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SPECIAL MEETING OF THE BOARD OF REGENTS
OF THE UNIVERSITY OF WISCONSIN

Madison, Wisconsin

Held in Room 1820 Van Hise Hall
Saturday, September 6, 1969, 9:05 A.M.

President Nellen presiding.

PRESENT: Regents Dahlstrom, Gelatt, Kahl, Nellen, Pasch, Pelisek, Renk, Sandin,
and Ziegler.

ABSENT: Regent Walker, due to illness.


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REPORTS AND RECOMMENDATIONS OF THE PRESIDENT OF THE UNIVERSITY

President Nellen announced that this special meeting had been called primarily for the purpose of hearing the report and recommendation of the Honorable James Ward Rector, the hearing agent in the matter of the disciplinary action against Kenneth Charles Williamson, a student at the University of Wisconsin, pursuant to the action taken by the Regents on July 25, 1969.

Judge Rector read his report and recommendation in this case, (attached as EXHIBIT A).

There was consideration of whether the report and recommendation of the hearing agent in this case could be discussed by the Regents in open session or in Executive Session. Regent Pelisek referred to a communication he had received from the Attorney General of Wisconsin, which gave the opinion that the discussion of such a disciplinary matter could be held in an Executive Session, but that no other business could be transacted by the Regents following such an Executive Session. Regent Pelisek suggested that it might be desirable to hear



any remarks that the counsel for the University, Assistant Attorney General Warren Schmidt, and the counsel for the defendant, Percy Julian, Jr., might desire to make at this time.

Assistant Attorney General Schmidt indicated that, if the hearings in this case were to be continued and the case was not completed at this time, any remarks that he might have to make on the evidence at this time would be out of order; and that it would be premature to present his arguments until the Regents decide whether or not to act on the recommendation of the hearing agent. President Nellen pointed out that the Regents did have the power to take action at this time, if they so choose, on the basis of the transcript of the testimony taken to date. In response to a question by Regent Pelisek, Assistant Attorney General Schmidt stated that he would object to having a continuance of hearings in this matter.

President Nellen stated that the counsels for both parties could make statements at this time and each would be limited to fifteen minutes.

Assistant Attorney General Schmidt discussed the failure of the attorney for the defendant to obtain the presence of his additional witnesses in a timely manner, noting that, not only had he had an opportunity to do so following the August 4, 1969, date of the filing of the charges in this case, but had requested the issuance of subpoenas for the three additional witnesses on August 18, which subpoenas had been mailed out on August 19 for return for continuance of the hearing on August 25. He asked that this matter not be continued, and that the Regents act on the findings of the testimony of the hearings held to date. Assistant Attorney General Schmidt concluded his arguments, and his answers to questions by the Regents, within a period of seven minutes.

Attorney Julian presented his arguments for not continuing the hearings and for the dismissal of the charges against his client, and vociferously complained about the delay on the part of the University and the Regents for not having filed charges until August 4, 1969, in this case, based on alleged activities which were alleged to have occurred on February 27, 1969. He also discoursed at length on the disadvantaged background of the defendant, all of which he indicated was included in the testimony taken at the hearings, and contended that the defendant should not be further subjected to hearings in this matter, especially in view of the long delay in bringing charges, and that the charges should be dismissed on the basis that the State had not proved the charges. Attorney Julian's presentation exceeded the allotted time by two or three minutes.

There followed a long discussion between the Regents and Assistant Attorney General Schmidt and Attorney Julian, and members of the University administration, regarding the various factors involved in the long delay in bringing charges in this case, regarding the criminal action which had been brought against the defendant in the State courts in connection with this incident, regarding the status of the defendant as a student at the University, and regarding the effect of disciplinary action at this time by the Regents on the defendant.

Regent Pelisek moved that the charges against Kenneth Charles Williamson be dismissed, and the motion was seconded by Regent Pasch.

