

DOCUMENTS AND MINUTES OF THE GENERAL FACULTY
AND
DOCUMENTS AND PROCEEDINGS OF THE UNIVERSITY COUNCIL

The Minutes of the University Council meeting of January 27, 1992, published below, have been prepared for the immediate use of the members of the University Council and are included in its Documents and proceedings. They are also included in the Documents and Minutes of the General Faculty for the information of the members.

H. Paul Kelley, Secretary
The General Faculty

MINUTES OF THE UNIVERSITY COUNCIL MEETING OF JANUARY 27, 1992

The fifth regular meeting of the University Council for the academic year 1991-1992 was held in Room 212 of the Main Building on Monday, January 27, 1992, at 2:15 p.m. President William H. Cunningham presided.

ATTENDANCE

Present: Harold W. Billings, Shirley F. Binder, J. Harold Box, Robert E. Boyer, Julie A. Bray, Caryn L. Carlson, Dorothy M. Chun, Alan K. Cline, Eli P. Cox III, Roy R. Craig, Jr., William H. Cunningham, Wayne A. Danielson, Garth P. Davis, Patrick J. Davis, James Duban, John R. Durbin, David V. Edwards, Helen L. Erickson, Manfred Fink, Gerhard J. Fonken, Alan W. Friedman, J. David Gavenda, Douglas J. Gibbins, Betsy S. Greenberg, Sue A. Greninger, Hubert P. Heinen, George K. Herbert, Martha F. Hilley, James V. Hoffman, Joseph M. Horn, Ira Iscoe, Robert C. Jeffrey, Gaylord A. Jentz, Sharon H. Justice, Manuel J. Justiz, H. Paul Kelley, Karrol A. Kitt, G. Barrie Kitto, Dale E. Klein, Judith H. Langlois, Desmond F. Lawler, William S. Livingston, Leon E. Long, Christine M. Maziar, Reuben R. McDaniel, Jr., Stephanie Meyerson, Damon G. Munchus, Randall M. Parker, Shirley B. Perry, Max R. Sherman, Mark D. Shermis, Charles M. Silver, Waneen W. Spirduso, Madeline C. Sutherland, Richard P. Swallow, Linda M. Thibodeau, James W. Vick, Jon S. Whitmore, Christine L. Williams, Robert C. Witt, Baxter F. Womack, Paul B. Woodruff, Herbert H. Woodson.

Absent: David M. Austin, Brian A. Bremen, Rebecca L. Brooks, John A. Daly (excused), James T. Doluisio (excused), G. Charles Franklin, David B. Gracy II, Thomas M. Hatfield (excused), Robert D. King (excused), Joseph E. Kruppa, Wayne C. Marshall, John C. Middleton, Robert C. Rickards, Ricardo Romo, Dolores Sands, Alan T. Schauer, Philip S. Schmidt, Edwin R. Sharpe, Jr., (excused), Brooke E. Sheldon, Cynthia W. Shelmerdine (excused), Michael P. Starbird, Paul J. Szaniszlo, Michael C. Tusa (excused), Robert E. Witt, Mark G. Yudof.

Total members present: 63

Total members absent: 25

I. APPROVAL OF MINUTES.

A. MINUTES OF THE MEETING OF NOVEMBER 18, 1991 (D&P 13984-14001/
D&M 19594-19611). (APPROVED)

The Minutes of the meeting of November 18, 1991 (D&P 13984-14001/
D&M 19594-19611) were approved as distributed.

II. SECRETARY'S REPORT (D&P 14002-14016).

The Secretary's Report had been distributed prior to the meeting as
D&P 14002-14016. Secretary H. Paul Kelley (Educational Psychology)
called attention to the relocation of the Office of the General Faculty
(also the Office of the University Council and the Office of the Faculty
Senate) from the Faculty Center building--WWH 303 to the Graduate and
International Admissions Building--GIA 1.208. Until recently the GIA
Building was known as the Student Financial Aid Building and is in the
2600 block on Whitis Street, across the street from Kinsolving Dormitory.
Vistors to the office should enter the building through the southwest
door, which is on the south side of the building close to Guadalupe
Street. The telephone number is still 471-5934.

III. DISCUSSION OF THE SECRETARY'S REPORT -- None.

IV. QUESTIONS TO THE PRESIDENT.

A. QUESTION CONCERNING THE STATUS OF THE PROPOSAL ON THE ANNUAL
EVALUATION OF DEPARTMENT CHAIRPERSONS (D&P 13622-13627).

Robert C. Witt (Finance), on behalf of the Faculty Senate
Governance Committee, asked the President to discuss the status of the
proposal for annual evaluations of department chairpersons.

President Cunningham said, "I have some reservations about it, to
be very candid. We have had a fair amount of consultation [with] the
deans about the issue, but before I make up my mind, ... I would ... like
to... meet with you and your committee...." He asked Mr. Witt to see
that arrangements for such a meeting are made.

B. QUESTION CONCERNING THE STATUS OF THE RECOMMENDATION FOR THE
ESTABLISHMENT OF AN AD HOC COMMITTEE OF THE UNIVERSITY COUNCIL
TO RECOMMEND AN APPROPRIATE INTERNAL MECHANISM FOR RESOLVING
DISPUTES OVER THE CONTENTS OF REQUIRED UNDERGRADUATE COURSES
(D&P 13607).

Alan W. Friedman (English) asked when there might be action
on the recommendation for the establishment of an ad hoc committee of the
University Council to recommend an appropriate internal mechanism for
resolving disputes over the contents of required undergraduate courses
(D&P 13607). The recommendation had been approved by the Council in
September, 1991.

President Cunningham said he would "try to have something by the
next meeting."

C. ANNOUNCEMENT.

Alan W. Friedman (English) announced that Ernst Benjamin, General
Secretary of the American Association of University Professors, will
speak on multiculturalism on Thursday, February 20, at 4:00 p.m. in the
Humanities Research Center (HRC) Auditorium. The talk will be open to
anyone who is interested, and there will be time for questions.

V. SPECIAL ORDERS -- None.

VI. PETITIONS.

A. PETITION TO THE UNIVERSITY COUNCIL CONCERNING DISTRIBUTION OF
PROPHYLACTICS ON CAMPUS (D&P 13785-13786, D&P 13986-13991/
D&M 19596-19601, D&P 13998/D&M 19608). (PRESENTED; MOTION CARRIED
OVER TO NEXT MEETING)

James Duban MOVED that privileges of the floor be extended to
Marvin N. Olasky, Glenn G. Wood, Joe S. McIlhaney, Jr., and John R.
Cogdill for the purpose of articulating the petition. The motion was
seconded and APPROVED by voice vote.

Marvin N. Olasky (Journalism) handed out a set of materials (see
ATTACHMENT A) and presented two petitions on the same subject, one signed
by 31 and the other by 5 faculty members. [The first petition is shown
in ATTACHMENT A to these Minutes; the wording of the second petition is
shown in ATTACHMENT B.] He then read the first petition, which was as
follows:

As faculty members who have a genuine regard
for the students of this University and a desire to
uphold Biblically-based values, we oppose any
University-sponsored, widespread distribution of con-
doms through vending machines or other means.

Since we recognize the seriousness of the
current HIV crisis, we petition the University Council
to oppose, for ethical and medical reasons, action
that appears to encourage sexual intercourse among
unmarried persons through promotion of 'safe sex.'

Statistics concerning condom failure, the
spread of sexually transmitted diseases, and the emo-
tional and social effects of extramarital intercourse
need to be considered. As faculty members committed
to speaking the truth, we cannot accept the
prophylactically-correct fiction about "safe" or "sa-
fer" sex, when medical facts show that there is no
security outside of Biblically-based morality.

