears cited University policy which prohibits public discussion of any student disciplinary matter in the interest of the student's privacy.

The woman has appeared publicly to discuss the incident with residents of Lewis Hall. On Thursday, Dec. 7, the woman kept an appointment with Gordon. During the meeting she was told that she was expelled, could not complete the semester or get credit, and that she would have to leave campus by Dec. 8.

When contacted yesterday about the case, Gordon said, "I have no comment on that. That case is closed."

While appealing the decision to the Provost, the woman was told she would not lose her visa if she voluntarily withdrew and was admitted to another school for the second semester. She is now working at a midpoint college that does not have a graduate program in government. Her position is not known, but sources believe she may be teaching.

(continued on page 5)

Grad students get new code

... details on page 2

Farley, B-P react to co-ed decision

... see page 5
A disciplinary code and appeals procedure for graduate students will be discussed at 7:30 tonight in Lewis Hall by the Advanced Students Affairs Committee and any interested students interested enough to show up and contribute suggestions and ideas.

The establishment of the code was prompted by the recent voluntary departure of a Lewis Hall resident after a parietal violation (opposite page 1), and a number of incidents during the last three semesters which resulted, in extreme cases, for the most part.

In a letter dated Jan. 1, Vice President for Advanced Studies, Dr. Hobert Gordon explained the need for such measures, and why that at the time the letter was written there was "no central judicial appeals mechanism on our campus for graduates." He also drew an interim line for handling violations of general rules. It provides that the accused be informed of the complaint's nature, and be offered a private hearing with the dean of students who will make a decision and recommend it to the vice president for advanced studies. The vice president shall look for violations of due process, and initiate an appeal if necessary for final decision.

No appeal, if the above there was violation of due process, may seek a special hearing officer an unbiased "special hearing officer" appointed by the vice president from one of the two graduate schools in which the student participates. The officer shall recommend action to the vice president for a decision, which may be appealed to the president.

Gordon had considered advanced student residence halls "separate entities" from the other residence halls, and that hall residents "would accept the responsibility" integral to the freedom of self-governance. He also assumed that it was not "necessary to elaborate out set of rules and governing mechanisms" similar to those applying to undergraduates.

"Nevertheless," Gordon wrote. "In a result of reports received during the first semester of this academic year, I am forced to include that my general philosophy and basic assumptions are not applicable to all advanced students, and hence, some modifications are required." Gordon wants to continue self-governance, but within certain parameters. In the past, disciplinary action was handled directly by Gordon, or his staff, which made recommendations to him for final disposition. There was also an agreement that advanced student cases be passed directly to him by the dean of students, who handled all other cases.

Last month Gordon received a letter from Graduate Student Representative, which referred to the parietal violation in Lewis Hall. Wessells called the matter "a critical test for the students' own rights." Gordon added that the lack of judicial procedure is a legitimate grievance, and that the trustees recognize graduate students as different, and not subject to the undergraduate student manual.

Wessells complained that an undergraduate rule was used in the Lewis Hall case without due process, and that the woman in question "should not be put up for sacrifice just because the review board mechanism does not exist.

He requested that the Advanced Student Affairs Committee hold private hearing on the case, and in the future a subcommittee of the ASAC review such cases and report to Gordon.

Attached to Gordon's letter was a list of regulations specifically applicable to advanced students, and the recommendation to digest the student manual and other regulation and policy documents. The attached regulations were concerned with: parietal, overtime, guests, alcoholic beverages, drugs, violation of civil law, motor vehicles, parental, and the rights of fellow students. Any violation of these could result in loss of campus residency and separation from the University. The student at the end of the letter the regulations may be had at his office, 314 Administration.

**New code for graduate students**

**Regan becomes new Development Director**

Bryan C. Regan, a regional director of development at the University of Notre Dame since 1968, has been named Director of Development.

The appointment was made by James G. Prick, Vice-President for Public Relations and Development of the University, who said Regan would oversee the University's planning and programs in the development area.