Regent Ziegler inquired of Regent Pelisek whether his motion intended that the charges were dismissed with no action. Regent Pelisek responded that that was correct; that he had made this motion because he thought this matter had dragged on to an incredibly extended period of time, and he did not believe it was appropriate or fair to the individual involved to put him through any more hearings on the matter, and that the hearings should be closed. President Nellen stated that he did not agree with Regent Pelisek's reasoning that the defendant should not be put through more hearings, but he would favor the motion, because he agreed that the delay was uncalled for, hard to explain, and somewhat unreasonable. Regent Gelatt agreed that he was in favor of the motion to dismiss the action against Mr. Williamson on the grounds that it had not been brought within a reasonable time of the identification having been made and no vigorous attempt had been made to find him. He felt that this put the University's case on unfirm ground to the extent that it should not be continued at this time. Regent Renk also agreed that he would favor the motion, because of the delay involved. President Nellen suggested that the mover of the motion might choose to have the reason for dismissal because of delay included in the motion, rather than to give the impression that the Regents had found no valid reason for discipline. Regent Pelisek stated that he would be glad to add to the motion "because of the delay in pressing the charges." Regent Pasch, who had seconded the motion, agreed to the amendment. Regent Pasch also indicated that he would support the motion on the basis of the reasons expressed by Regents Gelatt and Pelisek. He also noted that he had reviewed the records, not only in this case, but in the criminal action, and he had carefully reviewed the transcript of the hearings held before Judge Rector, and was of the opinion that there would be nothing to gain by a further continuance of hearings in this matter. Regent Kahl indicated that he would support the motion on the basis of the delay, and because he did not feel that the defendant should bear the brunt of the consequences of the delay in bringing charges in this matter and in subpoenaing of witnesses.

The question was put on the motion to read as follows:

That the charges against Kenneth Charles Williamson be dismissed, because of the delay in pressing charges.

A roll call vote was taken with Regents Dahlstrom, Gelatt, Kahl, Nellen, Pasch, Pelisek, Renk, Sandin, and Ziegler voting "Aye," there were no "Noes", and with Regent Walker absent. The motion was declared carried.

(A copy of the original records in the hearings in the case of Kenneth Charles Williamson, including the transcript of proceedings, with exhibits, and with the original copy of the Report and Recommendation of the Hearing Agent, are filed with the papers of this meeting.)

Noting that he had voted reluctantly on the above motion, because he felt that justice should have been done in this case, Regent Ziegler suggested

that the Regents should shape up on their disciplinary procedures, which he believed in this case had been inexcusable, because he felt that this would not be the last one that the Regents were going to be facing. He stated that, if this is the way the wheels of justice turn, perhaps the Regents should set up some different rules, or review the rules that they have, to make sure that this situation does not happen again. President Nellen indicated that Regent Ziegler's point was certainly well taken, and he expressed the opinion that it was in order at this time to have further discussion of this matter of discipline, which he felt was probably more important than anything else the Regents would be doing during the next year. He noted the many hours that this Board had spent on determining matters of discipline procedure within the past two years, all of which apparently utterly failed. He asked for suggestions that the Regents might have, even to the point of having their own investigator for such matters. Regent Gelatt agreed that a great deal needs to be done in this area, noting that the defendant in this case, against whom charges had been dismissed, was not judged by himself or anyone else here to be anything but innocent, Regent Gelatt stated that the Regents knew that a great deal of damage and destruction and disruption, that was illegal under the laws of the state and the community, and certainly illegal under rules set up by this Board, had occurred at the University during the early part of February and then again on February 27. He noted that the fact that few people were charged, and fewer found guilty, indicated that the methods used to carry out the rules established by this Board were faulty at some point. He noted that he had, on previous occasions, expressed his opinion that discipline functions for long periods of time up until really the last decade, and perhaps even later, had been handled well by the faculty and Dean of Students, but he felt that the Dean of Students had considerably more jurisdictional power and much more authority than he has had in the last six or seven years. He also noted that the faculty, in its review of disciplinary procedures, has said that they look upon discipline to be corrigible in nature, and they are trying to correct the student; and he said that this is the proper viewpoint for a faculty to have, since they are here to instruct, to lead and develop young people. However, he noted that we are now thrown into a situation whereby every disciplinary case becomes, in effect, a legal tangle, and in his opinion, very few of the faculty or members of the Board of Regents or of the administration, have the legal experience to handle these matters. He also noted that our Department of Protection and Security was not organized with the view in mind of obtaining the kind of evidence which is now necessary under the rules now in effect. He suggested the possibility of the Regents needing an office of a prosecuting attorney, a department of protection and security which reports to that office, and possibly even needing a full-time judge or hearing agent to hear these kinds of cases, if the number of incidents does not fade away.