The argument generally advanced in favor of wider condom distribution is that the current levels of sexual intercourse among unmarried University students cannot decrease. That is an article of faith that we do not share. The Biblical understanding is that human beings, made after God's image, are capable of avoiding suicide's embrace.

Mr. Olasky next introduced the first of two physicians and scholars "who have done extensive research on what 'safe sex' is and what 'safe sex' is not. I first would like to introduce Dr. Glenn Wood, who has, along with his M.D., an M.A. in philosophy from The University of Texas. He is the co-author of The AIDS Epidemic: Balancing Compassion and Justice."

Ira Iscoe (Psychology) raised a point of order regarding procedure. Since the Council had previously voted to support the administration's setting up condom vending machines on campus, he asked that the Council postpone hearing the petitions until the members had had a chance to read the materials that had just been distributed. He then MOVED to table the presentations.

After some discussion of parliamentary procedures, Secretary H. Paul Kelley commented that: "a group of petitioners did get on the agenda to present a petition, and they ought to be allowed to present [it]. When it comes to ... taking any action on the petition, [that] would be the time for motions [to be made]." After further discussion of procedures, President Cunningham ruled that the petition could be presented to the Council.

Glenn G. Wood, an Austin pediatrician, read the following statement:

For years, condoms were universally vilified as an inadequate contraceptive device. And for good reason. Study after study has shown that condoms have a failure rate in excess of 20% per year when a couple is trying to prevent pregnancy. Despite being the poorest form of contraception, condoms are now being touted by many groups as the best device to prevent AIDS.

But in the few studies that have examined the efficacy of consistent condom use between couples where one is infected with the human immunodeficiency virus (HIV) and the other is not, the results have been poor. Over a one to two year period, there is a 10%-30% transference of the virus to the uninfected partner. Using condoms to prevent AIDS is so poor that one study, conducted by the federal government, was withdrawn for ethical reasons because participants were placed at too great a risk of contracting HIV.

Placing this in the context of the question of condoms in vending machines on campus, let us conduct three thought experiments.

THOUGHT EXPERIMENT # 1: How many students are likely to acquire HIV disease even if all students used condoms?

1. The prevalence of HIV in UT students may be as high as 1% according to a Health Center study of blood samples, meaning that about 500 students on campus may be infected with HIV.
2. We will assume that about 20% of these infected students acquired the infection through intravenous drug use (the national average) and are otherwise abstinent.
3. We will now assume that the 400 remaining infected students have three different sexual partners a year (a low number given that many people with AIDS average 20 to 50 partners a year). If each partner is also a University student, 1200 new students are exposed each year to HIV.
4. If we assume all these students used condoms and take the lower failure rate of studies on condom use of 7.5% per year, then 90 students a year will acquire HIV despite condom use.
5. These numbers are not exact since the Health Center study was not a perfect random study, and a number of other variables enter in such as frequency and type of intercourse, gender, actual number of partners, and type of condoms, among others. Although these are estimates, they are conservative estimates.

THOUGHT EXPERIMENT # 2: Does condom use make sense longterm? One of the fallacies that plagues both medical experts and the general public alike is evaluating recommendations for the short-run. But recommendations to use condoms today will be carried on until sensible people say that their use is unsafe.

1. If the 400 sexually active UT students infected with HIV each have 3 sexual partners throughout their undergraduate stay, what is the likelihood of these uninfected students coming down with HIV if the protection rate of condoms is 95%, 90%, or 85%?
2. Assuming the average student takes 5 years to graduate, then 22% of these sexual contacts will become infected with HIV if condoms are 95% effective (an extremely optimistic number). If 90% effective (an optimistic number), then 41% will be infected. If condoms are 85% effective, then 56% will be infected in only 5 years.

3. If the same criteria are advanced to 10 years for 95%, 90%, and 85% effectiveness, then the "safer sex" that condoms represent will result in 40%, 65%, and 80% acquisition of HIV, meaning that the 400 students originally infected have spread the illness and death to 480, 780, or 960 students respectively.

4. Unfortunately, the carnage does not stop there. These infected students, appearing perfectly normal for years, will then spread HIV to others.

5. Lest these figures seem high, please remember that it was only ten years ago that the number of people in the United States infected with HIV was thought to be a few hundred. We currently have at least one million people infected in the U.S.

THOUGHT EXPERIMENT # 3: Will the Council recommendation affect sexuality on campus? Another fallacy that occurs in dealing with sexuality and condoms is to treat people as static entities. The experts who recommend condoms to prevent HIV infection have failed to factor in the effect that the recommendation itself has. Placing condoms in vending machines is a concrete endorsement for penetrative sexuality and the concept that condoms are protective.

1. Studies have clearly demonstrated that high school students will as a group increase or decrease their number of sexual partners depending upon the message given by authority figures.

2. If given the impression that condoms are safe and multiple partners are the norm, students will have more partners. If told that it is all right to be abstinent and given the facts of condom failure, they will reduce their number of sexual partners and the number of pregnancies and sexually transmitted diseases.

3. This is a first-class university which asserts that teaching can alter racist, sexist, and other discriminatory behavior in its students. Does the University Council think that it cannot influence students' foolish choices in the area of sexuality?

4. Condoms are more safe than equally frequent unprotected intercourse. Nobody denies that. The problem is that when authorities endorse condoms, students have a false sense of security that encourages more frequent intercourse that will result in further spread of this lethal illness.

Students need to understand that sex is no longer safe and that they need to stop short of intercourse. We realize that in our hyper-sexualized world it is difficult to be abstinent. However, it is imperative that students who are sexually active should engage in

sexuality that falls short of intercourse (kissing, fondling, mutual masturbation, etc.) for their own safety. To place condoms on campus is to endorse penetrative intercourse that will make this Council complicit with the illness and death that follows.

Dr. Wood then added: "Robert Redfield, one of the top AIDS researchers in the world, [has] had a number of articles in the New England Journal of Medicine, Scientific American, and a number of other journals. [He] also [does] a thought experiment with all the infectious disease experts that he lectures on the AIDS epidemic. He [asks] a simple question, 'How many of you recommend to your AIDS patients [that they] use condoms during intercourse?' About 50% of the audience raises their hands. Now these are medical doctors; these are the experts who hands-on take care of the AIDS patients. He then [asks] the question, 'Moral considerations aside, how many of you using condoms would consider having sex under any circumstances with one of your patients?' All the hands go down."

"The point I would like to make is that a lot of [the time we] are getting confused messages from medical authorities. Medical authorities do not have the market cornered on what medical ethics should be, and oftentimes doctors have not thought through the implications of this. You need to consider the possibility that some of those recommendations do not take the long view in terms [of] how [they] might affect the students and our country as a whole."

Mr. Olasky next introduced Joe S. McIlhaney, Jr., an Austin obstetrician-gynecologist and "author and co-author of four highly acclaimed books. His most recent is a book called Safe Sex, which [will be distributed later to members of the Council]."

Joe S. McIlhaney, Jr., said: "I have had a great concern about this [topic] since I came out with a 700-page book in 1985 having to do with issues facing women, primarily gynecologic problems and health issues. When I did the chapter in that book about sexually transmitted diseases, which was just sort of a normal part of health care for women, I was astounded at what was going on, and the problem has gotten much, much worse since that time.

"We now have seen AIDS become a major problem in this country. What we have seen ... [is that] people below the age of twenty ... are at a dramatically increased risk for a sexually transmitted disease. There are lots of ethical, moral, and religious issues that are [related to] this [topic] ..., but I think we can talk about it here ... purely on the basis of health for students.