Regan succeeds Frank G. Kelly, who will return to the position of director of development for Purdue College in Indiana. Regan is a native of Joliet, Ill.

Legal Aid Assoc.

Notre Dame Legal Aid and Defender Association, located in Room 109 of the Notre Dame Law School (1802 Main Building), announces that its Student Legal Counseling Service will be offered this semester.

The Service is run by third year law students and is designed to assist the Notre Dame Student Body in any of its minor legal problems. Law students will be available for personal $11 and telephone contacts, 1-4 pm Monday through Thursday. Telephone number for the Student Legal Counseling Service is 253-7024.

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The Observer is published daily during the college semester on the newsprint of the University of Notre Dame and St. Mary's College. Subscriptions may be purchased for $14 per semester ($3 per year) from the Notre Dame Media Relations Department, 305 Drake Hall. Second class postage paid Notre Dame, Ind. 46556.
Credit - hour limits still to be reached

by Mary Egan
Observer Staff Reporter

Neither Notre Dame nor St. Mary's students exceeded the 3,000 credit hours limit on the coed-change classes this semester. Because St. Mary's students were over 1,000 hours short of the ceiling, the few freshmen who elected to take a course at Notre Dame this semester and pay the fee were not permitted to do so.

The present number of credit hours SMC students are using is between 1,700 and 1,800. Notre Dame's registrar, Richard Sullivan, stated that the exact number of coed credit hours N.D. students were using was unavailable because "the process of registering is still going on." Sullivan was referring to the fact that students of both schools who are already registered for a coed course may drop it.

No student of either school may now register for a coed-change course according to the guidelines set up by each school. This is so because there's no other way to keep the system in check. We need time to analyze the situation and especially to see where heavy enrollments might cause a burden," stated Dr. William A. Hickey, St. Mary's vice president of Academic Affairs.

Psychology 411, taught at SMC, "was overenrolled by well over the students," Hickey said. This problem was solved by adding another section and allowing 60 SMC students to enroll, and 60 SMC students to enroll. Priority was given to seniors among the 40 SMC students permitted to enroll.

According to Sullivan, registration went "fine. He said he "would have been satisfied with anything under 3,000 hours," referring to the coed hours ceiling. Hickey has been working with N.D.'s. Dr. William Burke, an assistant provost, on the exchange of classes. Hickey stated he was trying to come up with a draft of a proposal involving a two-year commitment in order to "get the most educational benefit for the students."

The present program involves a basic in terms of balance of the students. Hickey feels that the students should know what kind of courses they will be able to take in the future.

The details of the program will be released more appropriately at the time the proposal is released: "to the community."

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A Cloud of Secrecy

The semester break prompted a flurry of bureaucratic activity all of which left the N D students uninformed and out in the cold. Particularly disturbing were the two sets of incidents which resulted in 1) the two new women’s dorms and 2) the academic calendar for 1973-1974.

The decisions were reached at a point in last semester when the students were suffering through the finals cramp. Also, the decisions did not reach the students because at the time of their unveiling both campuses’ news medias were silent, having cleared their respective semester work schedules. So, the student stood too busy to care and reasonably uninformed.

BP and Farley

The choice of these two North Quad halls is not particularly controversial. What is subject to controversy is the manner in which the decision was made.

From all indications, Fr. Hesburgh was presented with a recommendation as to which halls to pick for next year’s women students. The recommendation came from a committee who’s sole purpose was to research the situation and come up with the two halls on the North Quad which would best satisfy the numerical needs of the new women and the financial needs of the University. That committee recommended to Fr. Hesburgh that Breen Phillips and Zahm Halls be chosen. When that decision came to Fr. Hesburgh, he ignored the research, time, and effort of the committee and overruled their finding. In a purely unilateral move, he replaced Zahm Hall with Farley Hall.

Therein lies the controversy. Without offering any strong reasoning behind his move, Hesburgh overlooked three and a half weeks of work in favor of his own opinion. It smacks of bureaucratic totalitarianism.