Regent Pelisek concurred with the remarks of Regent Ziegler and Regent Gelatt, and noted that this case and some of the others show the complete lack of effectiveness of our particular system. He suggested that the President of the Board appoint a special committee with the specific instructions to report back at the October meeting with a planned revision of our disciplinary procedures and our administrative hearings in enforcement of those disciplinary procedures.

At the request of Regent Ziegler, Vice President Taylor distributed copies of the University of Wisconsin - Madison Rule Book 1969-70, which was a pamphlet that affects the students on the Madison Campus, and which includes the various procedures that the above-mentioned Special Regent Committee will be reviewing.

Upon motion by Regent Gelatt, seconded by Regent Pasch, it was VOTED, That the Board express appreciation to Justice Rector for his time and efforts on behalf of the Regents in this case.

President Harrington suggested that Regent Ziegler (Chairman of the Regent Study Committee on the Practices and Policies of the Daily Cardinal) perhaps would want to report on the matter of the New Student Edition of The Daily Cardinal. Regent Ziegler referred to letters which each Regent had received from Vice President Taylor, dated August 25 and August 30, 1969 (copies filed with the papers of this meeting), which brought the Regents up to date on the current status of that particular issue. He explained that the New Student Edition of the Daily Cardinal, historically, and traditionally, for many years, was supposed to further supplement the orientation program for freshmen regarding the University. He noted that this particular issue did quite the opposite, and was indicated as being the "unorientation" issue of The Daily Cardinal. He expressed the opinion that this was probably the poorest example of journalism that he had ever seen, that it was inflammatory, poorly written, and was a piece of junk. He explained that there were two things that he felt were particularly wrong about it from a technical standpoint, outside of its composition and other objectionable features, such as the politics in it. One of these, he explained, was that it indicated that it was sent to all incoming freshmen by the University of Wisconsin, and secondly, the other offensive feature was some of the language in the paper. He reported that the administration had refused to provide a mailing list of freshmen for this issue, but that the Daily Cardinal had obtained a copy of the mailing list from another source. Regent Ziegler also reported on a meeting he had had on the previous day with Vice President Taylor and members of the Cardinal staff. He reported that, subsequent to that meeting, members of the Cardinal staff had crossed out, on all copies with marking pencils, the reference to its being sent out by the University, and also the objectionable language. He stated that he had no recommendation to make at this time on this matter.

Vice President Taylor explained that, at the meeting on the preceding day, to which Regent Ziegler had referred, they had gone into a great deal of detail in trying to arrive at sort of an understanding of philosophy toward a student newspaper and the responsibility of a student newspaper and the services a student newspaper could provide to the students. He felt that some satisfactory response had been obtained from the regular editor and from the business manager of The Daily Cardinal.

Regent Ziegler noted that ordinarily newspapers are supported by subscriptions and advertising, and, if the public does not approve of them, they do not buy them. Regarding the Daily Cardinal, he noted that it had a captive

audience in the student body, so that the paper could not be judged by its subscriptions. However, he pointed out that the students do have one club over this paper, which is the matter of the election by the students of the members of the Cardinal Board, and that, if they do not like the newspaper, they can reelect another Board.

There was discussion of the new procedure of requiring the Daily Cardinal to pay rent on the space which it is using in the Journalism Typographical Laboratory, and regarding the salaries of the members of the Cardinal staff.

Regent Renk commented at some length in his objections to material in the above-mentioned New Student Edition of The Daily Cardinal; and he indicated that he was strongly opposed to the reference on the masthead of the Daily Cardinal to the effect that it was the official newspaper of the students of the University of Wisconsin. Regent Renk moved that the Regents take action to see that the words "official student newspaper" be omitted from future mastheads of the Daily Cardinal.

There was considerable discussion as to the implication of the reference to the Daily Cardinal being the official student newspaper. There was no second to Regent Renk's motion, but it was agreed that the administration would look into this matter to see what it could do to eliminate the word "official" from the masthead of The Daily Cardinal, and that the administration would also report whether it thinks it is advisable or not to continue with the faculty advisory committee for the Daily Cardinal. President Harrington stated that the administration would report back to the Regents on these matters.

President Harrington presented the recommendation for approval of the revised constitution of the Student Court of the University of Wisconsin, Madison Campus. Copies of the proposed revised constitution had been provided to the Regents, which was a further revision from that which was presented to the Regents at their meeting on August 22, 1969.

