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The Fixer, April 30, 1972

Madison College Press (Free)

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After three weeks of discussion and debate, the staff of The Fixer has decided to publish the Faculty Grievance Committee's report regarding the unjust firing of Dr. Ed Lipton from Madison's Physical Education department last year. We received one very strong objection to our publication of the report when we first made public our intention to publish the committee's findings. We carefully considered and reconsidered our position. We called for student and faculty opinion (in three separate issues of the paper.) Last Thursday we voted to print the report. We did so because we felt this community has a right to know what goes on in closed committee meetings, especially when its decision affects them. The report shows that their exists some sort of justice at Madison, at least for professors. Since a written transcript was being kept, those testifying realized their testimony was part of the record. Instead of making others afraid to testify, publication of this report might aid in stopping injustices from being committed. As one faculty member did in these hearings, anyone wishing to testify without being identified in the committee's report may do so. We applaud the faculty committee's report but suggest that President Carrier followed the report's letter while neglecting its spirit.

**Dear Members of Harambee,**

I am more than happy to provide the members of the Madison College Community with some basic details of my situation. The reason I choose to do this is to provide the faculty with first hand knowledge of an experience which was extremely fraught with mental anguish, social embarrassment and professional disgrace. Fortunately the final result was partial recompense for the treatment I received, particularly from Dr. Crawford.

However the College, through Dr. Carrier's new contract offer, was able to achieve its initial task! That is not to have me return. I have enclosed a copy of the report which clearly brings the matter into the open. Now Dr. Carrier had to decide whether to accept the contract or not. The report was sent to Dr. Carrier on July 14th and two weeks later, July 30, 1971, he offered me a contract. The "Catch 22" was at the same salary as last year. I called him to discuss the matter. He said that the proper authorities for determining increments, my Dept. Ch'man, the Dean and the Provost (coincidentally the same three who supported my not being rehired) had recommended I not be given a raise because of responsibilities Dr. Crawford had wanted to assign me and I had refused. I told him about how she was "putting me down" and the assignments were unfair. President Carrier said he did not feel he could override their decision. Also President Carrier made it quite clear that my contract was for one year and I would be reevaluated at the end of the year. While this is quite true I interpreted from the way he presented it that I had better think twice! Hence I did not return.

At present the A.C.L.U. has determined that a lawsuit of major proportions might not bear the intended fruit. On the other hand they have in their hands (since the fall) a possible alternative which I've yet to find out their intent. I hope the above and the enclosed will provide an enlightening presentation. I only ask that you apply good judgement in how you present it and that you must assume the legal risks of which I don't see any, providing you are accurate.

Best wishes to the students and faculty, particularly those who were kind enough to give me support during the siege!

Edw. D. Lipton
Dr. Ronald E. Carrier, President
Madison College
Harrisonburg, Virginia 22801

Dear President Carrier:

After approximately six weeks of hearings and deliberations, the Faculty Committee on the Hearing of Grievances unanimously voted July 12, 1971, to uphold the grievance of Dr. Edward D. Lipton, Associate Professor of Health and Physical Education. We thus request that he be re-instated to the faculty of Madison College.

The basis for our decision was that matters related to the abridgment of his academic freedom constituted the major grounds for his non-reappointment. The evidence for our conclusion is set forth in specific detail in the report attached to this letter. A typescript of all the testimony presented to our committee will be made available to you as soon as typographical and clerical errors are corrected.

We will appreciate your consideration of the recommendations of our committee.

Respectfully submitted,

William E. Callahan, Chairman
Faculty Committee on the Hearing of Grievances

Enclosure
cc: Dr. Edward Lipton

REPORT OF FACULTY GRIEVANCE COMMITTEE
Case: Dr. Edward D. Lipton

INTRODUCTION:

Dr. Edward D. Lipton, Associate Professor of Health and Physical Education at Madison College, was informed orally in April, 1970 and in writing in June, 1970, that his contract would not be renewed after the 1970-71 academic session. He appealed his case to the Faculty Committee on the Investigation of Grievances in May, 1971. This committee unanimously agreed that Dr. Lipton had a prima facie case on the grounds that his academic freedom had been violated in his non-reappointment. That committee thus referred his case to our committee, the Faculty Committee on the Hearing of Grievances.