"We have seen that the sexually transmitted disease problem is not just AIDS--it is [also] chlamydia, HPV. At the University of California at Berkeley last year, [46% of the] women coming to the gynecology clinic [for problems other than sexually transmitted diseases] were infected with HPV (human papilloma virus), which at the present is the most common sexually transmitted disease in the country.... AIDS does not pass [from one person to another] easily, but it can pass just as well as that virus can. My involvement with it began with that book."

"I helped start the in vitro fertilization (the test-tube baby) program at St. David's Hospital, and [I] still practice [there] in my infertility practice. I hate seeing people come there who had sex back in college, did not know that chlamydia was that dangerous, [have] become sterile, and now [are] in my office at the age of 28, cannot get pregnant, [and] spend \$8,000 for an IVF procedure that they could have [had] for free at home in bed with their husbands. The fastest-increasing cause of infertility in this country today is ... sexually transmitted diseases. It is a major disaster. It is a solid epidemic right now...."

"Of course, The University of Texas is a major holder in the interest and health of young people.... [See ATTACHMENT C for copies of materials handed out to Council members at this point.] Let me just mention two or three things.... Will people use condoms?... Cleveland State University and three University of California campuses were combined [in a survey]. The students were interviewed; 5.8% said that they always used condoms, and 66% said that they never had used a condom at all--this despite all the courses on sexual behavior and [despite] all the 'safe sex' advertising on campuses. So what we see is [that,] even though people cry for the condoms, they do not use them; and these statistics hold ... no matter where you look. We cannot stuff enough information about condoms into anybody's head to make them use them. Married people know that; that's why they don't like condoms for contraception--because 20% of them per year will get pregnant."

"Will condoms prevent STD? [Dr. Wood's book about the AIDS problem is, I think, the best book available.] He says [that] about 20% of people in two years will have gotten AIDS if their partner had it and they used condoms.... At Rutgers University, Dr. Samuels ... interviewed [students] who had chlamydia infections, and she asked them if they used condoms or not; just as many of the infected people used condoms as did not use condoms, so whether [they] used condoms or not did not affect whether they got infected. The message we are given if we are pushing condoms anywhere is [that] condoms are going to protect you, when the statistics show over and over again that they do not.... Tubal infertility, which of course is dear to my heart because of my infertility practice [and] which is almost always caused by chlamydia or gonorrhea infections, is not decreased by the use of condoms; the risk of tubal infertility was not decreased by mechanical or chemical contraceptives used alone.... The point is that statistics show very clearly that condoms really do not protect people."

"Dr. McMichael, ... on [the] second page of the letter I believe she sent to each of you, said: 'We know that condoms when used properly offer significant protection against the transmission of STD, including HIV.' Let me tell you, I have obtained every article that I can about ... the 'fact' that condoms protect against sexually transmitted disease. [First] a lot of it is very poor scholarship, Second, [the authors] usually accept as good results the fact that 10%, 20%, 30%, 40% of people get infected or get pregnant, saying [therefore condoms] helped. Well, sure, they can help some, but the trouble is that if [kids] gets into a sexual lifestyle they are going to continue [being sexually active], and over ... time will finally get infected or get pregnant."

"My summary statement would be that condoms will not make the University a safer place. People who ... trust that [condoms] will protect them will still get infected, and I think that statistics show that very clearly. The only thing that you can do is give a message to some guy or girl who is trying to get the person that they are with that night to have sex with them. The message [is] that they can say, 'Well, you know, the University has put condoms over here--let me just run to get one and we can have sex safely.' The girl or the guy says, 'Well, yes, that sounds reasonable--OK, let's have sex.' You can say that it is illogical to think that students are not going to have sex, [but] the fact is that a large number of students on this campus are not having sex. There are some that ... have had sex but have stopped. The goal that I think we ought to have as part of a University and as part of a community is [to] show students and young people and single people throughout the society that they are not protected by condoms and to take the words of ... Woody Allen, who said, 'I dated a girl once who used a very good oral contraceptive--she said no.'"

Mr. Olasky then introduced John Cogdell.

John R. Cogdell (Electrical and Computer Engineering Department) said that he came "as a representative of a group of faculty that believe very strongly in the words of Jesus Christ that are carved across this building, 'You shall know the truth, and the truth shall set you free'. [We are] here, we feel, to present the truth that has not been considered by the University Council, and that is what we are attempting to do--to speak the truth as we see it...."

"We are distributing [see ATTACHMENT A] copies of a motion we want you to consider, our petition that we circulated, some medical information that [is summarized] very concisely for you, and a position paper that some of us wrote. We are also offering, as Dr. Olasky already mentioned, gratis, at our own expense, a copy of Dr. McIlhaney's book, Safe Sex; I hope you come up to us after the meeting or just come and help yourself. [Extra copies are in the Office of the General Faculty.] The only [proviso] is that you have ... to read the book, or at least read significant parts of it...."

"In summary, here are the reasons why we oppose widespread distribution of condoms on this campus. First, no matter how many disclaimers are offered by the administration, this action in effect gives University sanction to what is euphemistically called 'high risk' behavior, that is to say, 'sexual promiscuity.'

"Second, this promotion of so-called 'safe sex' leads students to believe that condoms will protect them from sexually transmitted disease, which is untrue.

"Third, condoms are readily accessible to those that require them; giving 24-hour access [to them] throughout the campus will serve only to encourage impromptu, irresponsible activity.

"Fourth, in view of the medical evidence presented today, I personally would not want it on my conscience or the public record that I supported this measure, and I cannot imagine that any Council member welcomes responsibility for this action. I remind you that we live in a litigious society where individuals and institutions are held responsible by the courts for the consequences of their actions.

"Finally, I have spent over half my life on this campus--first as a student, and for the previous twenty-six years as a faculty member. I have a concern for the public reputation of the University. I believe that this action would not please the people of this state. Our campus, including the dormitories, is a public place, open to parents, ex-students, and anyone who wishes to visit. I serve on the University Housing Committee and also as a Faculty Fellow in the dorms, and I know how hard the Housing and Food staff, including the Resident Assistants, work to foster a wholesome learning community in the dormitory. In a word, having condoms in the restrooms or in the candy machines looks bad, and hence, in my view, discredits our educational community."

President Cunningham noted that only members of the Council can make motions.

Baxter F. Womack (Electrical and Computer Engineering), on behalf of the petitioners, MOVED that the University Council defer consideration of the plan for implementing wider distribution of condoms on campus until its next meeting, scheduled for February 17, 1992. The motion was seconded.

Garth P. Davis (Students' Association) reminded the Council of seven speakers on this issue at the last Council meeting and said that if the topic were to be continued to the next meeting, he would "have to bring in about 50-60 people [who would make] absolutely contradictory remarks to [those that] have just [been made.] Let me also remind you that we have got a serious problem at hand here, because if what they are saying is true, then we [had] better do something about human sexuality classes, which are right now pushing very hard the use of condoms. [They

are] pushing the fact that [condoms] are about 99% effective as far as pregnancy [goes], and I am not sure [about] the exact figures [for] AIDS, but they are much higher than the 85% [figure].

"Our speakers today have this vision that abstinence is a reality,... that we can [pass] a resolution (instead of passing out condoms) that we should all abstain from sex and that this is going to happen. Students are responsible, and they are going to have sex....

"All the condoms do have disclaimers on them--they do say that 'this is not 100% effective'.... I would like to [use] an analogy--you get on an airplane, you know there is a chance of it wrecking, but you get on it knowing that most of the time it does land safely. This is what is happening with the condoms--we are saying to people that most of the time you have a good chance.