Regent Pelisek (Chairman of the Regent Study Committee on Student Government) stated that he had no objection to the changes in the jurisdictional provisions in the proposed revision, but he had some question as to the changes in selection of the judges of the Student Court. Chancellor H. Edwin Young explained that he had appointed an ad hoc committee to consider changes in the proposed Student Court Constitution, which had previously been presented to the Regents. At the request of Chancellor Young, Mr. Paul Ginsberg explained that, in this latest revision, they had returned to the selection of the justices which was provided for in the previous student court constitution which was approved by the Regents in 1949, except for increasing the number of members and changing the references to the faculty committees. He stated that the intention was to evaluate the operation of the Student Court during the next year as to its effectiveness under this proposed revised constitution with the thought of then considering possible further revisions. Mr. Paul Ginsberg and Mr. John Varda, Chief Justice of the Student Court, explained various provisions of the proposed revised student court constitution and answered questions by the Regents

regarding it. Mr. Varda explained, in answer to a question, that the revised court constitution was needed, because last year the Wisconsin Student Association had set up a new constitution which provided for a judicial branch which was not approved by the Regents, and which also indicated that the Wisconsin Student Association was independent of the Regents. Regent Gelatt expressed the opinion that, if the Wisconsin Student Association said it was independent of the Regents, it should not be involved in selecting justices. Regent Gelatt indicated that he would vote against this proposal until the Wisconsin Student Association Constitution is revised to conform to Regent practices.

Regent Pelisek recalled the situation during the last year, under the 1949 constitution, when the President of the Wisconsin Student Association did not make any appointments. He noted that there was no provision in this proposed document for the procedure to be followed in the event the Wisconsin Student Association President failed to make appointments. President Harrington agreed that this was a defect in the document; and he expressed the opinion that the Chancellor should be authorized to act in the event of failure of the Wisconsin Student Association President to act. Regent Pelisek noted that this version of the revised constitution was a drawback from the previous version regarding the selection of justices and suggested that it would be appropriate to include reference to such other student organizations which might subsequently take the place of the Wisconsin Student Association. President Harrington read the suggested resolution which included the latter suggestion made by Regent Pelisek. It was suggested that provision be made for vacancies on the Court to be filled by the Chancellor if they were not appointed by the President of the Wisconsin Student Association within fifteen days. Mr. David Schaefer, President of the Wisconsin Student Association, explained the frequency of meetings of the Wisconsin Student Association and of the Student Senate and suggested that fifteen days would not be a reasonable enough time, but agreed that thirty days would be sufficient.

It was also noted that the reference in Section 9.2 of the revised Student Court Constitution to the Faculty Committee on Loans and Undergraduate Scholarships should be changed to the Faculty Committee on Student Financial Aids. Regent Pelisek proposed that the document be further revised by adding, at the end of Section 3.2, the following: "If judges shall not be appointed to fill vacancies as provided herein within 30 days of notice from the Committee on Student Organizations, such vacancies shall be filled by appointment of the Chancellor."

Regent Pelisek moved approval of the following recommendation, with the revised student court constitution amended in two places as indicated above, and the motion was seconded by Regent Dahlstrom:

That the revised Constitution of the Student Court of the University of Wisconsin, Madison Campus, (EXHIBIT B attached), be approved; provided that the reference in such Constitution to the Wisconsin Student Association shall be deemed to confer the appointive powers contained therein upon the present Wisconsin Student Association, a non-profit Wisconsin corporation, or such other student organization as the Board of Regents shall subsequently determine properly represents a majority of the students attending the Madison Campus of the University of Wisconsin.

Chancellor Young reported that, at some subsequent date, he would have to present to the Regents a proposal from the faculty for a different disposition of Student Court fines than was provided in the present constitution and in the revised constitution now before the Regents. He explained that the proposed revision contemplated one-third of the funds would be used for the Student Senate Scholarship Fund, one-third for the Martin Luther King Scholarship Fund, and one-third for educational activities of the Wisconsin Student Association. He stated he was putting the Regents on notice that such a recommendation would be presented to them later; and, in the meantime, he urged the Regents to approve this revised Student Court Constitution.

Regent Gelatt stated that he would vote in the negative on this recommendation, because he thought for this Board to continue to give authority to the Wisconsin Student Association, when its constitution declares it is completely independent of this Board, if not illegal, it was at least ill advised.