Our committee has attempted to follow rigorously the procedural standards set forth in the Policy Documents and Reports of the American Association of University Professors, 1969. Accordingly, we have heard the following testimony:

1. Dr. Lipton presented his case.
2. Dr. Marilyn Crawford, Head, Department of Health and Physical Education, presented her reasons for non-reappointing Dr. Lipton.
3. Dean Ikenberry, School of Natural Sciences and Provost Daniel Hall appeared before the committee to answer certain pertinent questions and to present testimony.
4. Dr. Patricia Bruce testified before the committee at its request.
5. The testimony of Mr. John Rader was secured, first by telephone, and later in writing.
6. Another member (male) of the P. E. Department testified "off the record."

All testimony was taped, by permission of each witness, and the full typescript is a matter of record. Following the above testimonies, the administration was asked by letter from the chairman if there was further input it desired to make. A copy of this letter was sent to Dr. Hall, Dr. Ikenberry, and Dr. Crawford. President Carrier replied in writing that he had no further comment. No response was forthcoming from the other members of the administration listed above. The committee then proceeded to discuss the evidence at great length. The following record is a report of our decision and the grounds upon which we have based it.

I. THE BASIS OF DR. LIPTON'S GRIEVANCE:

Dr. Lipton bases his case on Section X of the A.A.U.P.'s standards, a section which states the following:

8. Academic Freedom of Nontenured faculty. If a faculty member on probationary or other nontenured appointment alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him, his allegation will be given preliminary consideration by the Faculty Committee on Investigation of Grievances, which will seek to settle the matter by informal methods. If the matter is unsolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which he bases his allegations, and the burden of proof shall rest upon him. If he succeeds in establishing a prima facie case, it is incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision.

Dr. Lipton contends that matters relating to the abridgement of his academic and personal freedom were the significant factors in his non-reappointment, rather than his lack of academic or professional competency. His contentions can be summarized...
as follows;

1. He was informed orally that the reason he was not being reappointed was that he and Dr. Crawford had "philosophical differences" that could not be resolved.

2. He was hired to develop a Men's Physical Education program and Dr. Crawford seriously and continuously impeded his attempts to do this job.

3. Matters related to his personal conduct, manner of dress, and even actions as a private individual citizen not directly related to his professional responsibilities were the chief factors in the decision not to re-appoint him.

4. Finally, he contends that the very procedure followed in making the decision not to reappoint him and in informing him of this decision was a violation of his academic freedom.

II. REASONS STATED BY THE ADMINISTRATION FOR NON-REAPPOINTMENT:

The only written document presented to this committee explaining the reasons for the termination of Dr. Lipton's contract is a letter, dated April 28, 1970, written by Dr. Crawford to then President G. Tyler Miller. Her reasons may be summarized as follows:

1. She was concerned about the "contributions he is making to the moral fiber of our students." (On questioning by the Committee, Dr. Crawford indicated that she did not mean that he was immoral; she apparently referred to such matters as manner of dress and "unsportsmanlike conduct.")

2. She questioned his personal standards of behavior, especially in his leisure time, such as going to a high school ballgame without a tie on.

3. She made vague charges against his personal integrity and honesty, but did not specify any evidence to support her charges.

4. She praised his administrative abilities, but indicated he was lacking in tact. She inferred that he might not be a good teacher, but confessed that she had not visited his classroom to observe him but was basing her conclusion on comments of "students.

5. The chief incident that brought her to the conclusion that Dr. Lipton was not "good for the college," was an incident that occurred in Intra-murals, during which she felt Dr. Lipton acted in an unsportsmanlike manner. Some female physical education majors wrote Dr. Lipton a letter criticizing his behavior and sent Dr. Crawford a copy. Dr. Crawford said to the Committee that she talked to Dr. Lipton about this incident but that he was un receptive, since the incident occurred on his own free time.