"We had a THOUGHT EXPERIMENT [in which] 960 people would have [AIDS] if [condoms were] 85% effective. What if no condoms were used; how many people would get infected?

"That is what we are trying to say. We want to increase availability [of condoms] so students have the choice to take that risk. They know that there is a risk. There is no one saying that [condoms] are 100% effective. Everywhere it is said that you will still take a chance, [but] that condoms are your safest bet, next to abstinence...."

Joseph M. Horn (Psychology) spoke in favor of the motion. He said that the Council could "profit from looking at [the information] for three more weeks or [even] three more months.... There is a lot of good information here. I think there was some good information presented last time, but right now I am undecided as to the facts of this case. I think with three weeks, or maybe a little longer, that I might have some greater degree of clarity.... I do not see any reason why we cannot postpone it."

Mr. Womack said: "The reason I agreed to make this motion is because, after the publicity of our November meeting ..., many faculty members on campus and a whole host of people off campus thought the University was opening itself up to a serious liability. They might have been arguing on moral grounds or otherwise that they thought the University was doing something [it] should not do."

Damon G. Munchas (Students' Association) said: "We do not have time for three more weeks or three more months; people are dying every single day from this disease. This is not a question of morality; this is a question of reality. We already understand that people are having sex, and people are having unprotected sex. We cannot legislate morality at our University. This proposal was merely to increase the availability of condoms on campus for those who choose to use them. There is nothing bad about this proposal; there are no negative connotations.... I urge you to kill this proposal [for delay]. We need to implement this and get ... condoms out on the campus as soon as possible."

Julie Ann Bray (Students' Association) said that, "speaking as a Christian, I am not in support of advocating promiscuity, and I am certainly not in support of premarital sex. I want you to know that there are some [students] that do not have sex all the time.... But I do believe that we do have a serious problem on campus, and I personally do not think [that] having condoms on campus is going to increase or decrease such promiscuity.... As a Christian I ... believe that if we can prevent any human pain, [we] should try and help.... I am not in support of having condoms in every single place across campus. I get embarrassed ... when someone hands me a condom on campus, [but] if it can help save anybody or prevent any physical pain, then I am in support of having more available on campus--in decent and tactful ways...."

The motion to delay then FAILED by a voice vote.

Mr. Horn then MOVED that, "because of the risk of infection and death caused by sexually transmitted diseases, including AIDS, and because the use of condoms does not prevent such consequences, the University should post notices of warning (similar to those found on tobacco products) at locations where condoms are available on campus."

President Cunningham ruled that the motion was New Business and therefore, unless the Council voted to classify it as emergency legislation, it would have to be carried over until the next Council meeting for action.

Mr. Horn immediately MOVED that his previous motion be classified as emergency legislation, and the motion was seconded. There was no discussion, and the motion to classify FAILED by a voice vote. As a result, Mr. Horn's motion that warning notices be posted will be presented as Unfinished Business at the next meeting of the University Council.

VII. UNFINISHED BUSINESS.

A. PROPOSED PLAN FOR WIDER DISTRIBUTION OF PROPHYLACTICS ON CAMPUS (D&P 13785-13786, 13986-13991/19596-19601, 13998/19608). (PRESENTED; NO ACTION REQUIRED)

[In connection with this item of business, copies of a letter dated January 27, 1992, to President Cunningham from State Representative Sherri Greenberg were distributed to the Council members. In the letter she urged the President "to approve the distribution of condom machines on campus. I believe that condoms have proven to be a necessity in preventing the spread of the deadly HIV virus.

"Because of the severity of this disease, I strongly believe that the University should encourage mature, responsible action by college students. I hope you will allow condom machines on campus and explore other avenues that will help stop the spread of the HIV virus at the University."]

[See ATTACHMENT 4 for the complete text of the letter.]

In response to action by the University Council on November 18, 1991, D&P 13990/D&M 19660, James W. Vick (Vice President for Student Affairs) reported on administrative actions that have been taken since that time with regard to distribution of condoms on campus. First, however, he pointed out "that the 1% figure that was used in reference to the percentage of students [at] the University that are infected with HIV, I feel, is irresponsible. That was not [based on] a random sample [of students]; there were 9 positives in a group of 900 students who came into the Student Health Center for specific health reasons.... We cannot extrapolate from that small population to the general population for the University.

"[At the] last meeting of the University Council, I was instructed to come back and report on plans for increasing the availability of condoms on campus. We convened a group that consisted of representatives of the Student Health Center, the Texas Union, Housing and Food [Services], Recreational Sports,... students in the residence halls,... my staff, and the Dean of Students' staff. We discussed various alternatives for distribution, locations, and so on. I am here today ... to report on what we decided.... (If you ask me, it is not really the standard business of the University Council to determine each nook and cranny that would contain some sort of machine that might dispense condoms. So what I am telling you is, in fact, action of a group [of administrators] from Student Affairs, with consultation from students and [from] the upper administration.)

"We have proceeded with action as of today. The recommendations of this group were that we include condom availability in certain kinds of machines within buildings on campus, and let me be specific. Within the residence halls--in all of the men's residence halls or clusters of residence halls and Jester--the decision was to include, in [only] one machine [per residence hall], one slot that would dispense condoms.... Those machines have been stocked; condoms are for sale as we speak and have been for several days. It was the wish of the women's residence halls--Kinsolving and the Quad--that [condoms] not be [dispensed] in candy machines; [therefore] we ordered sundry machines that would [dispense condoms and] a variety of products [such as] nail clippers, combs, aspirin, soap, [and] other things. Those machines have now arrived ... and will be put in place [in Kinsolving and the Quad] in the near future.

"Other than the residence halls, the Committee felt ... there were three additional locations [that] should be included: [1.] The Recreational Sports complex, ... [one sundry machine]. [2.] The Texas Union, ... one machine in each of the men's and women's restrooms on the south end of the main floor, which is right outside ... the Texas Tavern.... That area is under construction as a result of renovations;

those machines [will] be put in place later this spring when the area is re-opened.... [3.] The Undergraduate Library and the Perry-Castaneda Library, because of the heavy traffic ... there ... at late hours at night when other sources of condoms might not be available; ... one sundry machine in each [location] that would contain, in addition to condoms, ... items such as marking pens [and] other supplies ... appropriate for someone in the library.... Those machines ... are not on hand at the present time. This was discussed with Harold Billings, Director of the [General Libraries, and he has] discussed this with his staff....

"So as of now, [this is the plan] that we are putting in place; we do not require further action from you to complete this plan. If you would like a report at the end of semester on how this has gone [and] on the level of demand, I will be happy to make that [report]. If you have strong feelings about additional sources or changing this plan, I will welcome your advice, but, as a Division of Student Affairs, we feel like this is our responsibility and we are proceeding to do it."

There was no discussion of Vice President Vick's report.

VIII. REPORTS.

A. REPORT OF COMMITTEE ON THE UNDERGRADUATE EXPERIENCE (D&P 13916-13980). (PRESENTED; NO ACTION REQUIRED)

President Cunningham called on Frank Bean, Chair of the ad hoc Committee on the Undergraduate Experience, to describe the report submitted by the Committee (D&P 13916-13980). President Cunningham praised the report of the Committee and said, "We will make a report later on during this semester concerning what action will be taken out of my office."

Frank D. Bean (Sociology) presented the following overview of the Committee's report and conclusions: "This is a time for reflection and renewal for American undergraduate education. Colleges and universities throughout the United States are reassessing their missions, their curricula, and the ways in which they organize themselves to foster undergraduate education and learning.