The weak reasoning that he offered was that they wanted the girls halls to be together. That great vast separation of the North Quad would serve much like the English Channel and isolate and separate the women leaving them exposed to the ravages of the Anglo-Saxon hords.

happen to agree with Chris Singleton, President of Farley when he said “...Fr. Hesburgh showed that he doesn’t have much respect for the people involved.”

The Academic Calendar

If the problem limited itself to one issue, it wouldn’t seem so severe. But the on-again-off-again academic calendar throws the issue into a closer focus.

The Academic Council voted on December 14 to begin the 1973-74 school year before Labor Day. The same issue last year brought screams of disapproval from the student body and a successful petition drive forced the issue to the foreground where it was defeated in an Academic Council meeting. This year the same issue was approved by the council at a time when the students would remain uninformed about it. Thus, despite an Observer final issue story announcing the possibility of the new calendar’s passage, the issue remained shrouded, unexcited, and unacted upon.

To further complicate the situation, over the semester break, it was discovered that the annual Mobile Home Show conflicted with the early start and thus the calendar had to be altered back to the post-Labor Day starting date.

It all seems to be hiding something from the student body, most of whom were most affected by decisions of this magnitude. How can we trust someone or something when everything it does is cloaked in some form of secrecy?  

Jerry Lutkus

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The Four Horsemen will always ride. There will always be the dread that follows life’s greatest disappointments. But the Horsemen only make people constitutionally unhappy if they are afraid to saddle the horseman with no head.

We have here a nasty situation in many ways. All is not as we would like it to be, the sex ratio, the admissions policy, or the weather. But really now, it’s all we got, and we have to use it.

And so, in this semester that will be the last for a fourth of this campus, let us dance and sing. And let us be happy. We must saddle the horseman and, as Barrett Loyally once said, “We’ll dance with who brung us.”

Jerry Lutkus
Lewis Hall resident voluntarily withdraws

(continued from page 1)

Next, she sought the aid of the American Association of University Professors AMUP Local chapter president Paul Bathburn spoke with Zahrn about the harshness of the punishment and the apparent lack of due process. The appeal was denied. Bathburn called the security report "an atrocity."

Finally, the woman appealed to University President Theodore M. Hesburgh who upheld the decision. Hesburgh was sympathetic to the woman's position and according to sources, offered to write a letter of recommendation.

This is the first time a Notre Dame student has been threatened with expulsion, and forced to withdraw for a parental violation.

The case is clouded by what seems to be improper police procedures and a report filled with innuendos of moral turpitude. Below are nine inaccuracies the woman found in the university's report. The appeal was denied. Mrs. Hofman stated it was Mrs. Hofman and Security Officers.

1. "A female voice inquired as to who she was. Mrs. Hofman stated that it was Mrs. Hofman and Security Officers."

2. Inadequate response. The men were offered to write a letter of recommendation.

3. Mrs. Hofman stated that it was Mrs. Hofman and Security Officers.

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5. The men were offered to write a letter of recommendation.

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ND shatters Marquette’s streak
Kansas, DePaul victories brighten Christmas basketball slate

by Vsy Dore

"I’m not foolish enough to think it was our best game ever. We had the merry-go-round now for five or six minutes."
—Marquette coach Al McGuire

The scores are different in this one. There really isn’t a contest made by different men. And, in a sense, they should be different. The old Marquette’s McGuire era and the new Marquette’s McGuire era. The final score, however, was 92-73.

The statement was also Marquette’s first victory ever. This season. But it was Notre Dame’s third straight triumph with four straight victories virtually all of ND’s cage outings this season. The game, was the biggest of the season.

Neither squad was able to mount more than a ten-point spread during the first half. Four times the two sides were tied. But, in the middle of the second half, the Irish were able to pull ahead. Notre Dame was not able to get past 20 points.

Two-pointers by Maurice Lucas and Larry McNeill made it 37-29 for Notre Dame after Novak. Then the Irish were able to score six in a row to take the lead after November’s basket and Novak’s free throw.

But the home team couldn’t hold it as DePaul went on a 14-7 run to take the lead. Halftime: 49-31.