6. Before the Committee, she maintained that Dr. Lipton interfered with the progress of the department, although she admitted that they were in agreement on the basic aims of physical education.

III. OTHER TESTIMONY:

We received testimony from both female and male members of the F, E, Department. Their testimony varied sharply, although all agreed that he was a very capable (if untactful) and professional teacher and administrator. Dr. Bruce said she did not know why he was not reappointed, since Dr. Crawford did not discuss faculty members with other members of the department. She indicated that Dr. Lipton's presence in the department was often "traumatic," but confessed also that departmental meetings had been "traumatic" on some occasions before Dr. Lipton came. She indicated that many women faculty members did not want to serve on committees with Dr. Lipton, but confessed that they could have worked with him if they had wanted to.

On the other hand, Mr. Rader disagreed rather markedly. He said he was "shocked" and "at a loss" to understand why Dr. Lipton was not to be re-appointed. He agreed that Dr. Lipton was aggressive and outspoken, but that he did not disrupt the work of the F, E, Department. In fact, Mr. Rader indicated that Dr. Lipton made a great contribution to the department, especially to the development of the Men's Physical Education Program. He indicated that he would have no hesitation in hiring Dr. Lipton if he (Mr. Rader) were head of the department. He felt that Dr. Lipton could have received more counseling from fellow staff members while he was here.

IV. CONCLUSIONS OF THE COMMITTEE:

It is not in the province of this hearing committee to formulate a comprehensive definition of "academic freedom." We will venture, however, to detail those aspects of this elusive concept that appear pertinent to our case. Two points seem germane to the case:

1. Academic freedom is that condition that permits a faculty member to engage in those activities in which that person's professional competencies are brought to bear. This freedom may involve both classroom and extra-classroom activities.

2. Academic freedom is the condition that permits a faculty member to offer opinion and to dissent from the established or majority viewpoint without fear of reprisal, reprimand, or termination of employment.

It is the conclusion of this committee that matters of academic and personal freedom were significant factors in the decision not to reappoint Dr. Lipton, and we thus unanimously uphold his grievance. We set forth in what follows the grounds for our decision:

1. We believe that Dr. Lipton was hired to develop a Men's Physical Education Program at Madison College, that he was seriously hindered in the performance of his work by the chairman of the department and by some of the women members of the department, and that the tensions resulting from this conflict figured significantly in Dr. Crawford's recommendation of non-reappointment.
which he commended the work of Dr. Lipton thus: "We do feel that you have rendered

Lipton got was described as higher than others had had in just two years at Madison.

The salary increase Dr. Crawford, Dean Ikenberry, and Provost Hall. The salary increase Dr.

"The refusal of some women to work on committees with Dr. Lipton is, in our

consider the following points:

1. Dr. Crawford's letter to Dr. Miller indicating the reasons for recommending
non-reappointment contains specific reference to matters that should not enter into the
decision of such importance. We refer to disagreements over manner of dress, especially while "off-duty," and to disagreements as to what is or is not "proper" conduct in men's athletics, especially the incident about the basketball game in

in-murals. Such things are made the basis of vague aspersions on the character of Dr. Lipton, aspersions which were cleared up for the committee by Dr. Crawford, but unfortunately not for Dr. Lipton, since he was never made privy to the letter referred to. These matters are clearly an abridgment of Dr. Lipton's personal if not academic freedom.

The A.A.U.P. Statement of Principle of 1940 states that "Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in his professional capacity as a teacher and researcher." (p. 9) Dr. Crawford's testimony led us to believe that Dr. Lipton's professional competency was not a factor in her decision not to recommend re-appointment.