"The University of Texas at Austin is no exception. In an effort to develop new initiatives to strengthen undergraduate education, President Cunningham appointed the Committee on the Undergraduate Experience in the Fall of 1990. In his charge to the Committee, President Cunningham asked the group to conduct 'a thorough examination of all aspects The University's undergraduate program' and to make 'comprehensive recommendations to the faculty and administration to ensure that the undergraduate experience serves the needs of students who will live most of their lives in the 21st century.' Consisting of 36 persons--including ex-students, faculty, undergraduate students, and staff--the Committee on the Undergraduate Experience sought to take a

hard but balanced look at undergraduate life and education at the University and to examine undergraduate education both broadly and conceptually. It also included in its inquiry the non-academic features of undergraduate life that nonetheless hold implications for the quality of the undergraduate experience and for how students evaluate that experience.

"In the course of its work, the Committee came to the strong conviction that The University offers excellent opportunities for students to obtain an undergraduate education characterized by both breadth and depth of intellectual experience. The University has a good faculty, one that was recently rated the 21st best in the country according to a national reputational survey of university and college presidents and deans, outstanding students whose Scholastic Aptitude Test (SAT) scores and other academic achievements continue to climb, and a generally excellent physical plant. The University also provides undergraduates numerous opportunities outside the classroom for non-academic enrichment and personal fulfillment. In short, there are many reasons to think that the undergraduate educational experience at The University is rich and rewarding in both its academic and non-academic dimensions.

"Nevertheless, in the process of fulfilling its charge to assess thoroughly the undergraduate experience at The University, the Committee also came to the realization that increases in the size and complexity of the institution over the past decade, as well as a growing trend toward autonomy on the part of the colleges and schools, have created a special need to reemphasize undergraduate education at The University, particularly those parts of the undergraduate experience that foster a sense of intellectual and institutional community. Large academic institutions like The University necessarily possess a high degree of organizational complexity and professional specialization. These properties themselves can be sources of quality and enrichment, because they are accompanied by internationally renowned faculty and programs unavailable at smaller non-research universities and colleges. Although excellent faculty and outstanding programs in specialized areas may bring overall prestige to The University, and thus may increase the value of an individual's undergraduate degree, they do not necessarily provide that undergraduate with a good general education. Confronted with a multiplicity of degree programs within increasingly autonomous colleges and schools, undergraduate students may benefit individually from separate components of specialized excellence at The University without comprehending their relevance to their own experience or to education of the 'whole' person. Broadly speaking, the challenge facing undergraduate education at The University is to find ways to foster greater intellectual community and institutional integration without diminishing the benefits that accompany size, complexity, and increasing specialization.

"The Committee believes The University can meet the challenges of size, complexity and growing autonomy among the colleges and schools by implementing recommendations that will build a stronger sense of community at The University, both intellectually and institutionally. The

reason we think that developing an enhanced sense of intellectual institutional community is so important derives from undergraduate education's unique mission in America. According to Ernest Boyer, this mission is to provide an undergraduate education that 'will lead to a more competent, more concerned, more complete human being.' This message rests on the conviction that liberal arts education--that is, the education of the 'whole' person--is essential preparation for good citizenship and the responsible practice personally and socially of the professions and business. Historically, the undergraduate college has been the institution most responsible for achieving this mission, so much so that distinguished graduate and research institutions like Harvard University and the University of Chicago have embedded undergraduate colleges within their larger structures. Even universities that offer professional undergraduate degrees have typically acknowledged the importance of the liberal arts and the sciences by insisting that all their students take 'general' or 'basic' education courses, classes in such subjects as history, language, math, science and literature.

"Most universities in the United States have attempted to achieve this educational objective through general education or curriculum requirements. Such is the case at The University of Texas. In 1983, at the direction of President Peter Flawn, all colleges put into practice a set of General or Basic Education Requirements recommended by a faculty committee chaired by Professor James Vick of the Mathematics Department. The General Education Requirements at The University constitute a broad and solid foundation on which to build an excellent undergraduate education. When compared with those at several other large public universities, the requirements at The University of Texas are frequently at least as comprehensive and involve at least at much depth of exposure as those at other institutions. For example, the University's natural science requirement is as broad as the requirement at any of the other comparison schools that the Committee examined. And the conceptualization of The University's English and writing requirement has been cited by the Carnegie Foundation for the Advancement of Teaching as a model attempt to improve the opportunities for college students to write well. In short, the structure for obtaining a thorough and wide-ranging general education is solidly in place at The University. The Committee concluded, however, that certain improvements in general education requirement courses, including the systematic and periodic faculty review and oversight of their content, are necessary to achieve the potential inherent in the existing structure.

"Based on its assessment of the undergraduate experience, the Committee concluded that five kinds of improvements would increase intellectual community and institutional integration and lead to significant enhancement of the undergraduate experience at The University. These are: (1) strengthening general education courses and developing University-wide undergraduate programs; (2) paying more attention to the needs of individual students, (3) developing greater respect for diversity; (4) promoting good teaching and active involvement in learning; and (5) improving student services...."

"The committee set forth 26 specific recommendations within these five areas.... The 36 persons on this committee--which [included] some distinguished ex-students, several current students at The University ..., administrators, faculty members, staff persons ...--met for over a year on these recommendations, debated them extensively and at great length, and in the final analysis unanimously and enthusiastically adopted each of the recommendations.... The recommendations take several different forms. Some of them would involve action of the part of this body. Many of them would not, but would involve action on the part of the colleges and schools, perhaps at the direction of the President.... I think I can speak for the Committee in ... seeking your support for the recommendations. Certainly they deserve a full and considerable debate...."

There was no discussion of the report.

IX. NEW BUSINESS.

A. PROPOSED CHANGE TO THE OFFICIAL CALENDAR OF THE UNIVERSITY OF TEXAS AT AUSTIN (D&P 13983). (REFERRED TO CALENDAR COMMITTEE)

Damon G. Munchus (Students' Association) MOVED that the University Council approve the following proposal:

The calendar of the University of Texas at Austin shall be modified with the creation of one additional dead day before the beginning of the final exam period of each long semester. This is to insure students adequate time to study, and also to provide faculty with additional time for grade preparation.

The motion was seconded.

Garth P. Davis (Students' Association) urged the Council to support the proposal, saying that students feel that they could use one extra day for studying and preparing for final exams.

Wayne A. Danielson (Journalism) said: "I used to give an Ebenezer Scrooge Award to the University administrator who was the meanest to the faculty with respect to the days right before Christmas, but Garth, you may get it this year. These exams are not ... over when the students finish taking them, and I think this would push the grading of exams even closer to Christmas Day. I think that needs to be looked at very carefully."

Mr. Davis replied that the students who sponsored the proposal thought that days in the Calendar could be altered here and there by the Calendar Committee to implement the proposal without pushing the grading closer to Christmas Day.

President Cunningham extended privileges of the floor to Stephen A. Monti (Vice Provost), who said that past attempts to modify the calendar brought up mechanical questions and other kinds of technicalities that were very difficult to handle. He suggested that the proposal be sent to the Calendar Committee.

A motion was made and seconded to refer the proposal to the Calendar Committee for review. Without further discussion the motion was APPROVED by voice vote.

X. REMAINING QUESTIONS TO THE PRESIDENT.

A. ANNOUNCEMENTS CONCERNING MULTICULTURALISM AND THE CURRICULUM.

Wayne A. Danielson (Journalism) said: "On the eve of the faculty vote on multiculturalism and the curriculum, I would like to make a brief non-political statement to the Council and to The University.