Notre Dame youngsters combined to hold their own in the game. Irish forward Gary Novak (10) and guard Digger Phelps (10) had 10 points apiece. DePaul’s guard Mike Hurley (13) and forward Joe Laskowski (10) had 10.

The Irish defense was a key factor in the Irish victory. They held the DePaul team to a season-low 40 points.

Notre Dame 72 De Paul 47
The Irish didn’t have a ton of trouble against DePaul’s defense. The Friars held their lead until the 1:09 mark of the first half, when Gary Brokaw’s two free throws moved the Irish into a 32-29 lead.

Notre Dame led by four at the half, 48-44, and DePaul was able to regain the upper hand at 53-53 with 11:42 left only in the second half. Then the Fighting Irish made two more free throws to give the Irish a 57-53 lead with 6:39 remaining and the Irish were able to protect their lead, sinking four insurance free throws during the last 90 seconds. Brokaw led ND with 21 points, and Novak followed with 17.

Notre Dame 64 Kansas 61 (OT)
ND began its win string with a solid victory over the Kansas Jayhawks. The game was televised through much of the country and it saw the Irish cap an uphill climb by hitting clutch shots to end both halves of regulation play.

Kambo nearly had the first half, but two free throws by Brokaw tied the score at 33 with 1:33 left, and Gary Novak missed a 3-pointer at the half. But for the Irish, the second half was not easy.

The Irish lead stood up through much of the second half, but it took John Shumate’s follow shot with five seconds left in regulation ‘I just got to the game to go,’ he said. But it was the Irish who got in the over- time.

Brokaw, who led ND’s scoring with 30 points, hit a jumper one minute into the OT period, and Irish hit four free throws within a quick 15 seconds to lose the win for the Irish. ND’s Wilton Barrow completed the scoring with a three point play.

Notre Dame 63 Kentucky 65
ND’s holiday luck was not all good, however. Against Kentucky, the Irish forced a 2-2 halftime lead on Clay’s late jumper, but all ended up on the short end of a 64-31 score. The Irish scored the Irish scorers with 20 points. John Singleton had 13, and Shumate 12.

Notre Dame 36 UCLA 82
Again UCLA. Notre Dame didn’t have to contend with a heart-breaking finish. The defending national titlists landed at half, 37-32, and won comfortably. 82-46. Keith Wilkes led the Bruins with 10 points, and Shumate paced the Irish with 21.

Notre Dame 67 Indiana 49
The Irish did find themselves on the short end of yet another close game, this time against Indiana. Against Indiana, the half, 39-32, and ahead with 12:15 left, 36-48. ND saw the Hoosiers pull in within one-with less than a minute to play on two free shots by Steve Downing. John Lorkowski’s hit the front end of a bonus foul to tie the game at 65 with 11 seconds left, and then hit a free shot to win it for the Irish.

DePaul’s guard Brian Martin led all scorers with 26 points.

The Irish Eye
They’re playing ball again at the Convoy
The walls of “Digger” Phelps office are adorned with sundry plaques and memorabilia that he has accumulated during his brief, but brilliant, coaching career. Appropriately, there’s a shoe, and a few moments from the 1971-72 season when he stunned the basketball world by claiming a 53-53 record with an unheralded Ferdham club and was the Coach of the Year by the New York Basketball Writers Association.

“Ten years ago, Phelps added a new item to the ‘modern basketball’ office in a case that contained a diamond necktie, and a coach’s Bible. Phelps, in part, designed that diamond necktie during a timeout with just 10 seconds remaining in the game between his Fighting Irish and Marquette last February. The score was tied, 26-26, at Notre Dame’s Purcell Pavilion. A pair of free throws by Gary Novak, and a bucket by Brokaw gave the Irish a 32-29 lead. The Irish, however, had the ball for the remaining 1:07 on the clock.

The play worked perfectly, Clay received a pass in time to work free about 10 feet from the basket along the baseline and flip a perfect jump shot over the net with just a left hand to play. Clay said, "Digger" who was standing on the foul line," Clay said.