We now come to what may be the most serious factor in this case, the procedure followed in notifying Dr. Lipton of his non-reappointment. Dr. Lipton was in his second year of a probationary contract at the time he was notified of his non-reappointment after the 1970-71 year. This hearing committee would seriously question the procedures involved in this process, even though they may have conformed to the norm at that time. Consider the following points:

a. First, there is no evidence whatsoever that there was any input by the members of the Health and Physical Education Department concerning Dr. Lipton's non-reappointment.

b. Second, there is no testimony that indicates that the Dean of the School of Natural Sciences or the Provost was consulted prior to the decision.

c. Third, although both Dr. Lipton and Dr. Crawford agreed and many differences during the previous year, there is no evidence whatsoever that Dr. Lipton was warned that his job was in jeopardy unless he changed or conformed. In fact, Dr. Rader, then the Athletic Director, said the decision was a "complete shock," and Provost Hall said he was surprised at the time and heard it from students when he returned.

d. Fourth, one of the most damaging points of evidence is that just about one week before Dr. Lipton was told orally that he would not be reappointed, he received a letter from Dr. Miller replying about a request for a larger salary increase in

which he commended the work of Dr. Lipton thus: "We do feel that you have rendered very satisfactory service here. . . ." He mentions the fact that he had just consulted with Dr. Crawford, Dean Ikenberry, and Provost Hall. The salary increase Dr. Lipton got was described as higher than others had had in just two years at Madison.
The letter, in short, gave no hint that he was about to be fired. Yet, within a week he was fired. It appears that the decision was made unilaterally by Dr. Crawford.

s. The incidents immediately subsequent to the oral notification also bear significance. Dr. Lipton appealed to the Dean, the Provost, and the President—all to no avail. He finally asked, in writing, if Dr. Miller would advise him as to what further steps he might take in referring his case. Dr. Miller wrote on June 26, 1970, the following:

Also, I know of no committee, board, or organization you should approach with further regard to your situation, since I am the major administrative officer of the College and the chief appointing officer, and you have already presented your situation to me, the Provost, and the Dean of the School of Natural Sciences.

This letter is a direct abridgment of his academic freedom or at least it is a denial of further due process, since there were indeed two places Dr. Lipton could at that time appeal—the Faculty Morale Committee and The Madison College Board of Visitors.

f. Finally, it seems to this committee that, although according to the Faculty Handbook, a nontenured faculty member does not necessarily have to receive the reasons in writing as to why he is not being retained, the situation was such that we feel someone should have given him written reasons. The new A.A.U.P. handbook now recommends that even a nontenured faculty member be given the reasons in writing if he requests them; and Dr. Lipton repeatedly requested the reasons. Dr. Crawford, in her oral testimony, admitted that one reason she did not put them in writing for Dr. Lipton (although she did for Dr. Miller) was that the charges were of such a questionable nature, as we have noted above. Matters of dress, social graces, and conduct in sports are very debatable issues, she admitted.

Let us now summarize: The committee feels that Dr. Lipton’s academic and personal freedoms have been abridged on three basic counts: 1) the reasons why Dr. Lipton was not reappointed are inadequate and do not relate to his professional competency; 2) he was clearly hindered in the performance of the duties for which he was employed; and 3) the procedures followed in his non-reappointment are questionable.

V. RECOMMENDATION OF THE COMMITTEE

On the basis of the evidence presented above, we unanimously recommend that Dr. Edward D. Lipton be re-instated to the faculty of Madison College.

FACULTY COMMITTEE ON THE HEARING OF GRIEVANCES

(signed)

H. Kent Moore
Raymond Poindexter
John Stewart
Howard Wilhelm
William E. Callahan, Chairman
Whereas the Legislative Branch has colluded in this international crime by appropriating sufficient funds for its continuance;

Whereas the Judicial Branch has consistently refused to rule on the constitutionality of this undeclared war;

Whereas these crimes are supported by both the Democratic and Republican Parties financed by the corporate class;

And whereas the present developments indicate that it is the policy of the US government to increase these crimes by further mobilizing its forces of aggression, by sharply escalating the systematic bombing of Indochina, and by increasing its use of anti-personnel weapons;

Be it resolved that it is the right of the American people, indeed it is their duty, to take whatever action necessary to halt these governmental crimes.