"First, I would like to say [with regard to] the debates that have been [conducted] in the Faculty Senate and the University Council [meetings], opponents have succeeded in disagreeing without being disagreeable, and in these days, that is an achievement.

"Second, I would like to urge faculty members to study the packet they will receive with their ballots. I know it is a large packet, but the matter is complex and the voters need to be informed. In addition, faculty members will be receiving additional information from other faculty, [from] student groups, and from the media. If faculty members have questions of fact about the proposals they should feel free to call me or Paul Woodruff or other members of the Senate or the University Council committees; we will try to answer their questions to the best of our ability.

"Finally, I would like to recommend that faculty members consult their intellects and their consciences and vote--positively or negatively--but surely vote."

Garth P. Davis (Students' Association) announced that on Tuesday, January 28, the Students' Association would hold a press conference on the fourth floor of the Undergraduate Library regarding the multiculturalism issue at which Senator Gonzalo Barrientos, as well as some faculty members and students, would speak.

XI. ADJOURNMENT.

The meeting was adjourned at 3:30 p.m. The next regular meeting of the University Council is scheduled for Main Building, Room 212, on Monday, February 17, 1992.

Distributed to members of the University Council and members of the General Faculty who want Minutes on February 14, 1992.

A MOTION CONCERNING CONDOM DISTRIBUTION ON CAMPUS

Since the question of condom distribution on campus through vending machines has been treated as minor legislation, thereby limiting general faculty discussion of the matter;

Since views of university staff members, health service physicians, and Austin medical authorities who oppose condom vending machines were not heard at the last meeting of the University Council;

Since faculty petitions in opposition to wider condom distribution have been presented to the Council;

And, since the medical information presented at this meeting, along with the medical book distributed to Council members, will require study, particularly if members are to act prudently concerning this vital issue of student health --

The University Council defers consideration of the plan for implementing wider distribution of condoms on campus for three weeks, until its next meeting (February 17, 1992);

Urges the Administration not to install condom vending machines until the University Council takes new action;

And requests that any vending machines already in place not be stocked with condoms until the University Council takes new a

A Petition to the University Council

As faculty members who have a genuine regard for the students of this university and a desire to uphold Biblically-based values, we oppose any University-sponsored, widespread distribution of condoms through vending machines or other means.

Since we recognize the seriousness of the current HIV crisis, we petition the University Council to oppose, for ethical and medical reasons, action that appears to encourage sexual intercourse among unmarried persons through promotion of "safe sex."

Statistics concerning condom failure, the spread of sexually transmitted diseases, and the emotional and social effects of extramarital intercourse need to be considered. As faculty members committed to speaking the truth, we cannot accept the prophylactically-correct fiction about "safe" or "safer" sex, when medical facts show that there is no security outside of Biblically-based morality.

The argument generally advanced in favor of wider condom distribution is that the current levels of sexual intercourse among unmarried University students cannot decrease. That is an article of faith we do not share. The Biblical understanding is that human beings, made after God's image, are capable of avoiding suicide's embrace.

Name	Department
Marvin Olasky	Journalism
John R. Cogdell	Electrical and Computer Engineering
Donald G. Davis, Jr.	Library and Information Science
Philip R. Stanforth	Kinesiology
William H. Riffie	Pharmacy
Vicente D. Villa	Microbiology
Elmer L. Hixson	Electrical and Computer Engineering
Paul Godley	Pharmacy
Ian B. Thomas	Electrical and Computer Engineering
Howard Rase	Chemical Engineering

A. J. Welch	Electrical and Computer Engineering
Mack Grady	Electrical and Computer Engineering
Alan B. Combs	Pharmacy
Dim-Lee Kwong	Electrical and Computer Engineering
Martin Poenie	Zoology
Gary Wise	Electrical and Computer Engineering
Alvin H. Meyer	Civil Engineering
Walter L. Moore	Civil Engineering
L. Ray Carry	Curriculum and Instruction
Roger P. Farrar	Kinesiology
Arwin A. Dougal	Electrical and Computer Engineering
John L. Ivy	Kinesiology
G. J. Lipovski	Electrical and Computer Engineering
Jack H. Wilmore	Kinesiology
Wendell Dean	Mechanical Engineering
Ronald Stearman	Aerospace Engineering and Engineering Mechanics
Grady Rylander, Jr.	Mechanical Engineering
Nolan Hertel	Mechanical Engineering
Timothy High	Art
Jack Robertson	Accounting
Kenneth R. Diller	Mechanical Engineering

(Summer, 1991)

CONDOMS & "SAFE SEX"

"The level of protection that condoms confer when you have sex with an infected man is not known. We do know for certain, however, that it is by no means 100 percent!!!"

"Dozens of birth control studies, done in many different countries by many reputable scientists, have proved that in actual practice, condoms are a poor method of contraception, with a minimum of a 10 percent failure rate for any one year of use! In other words, 1 out of 10 women who regularly and conscientiously use condoms becomes pregnant within a single year (even when it doesn't break)...there are several good reasons to believe the failure rate of condoms for protecting women against the AIDS virus could be significantly higher than 10 percent. For one, the AIDS virus is much smaller than the relatively gigantic sperm, and so it can probably get into the moist pubic hair and also escape out over the rim during thrusting much more easily. In addition, we know that free virus particles and AIDS-laden cells are present in an infected man's pre-ejaculatory fluid, which he secretes before he puts on his condom...Finally, as Dr. Theresa Crenshaw has pointed out, most women are fertile for only two to four days each month, but are susceptible to AIDS each time they make love to an infected man!...at this writing not a single study has been published demonstrating that in real life condoms protect women, or men for that matter, against AIDS."

(In a study of 10 couples who continued to have sex using condoms though one partner had AIDS) "one of the previously healthy spouses (10 percent) had already become infected within eighteen months!" (Three months later) "another healthy wife whose husband used condoms regularly had become infected. A third woman in the condom-using group also seroconverted, but it is not clear if she belonged to the original 10 couples. That represents a 20 or 30 percent failure rate within a two year period!...If you rely on condoms alone, you are playing Russian roulette with your life."

"...at this writing not a single study has been published demonstrating that in real life condoms protect women, or men for that matter, against AIDS."

Margaret A. Fischl, MD, Gordon M. Dickinson, MD; Gwendolyn B. Scott, MD; Nancy Klimas, MD; Mary Ann Fletcher, Ph.D.; Wade Parks, MD, Ph.D., "Evaluation of Heterosexual Partners, Children, and Household Contacts of Adults With AIDS", *Journal of American Medicine*, 6 Feb. 1987, Vol. 257, No. 5, pp. 640-644.

Helen Singer Kaplan, MD, Ph.D., Director, Human Sexuality Program, The New York Hospital-Cornell Medical Center, Scientific References, Group III: Condoms, in *The Truth About Women and AIDS: How to Eliminate The Risks Without Giving Up Love and Sex*, Simon & Schuster, pp. 83-87.

"HIV is approximately 120 nanometers in diameter, considerably larger than the hepatitis B virus (42 nm) that can pass through natural skin condoms and smaller than the herpes simplex virus (about 200 nm) and cy-

Helen Singer Kaplan, MD, Ph.D., Director, Human Sexuality Program, The New York Hospital-Cornell Medical Center, Scientific References, Group III: Condoms, in *The Truth About Women and AIDS: How to Eliminate The Risks Without Giving Up Love and Sex*, Simon & Schuster, pp. 83-87.

tomegalovirus (about 300 nm) that do not pass through any type of condom."

Paul J. Feldblum SMPH, and Judith A. Fortney, Ph.D., "Condoms, Spermicides, and the Transmission of Human Immunodeficiency Virus: A Review of the Literature". *American Journal of Public Health*, January 1988, Vol. 78, No. 1, p. 52.