After “Silk” (Don Silinski) took the inbound passes from (Gary) Novak. I ran my man into (Allie) McGuire at the top of the circle, and tip-ins by Brokaw and a bucket by Brokaw completed NO’s holiday schedule, a basketball team to be reckoned with once again.

ND began its win string with a solid victory over the Kansas Jayhawks. The game was televised through much of the country and it saw the Irish cap an uphill climb by hitting clutch shots to end both halves of regulation play.

The defense was a key factor in the Irish victory. They held the DePaul team to a season-low 40 points.

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DePaul’s guard Brian Martin led all scorers with 26 points.
Icers win 5 straight WCHA tilts

by Greg Corgen

The new year brought welcome relief to the Icers and the Bumhacco fans. The Icers defeated the Denver Pioneers 4-1 in the opening game of the twinbill on Thursday night to close out the first period of the season. In their three previous games, the Icers had been outscored 22-10. The Icers then went on to sweep the twinbill, winning the second game 2-1.

The Icers scored three goals in the second period and coasted to a 5-1 victory. The Icers outshot the Pioneers 30-17 in the game and dominated play throughout. The Icers' defense was strong, holding the Pioneers to just one shot on goal in the third period.

The Icers' offense was led by a pair of hat tricks from goalscorers Pat Novitzki and Alana Williams. Novitzki scored once in the first period and once in the second, while Williams scored twice in the second period.

The Icers' victory extended their winning streak to five games, the longest in the team's history. The Icers are now 7-1-1 on the season and are in the running for a spot in the WCHA playoffs.

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Mr. C. and Mr. B. give Irish thrilling OT win over Pitt

by Vic Derr

Turnabouts, they say, are fair play—

And last night, at the expense of the University of Pittsburgh's varsity basketball team, Coach Digger Phelps' Fighting Irish continued their own stunning, crowd-pleasing turnaround.

The Irish eagers did it by coming from five points down with 32 seconds left in regulation to tie the Panthers, and they completed their feat by hitting Pitt in overtime, 12-2, to gain an 85-76 triumph.

The biggest names for the Irish, who are now 5-6 on the season, were Dwight Clay and Gary Brokaw, and the two sophomores played virtually the same roles they played in last Saturday's upset of Marquette. Clay sent the contest into overtime with a long-distance jump shot four seconds from the end of regulation time, and Brokaw kept the Irish in the game, throughout scoring 26 points-six of them during the extra period.

Before Clay and Brokaw could work their late heroics, however, Notre Dame had to battle from far behind. The Irish found themselves down at half, 46-33, and Phelps' squad was bedeviled throughout the first 20 minutes by Pitt's torrid outside shooting. The Panthers made 13 four-pointers, including three by Brokaw, a Don Silinski free throw and a tip in by Novak all went unanswered, and the Pitt margin was cut to 66-65, with 3:40 left.

But again the Panthers pulled away. Layups by Bill Sullivan and Keith Starr put the visitors back up by five, and the five-point spread stood up until the 0:32 mark, when Shumate completed a three-point play to make it 74-70, Pitt. The Irish center lost in a short time later to cut Pitt's lead to two, and on the ensuing inbound pass-a full-court throw ND's Pete Crotty was tied behind the key, and I just wanted to get the ball. Shue got me a pass at half court, and I just wanted to get the ball. But again the Panthers pulled away, Layups by Bill Sullivan and Keith Starr put the visitors back up by five, and the five-point spread stood up until the 0:32 mark, when Shumate completed a three-point play to make it 74-70, Pitt. The Irish center lost in a short time later to cut Pitt's lead to two, and on the ensuing inbound pass-a full-court throw ND's Pete Crotty was tied behind the key, and I just wanted to get the ball. Shue got me a pass at half court, and I just wanted to get the ball.

The game made a second startling move with just over 5:00 remaining. A follow shot by John Shumate, two buckets by Brokaw, a Don Silinski free throw and a tip in by Novak all went unanswered, and the Pitt margin was cut to 66-65, with 3:40 left.

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