The Great Speckled Bird

After observing the dudes on campus for two years, we have few that they all fall into different groups, which one are you?

1. Joe Cool—Hey chick; I'm so cool it amazes me. I'm cool, cool, cool by local hangout is the S.H. If you're lucky, I might consider calling you up some night.

2. Joe Easy Rider—Hey, Babes, let me take you for a ride.

3. Joe Conceit—I know you have seen me around campus; everyone knows who I am. I'm good looking and all the girls love me. My only regret is that I can't screw all of them.

4. Joe Homely—Hi girlie, I really dig your bod. I'd love to take you to bed with me. How about right now?

5. Joe Head—Hey man, this is far out. I'm stoned everyday and on the weekends. I drop acid. This is where it's at. I've found myself and now I'm all together.

6. Joe Prat—I'm the individual of all these guys here. I got my kick by wearing a jacket that no other people wear and also by going to a weekly keg party. Getting drunk and throwing up is a ball.

7. Joe Drunk—When I get drunk, ya girls better watch out because the I'm such a man. (whiskey, huh?)

8. Joe Twofaced—I know you all around campus and I love everyone—even though I just bust my buddy.

9. Joe Straight—Hi, there. I've seen you all around campus and I think you're so sweet. I'd like to take you out to dinner some night. How about Burger Chef tomorrow night?

10. Joe Dud—Hello I'm considered as the all around loser. I can't get a date with the same girl twice. Am I sexually inadequate?

11. Joe Conderate—Hi sweetie. Sorry I haven't called for the past month. You were on my mind constantly but I have been busy screwing around.

12. Joe Need a date quick—hey, how'd ya like to go out with me right now? I'm downstairs...well, how about your roommate, any one on the ball, any girl in the dorm, on campus, your mother?

13. Joe Job—Hey, hey, hey, nature is my bag, grease, smell and all.


15. Joe Nice Guy—we've read about him in books. Wish there were more like him on campus.

All we can say is JOE GO EHO! Sexually yours, Josephine P.S. What mile are you on now?

"The only people who ever loved war for long were proctites, generals, staff officers and whores."

Ernest Hemingway
Daquire 1936
I'd like to share this poem with your staff and those of your readers who might relate to this particular phenomenon in education. The poem was distributed by the Washington Area Freeschool Clearinghouse, 4632-A South 36th St., Arlington, Va. 22206. JCR.

The young sixth grader who wrote this poem committed suicide a short time afterwards.

SOME HOPE . . .

Just to let you know that your senate is trying to work for you this year, look at the following resolutions passed by the senate in Executive Council last Wed. night. These must be sent to the faculty and administrators before they can go into effect. We will let you know what happens to these.

1. That students be allowed to move off campus if they can find housing regardless of their class.

2. That the dorms be allowed to have open house during the week.

3. That next year when no students have curfew, that all dorms be locked-for security-at 2:00 a.m. and each student be given a key to his dorm.

4. That if next year when we return to school, we be placed in overcrowded rooms, that room rates be reduced in situations which were involuntary on the students part.

5. That students be allowed to enter the D-halls by any door by use of I.D.'s.

6. That use of the evaluation forms filled out by students be house-moms and R.A.'s be disbanded.

If you have any questions or comments as to these resolutions, please send them to the faculty and administration.

It was crushed.
Stiff.
Like everything else.

A NEW STUDENT GOVERNMENT

All students interested in forming an entirely different student government system (from that which we are present) under, look for the signs that will be open-house during the week.

1. That students be allowed to move up in the sky.

2. That the dorms be allowed to have open house during the week.

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THE FIXER...

The Harrisonburg Community Services Council in conjunction with the Social Work majors of Madison College are establishing a Volunteer Action Center (VAC). The purpose of this Center is to coordinate volunteers in the community to the agencies that need them. We would also like to provide the opportunity for interested students to participate in the Volunteer Program.