"The Centers for Disease Control comments in October, 1987: However, even when condoms are properly used for each act of sexual intercourse, infected parties and their sexual partners should fully understand that some risk remains."

Morbidity and Mortality Weekly Report, "HIV Infection and Pregnancies in Sexual Partners of HIV-seropositive Hemophiliac Men—United States", 9 October 1987, JAMA, p. 1877.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"The risk of fatal infection is quantifiably significant. A recent paper by Dr. Fischl of the University of Miami reports a substantial failure rate for AIDS. Among heterosexual couples studied using condoms in which one partner was infected, 10% of the uninfected partners became infected. This figure increased to 30% within the year."

Fischl M., "Evaluation of Heterosexual Partners, Children, and Household Contacts of Adults with AIDS", *JAMA*, 2 Feb. 1987, 257:447-449.

Goedert J., "What is Safe Sex?", *New England Journal of Medicine*, 21 May 1987, p. 1340.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National

Medical Legal Publishing House, 1988, pp. 102-113.

"Condom use was not significantly associated with protection against infection."

Padian, Windlestein, et al, "Male-to-Female Transmission of Human Immunodeficiency Virus", *JAMA*, 14 August 1987, p. 788.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"The U.S. Food and Drug Administration appears to shed some light on this problem. A government inspection program found that condoms from 1 of every 5 batches tested, leaked when filled with water. This led to a large scale government recall."

Parachini A., "Condoms and AIDS: How Safe is Safe", *Los Angeles Times*, 18 August 1987, part V, p. 1.

"Condom Makers Issue Recall Over Leaky Products" *Los Angeles Herald Examiner*, 20 June 1987.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

A report subsequently published by the Department of Health and Human Services concluded after reviewing the available data from many sources: "there are no clinical (human) data supporting the value of condoms in preventing the spread of a range of diseases including...human immunodeficiency virus (HIV), the precursor of AIDS."

"Dr. Charles Horburgh of the CDC comments 'We hope the condom

works (against AIDS), but we have found no convincing evidence."

"Condom Makers Issue Recall Over Leaky products" *Los Angeles Herald Examiner*, 20 June 1987.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"Condoms have an ample failure rate in preventing pregnancy despite a substantial boost from nature. During any given monthly cycle there are only a few fertile days during which conception is possible. On the other hand, AIDS virus can be transmitted every day of the month, and the virus is 30 times smaller than the human sperm, posing a much more formidable challenge to any barrier."

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"13-15% of women whose male partners use condoms as the sole method of contraception become pregnant within one year."

Kelly J., et al, "Cautions About Condoms," *Lancet*, 7 February 1987, p. 323.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"Dr. Bruce Voeller of the Mariposa Research Foundation concludes, 'The safe sex message just isn't true.'"

Gruson L., "Condoms: Experts Fear False Sense of Security?" *New York Times*, 18 August 1987, p. 20.

Lawrence J. McNamee, MD, Brian F. McNamee, MD, *AIDS: The Nation's First Politically Protected Disease*. National Medical Legal Publishing House, 1988, pp. 102-113.

"Most information on condom efficiency comes from pregnancy prevention studies. Based on one fairly large study, the statistical risk of pregnancy due to condom failure is 1 pregnancy in 10,000 uses. Since the chance of pregnancy is 2 to 4 percent following injection of semen, a pregnancy rate of 1 in 10,000 means that there were 50 to 100 condom failures resulting in semen injection. A human female can only be impregnated during approximately 48 hours each menstrual cycle. A viral agent is, presumably, always present and always able to infect upon exposure, although exposure does not always result in infection."

"In this condom study, the failure rate of the condoms was between 0.25 and 0.5 percent. However, other studies estimate failure rates to be between 4 and 36 percent (between 4 and 36 failures per 100 uses). A significant difference in failure rate exists among brands."

Chris Jennings, *Understanding and Preventing AIDS; A Book for Everyone*, Second Edition, ISBN 0-936571-01-2.

"While the sexual revolution of the sixties freed women to say yes, it also all too often disabled them from saying no..."

Statement on Condom Distribution on Campus

As faculty members who have a genuine regard for the students of this university and who support Biblically-based values for human relationships and sexuality, we oppose any University-sanctioned distribution of condoms through vending machines or other means. This proposed action sends the wrong message to our students, promotes sexual practices which could lead to serious infection or death, and misrepresents the values of our educational community to outsiders.

We affirm human sexuality as one of God's good gifts for the expression of loving intimacy between married persons and seek to foster a social and educational environment on the University of Texas campus that encourages authentic, mutually supporting, and significant relationships among our students.

Biblically-based morality is not arbitrary; it represents reality and commends behavior that has proven beneficial to individual growth, family health, and community stability. By contrast, the "sexual revolution" of the past 30 years has yielded a harvest of broken lives and relationships and loosed a scourge of sexually transmitted diseases in our society.

Herpes and the HIV virus are incurable and, in the latter case, fatal. Chlamydia, gonorrhea, syphilis, venereal warts, hepatitis B, and vaginitis are expensive to treat, personally disruptive, and can cause, in some cases, sterility. These diseases are spread primarily through promiscuous sexual activity and are epidemic in our society, particularly among young people. While the physical effects of these diseases range from unpleasantness to death, the emotional, social, and spiritual effects may be no less severe.

While some groups have promoted the illusion of safe sex through regular condom use, others in the medical community give a different message. Austin gynecologist Joe S. McIlhenny writes in *Sexuality and Sexually Transmitted Diseases* (1990), "So-called safe-sex techniques have actually contributed to the increased spread of sexually transmitted diseases rather than helping to solve the problem."

Austin physician Glenn G. Wood, who holds a M.A. in philosophy from UT Austin, wrote (with John Dietrich) in *The Aids Epidemic* (1990),

... "safe sex" is a semantic trick, a linguistic sedative that will kill thousands of people. Use of condoms among homosexual or other high risk groups is hardly safe. It is safer sex in the same sense that putting one bullet in a [cylinder] instead of two is safer Russian roulette. Because

condoms cannot guarantee protection, it is a distortion to teach techniques that lower but do not eliminate the risk of acquiring HIV and call it safe.

These physicians state unequivocally that only practices that Biblically-based sexual morality supports, such as abstinence and sexual intercourse within marriage, can provide real safety in human relationships.

We oppose distribution of condoms on campus because this seems to support the popular fallacy of "safe sex" and to communicate acceptance of the "sexually active lifestyle" as normative. While this message may not sway those students who are committed to wait for intercourse until marriage, it could well be confusing for those who are beginning to question thoughtfully the casual sexual practices of the past three decades. Students who choose to be sexually active have access to condoms from local businesses. We wonder if 24-hour access to condoms on campus will lead to more or less thoughtful sexual activity.

Student health is a legitimate University concern. The steps taken to reduce tobacco usage within the University community, though difficult for some, are commendable. Once facts are known and accepted, the public good can be protected. As those who see all men and women as created in God's image, we believe our students are capable of choosing health over disease and life over death. Rather than having more ready access to condoms, we think students will be better served by receiving more information about the current epidemic of sexually transmitted diseases and statistics of condom failure.

Finally, we have concern for the reputation of The University, which is a public institution supported by the people of Texas. Our campus (including dormitories) is a public place. Do we wish visitors to form their view of our campus life from the ubiquitous presence of condom machines? Since a majority of Texas parents do not place condoms in their home bathrooms for their children's use, we believe the University need not do the same.

In summary, we urge the University of Texas at Austin not to sponsor widespread distribution of condoms through vending machines and other means. Condom distribution sends a wrong message to students, offers a false sense of protection against sexually transmitted diseases, and presents an unfavorable image to the public. We should uphold the highest moral, educational, and civic expectations for our students.

John R. Cogdell, Assoc. Prof., Electrical and Computer Engineering
Donald G. Davis, Jr., Prof., Library and Information Science
Marvin N. Olasky, Assoc. Prof., Journalism

ATTACHMENT B

A PETITION TO THE UNIVERSITY COUNCIL

We, the undersigned faculty members, wish to express our opposition to university-sponsored distribution of condoms in the dormitories and other inappropriate places, especially when this is done by means of vending machines. We urge the Council to reconsider its recent decision, which was taken, we believe, in haste and without a sufficiently balanced consideration of the relevant data and arguments.

The medical evidence for the fallibility of condoms as a means of avoiding HIV infection is well-known and overwhelmingly strong. There are no reliable studies which would quantify the effects of increasing condom availability in the way proposed. The amount of unprotected sexual activity may not decrease at all: for all we know, the only effect may be to increase the number of spontaneous, casual sexual encounters. Given the fallibility of condoms as a protection, this action may (like most technical quick-fixes) have an effect exactly opposite to what was intended. Since Hippocrates, the most fundamental principle of medical ethics has been: *first do no harm*. We have no confidence that the proposed change satisfies this principle.

Since its inception, the university has considered the formation of moral character as its highest calling. The people of the State of Texas have not entrusted their young people to our care so that we may condone, sanction and facilitate unrestrained sexual license in our dormitories. An ethos of instant gratification of desire, without thought to moral principle, without commitment or fidelity, does not contribute to the making of scholars and scientists, or indeed to the making of the kind of citizens which our nation and State require.

We reject the views of those fatalists and cynics who insist that sexual promiscuity must inevitably increase and that our only recourse is to practice damage control. Moral regeneration and renewal, in sexual and in non-sexual mores, has occurred repeatedly throughout our history. We insist on maintaining the hope that our society will survive this crisis through a new birth of chastity, fidelity and responsibility.

Name

Department

WILL PEOPLE USE CONDOMS?

Cleveland State University and three University of California campuses:

5.8% said they always used condoms
66% said they never had used a condom

This "despite all the courses on sexual behavior and all the 'safe sex' advertising on campus."

(Pediatric News, May, 1990, p. 14)

Brown University:

"We conclude that in this population there has been little change in sexual practices in response to new and serious epidemics of STD with the exception of an increase in the use of condoms (which still does not reach 50%)."

(New England Journal of Medicine, 1990, 322:821-5)

Now File

Do Condoms Prevent STD If They Are Used?

10% of married partners become HIV infected over two years when their partner was HIV infected even when they knew it and used condoms every time.

(Dr. Mishell, New England Journal of Medicine, vol. 320, 1989, pp. 777-787)

oooooooooooo

33.3% of women)

37.7% of men)

were culture positive for chlamydia

"Infection rates were equivalent regardless of the contraceptive method. Diaphragm and condom users had infection rates of 44% and 35.7% respectively whereas those using no contraception or oral contraception had infection rates of 44% and 37% respectively."

(S. Samuels, Medical Aspects of Human Sexuality, Dec., 1989, p. 16)

Will Mutually Monogamous Relationships Protect?

Rutgers University:

"The majority of women reported long-term (>six months) monogamous relationships. Reported lengthy monogamous relationships were not associated with a low incidence of infection."

(S. Samuels, *Medical Aspects of Human Sexuality*, Dec., 1989, p. 16)

Brooklyn:

"Again, in the study I mentioned that among patients with chlamydia and trichomonas, 80% said they were in a monogamous relationship with people they also trusted were monogamous."

(H. L. Minkoff, *OB/GYN Audio Digest*, #22, vol. 37, Nov. 20, 1990)

New File

Tubal infertility (which is almost always caused by chlamydia or gonorrhea infections) was not decreased by the use of condoms.

The risk of tubal infertility was not decreased by the use of either mechanical or chemical contraceptives used alone.

"The Relationship of Tubal Infertility to Barrier Method and Oral Contraceptive Use"
D. W. Cramer, et al, *JAMA*, vol. 257, 5-8-87, p. 2446.

CONDOMS AND PREGNANCY

"Despite the high level of technology in Japan, Japanese women still rely heavily on an antiquated system of birth control (condoms). Although the Japanese use condoms more widely than any other people in the world (door-to-door salesmen will provide them), abortion is commonly used as back up for failed contraception. As a result, the country has one of the highest abortion rates of any industrialized, non-communist nation."

American College of Obstetricians and Gynecologists Newsletter
March, 1991:3

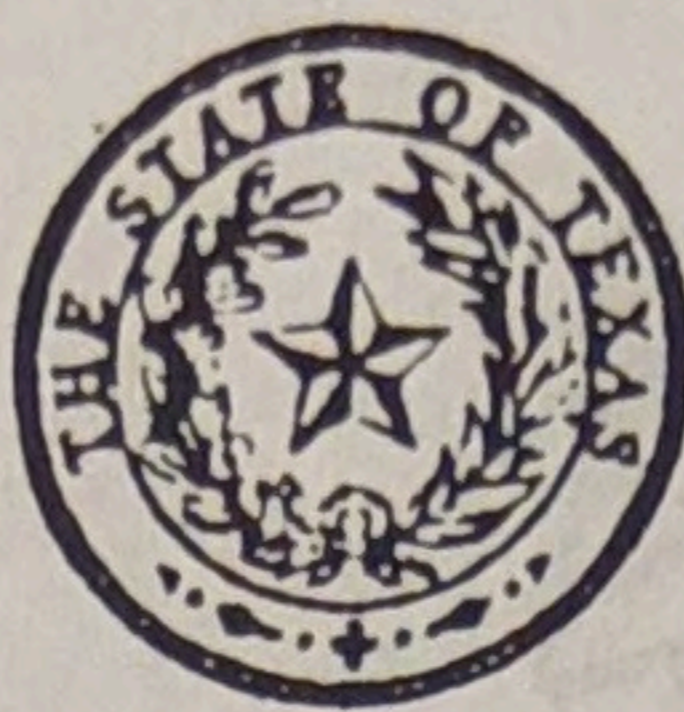
CONDOMS AND PREGNANCY

"It has to be recognized that there is no completely safe sex. We found, for example, in one year 25% of our patients using condoms conceived: all of them admitted that, on at least one occasion, they did not use a condom."

(S. Sondheimer, *OB/GYN Diagnosis*, vol. 6, no. 3, p. 7, 1987,
from Family Planning Clinic, University of Pennsylvania School of Medicine,
Philadelphia, Pennsylvania)

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ATTACHMENT D



Sherri Greenberg

Texas House of Representatives

P.O. Box 2910
Austin, Tx, 78768-2910
Room G54, Capitol
512-463-0700

Committees:
Natural Resources
Science & Technology

January 27, 1992

President William Cunningham
University of Texas at Austin
Office of the President
P.O. Box T
Austin, Texas 78713

Dear President Cunningham:

I am writing to urge you to approve the distribution of condom machines on campus. I believe that condoms have proven to be a necessity in preventing the spread of the deadly HIV virus.

Because of the severity of this disease, I strongly believe that the University should encourage mature, responsible action by college students. I hope you will allow condom machines on campus and explore other avenues that will help stop the spread of the HIV virus at the University.

Thank you for your attention to this matter. If I can ever be of service, please do not hesitate to call on me.

Sincerely,

A handwritten signature in cursive script that reads "Sherri Greenberg".

Sherri Greenberg
State Representative