You may be asking yourself: "What type of volunteer work could I do between classes and my other outside activities?" You could help by providing transportation, typing, or answering phones as an office volunteer, housekeeping, organizing activities and entertainment, or aiding in other services that an agency may need.

This letter is a request to each individual, to volunteer. Are YOU interested??? Give yourself a rewarding experience...be a Volunteer!!! REACH OUT INTO THIS COMMUNITY...AND HELP!!

To receive more information or wish to volunteer, contact the Volunteer Action Center at 345 South Main Street, Municipal Bldg., Harrisonburg, Va. 22801, or call 434-5541. Hours: M-Th 9-12:30pm, T-Th 1-4:30pm.

Diana Chaplin
VAC

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Last Tuesday, Steve Ryan, Kevin Hoschar, Darlene Goode, and I went to see Dean Fox as members of the Rules Review Committee. We discussed a few things and I believe something will be announced. We thought that any student who wishes to move off-campus and can find a place should be able to do so. The current policy is that juniors and seniors or anyone over 21 and seniors must get special permission. Dean Fox thought the current policy should stand but if we want to change it, we have to go through Student Government.

We thought that if a dorm wants open dorms during the week, say from 7-11pm, it should be able to do so. He disagreed, but if we wanted it, to go through proper channels.

We also discussed the possibility of a dorm more liberal than next year's standard dorms. Again, he said we must go through the Student Government because it isn't in his power to just give it to us.

We also said that when more people are moved into a room than it was designed for, they should get a reduced rate to compensate for their inconvenience. He wholeheartedly agreed. He said that he would do what he could and that we should get it through the S.G.A. as fast as possible. (continued...)

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I don't have room to say what else we talked, but I hope to next issue. All the things we discussed were passed by the Senate on Wednesday. This is only the first step, we haven't gotten anything yet, but they are being worked on now by the S.G.A. as they try to serve you by what you need help, if you have any complaints or opinions about the things being worked on now, tell your senator or write THE FIXER. Don't sit on your ass and just complain. We'll try to keep you informed of any further developments.

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If you have any spare time to do typing, steno, filing, or anything, please call your S.G.A. office at 6376. All help desperately needed and gratefully accepted.

Senate and Executive Council and Interdorm Council meetings are all open. Please come to air your views and support your representatives. All meetings will be announced in this paper.

Senate...Wed. May 3 for constitutional convention. Date and place to be announced. Executive Council...Sundays at 7 p.m. in the S.G.A. office. Wed. after the senate meeting, in the S.G.A. office.

Interdorm Council...Mon. May 8 at 10 p.m. in the S.G.A. office.

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GRIPES?? WORK THEM OUT YOURSELF!!!

S.G.A. committees of the year have been formed. Please contact the chairman if you wish to serve on one of them. The following have been formed. Please contact the chairman if you wish to serve on one of them.

1. Student Clubs and Organizations-Liz Burton-5623
2. Rules Review-Steve Ryan-5769
3. Constitutional Revisions-Darlene Godde-4843
4. Dining Hall Advisory-Elena Xynisteri-4620
5. Campus Fees-Kevin Hoschar-4210
6. Communications and Public Relations-Fat Dunaway-5569
7. Orientation-Joanne Cummiss-4539
8. Off-Campus Housing-Bill Bassett-5569
9. Curriculum and Instruction-Kevin Hoschar-4620
10. Fire Safety Buildings and Grounds-contact the President.

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With a little help...

dennis, rick, joy, sarah, tina, pat, mike, flash, gert, party, and all contributors and readers!!!

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THE FIXER MEETING
TUESDAY and THURSDAY
6 P.M. - JACkSON 107

CONTRIBUTE ARTICLES AND MONEY!!
WE'RE STILL $30.00 IN DEBT!!

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page 8. .....

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6! P.,J. -- JACKSON 107