President Nellen asked Regent Gelatt if he had an alternative motion; and Regent Gelatt stated that his alternative at this point would be to approve the recommendation presented by Regent Pelisek's committee at the August meeting.

There was further discussion of the use of the Student Court funds; and President Nellen explained that consideration at this time did not involve the use of the funds, but that this would be brought to the Regents as a recommendation from the faculty at a later meeting. Mr. Schaefer explained the handling of Student Court funds, and also explained, in answer to questions, that the funds that the Wisconsin Student Association uses for student bail purposes are obtained from a general fund which is totally from voluntary student dues. He also explained the organization of the Wisconsin Student Association, which he stated was a private corporation and that its legal status was independent of the Regents, although he agreed that as students of the University they are not independent of Regent action. President Nellen expressed the opinion that the organization of the Wisconsin Student Association put a somewhat different light on this whole subject, and that the position taken by Regent Gelatt was certainly one to be considered. Chancellor Young suggested that it was important that the Regents not hold up on approving the Student Court Constitution and on other activities that have specific relationships between the Wisconsin Student Association and the University and the Regents. He noted that it is very important that the students have an organization with which we can deal and in which they have confidence that it is their organization, that they select the leadership, and that they control it. He stated, however, that they did not have the authority to take over the role of the faculty or the role of the Regents, but that it is essential to have a student government if we are to have meaningful exchange of viewpoints. He also expressed the opinion that, at this time, he believed that student government has to feel that it has certain rights and privileges which are exclusively its own in certain matters. President Nellen stated that he believed that everyone agreed that there should be a student organization that you can turn to, but that it was his opinion, which was held by some of the Regents, that the Wisconsin Student Association is not representative of the students at the University of Wisconsin. He stated he would go along with this recommendation himself, but he hoped that attempts would be made in the near future to find out just how representative the Wisconsin Student Association is.

Noting that they will have an election coming up soon, he stated that he hoped someone could give the Regents an accurate count on who voted, and whether everyone had an equal opportunity to vote, and what percentage of the student body voted. Chancellor Young agreed to the latter; and he stated that he would even go so far as to make a personal attempt to persuade students to vote.

Regent Gelatt explained that his suggestion was not for the Regents to wash their hands of the Wisconsin Student Association, but rather to not give them additional authority until they recognize the authority of the Regents. He suggested that approving the Student Court Constitution would be delegating a power to a group that is not part of the University, since the Wisconsin Student Association has declared itself independent from the Board of Regents. Mr. Varda suggested that the corporate problem was not as serious as it appears on the surface, since the Board of Regents have asked the Wisconsin Student Association to appoint students to other committees, which they did at their previous meeting; and he suggested that, under the Student Court Constitution, the Wisconsin Student Association President, as long as he accepts the responsibility, would be performing a duty for the Board of Regents, which was simply a delegation to him.

Regent Pelisek again read the motion before the Board, which included the two above-referenced amendments to the revised Student Court Constitution.

The question was put on the above motion and it was voted, with Regents Gelatt and Nellen voting "No."

Professor George Bunn stated that it was his understanding that the justices now on the Student Court would continue until the Committee on Student Organizations has a chance to do its work. He pointed out that Chief Justice Varda's viewpoint was that the present justices would not have to be reappointed, even though a new Student Court Constitution was adopted, but that the present justices would be continued in their positions while they continue in school. President Nellen agreed that it was so understood.

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President Harrington suggested that there should be very short meetings of the Educational Committee and of the Business and Finance Committee. He also suggested, with reference to consideration of the 1969-70 University Operating Budgets, that it be referred to the Special Regent Committee on the Budget for consideration with the administration between now and the next meeting of the Board, in order to work out some questions in some detail. He noted that the administration was not now asking for approval of the budget, but was suggesting, however, that, preliminary to the discussion at the next regular meeting, the administration have an opportunity to meet with the Special Regent Committee on the Budget. Regent Renk suggested that an additional appointment be made to the Special Regent Committee on the Budget, since all of the members could not be present at all times. President Nellen then appointed Regent Ziegler as a member of the Special Regent Committee on the Budget, and suggested that that committee meet prior to the next regular meeting of the Board.

Regent Gelatt inquired whether the Regents would have a general discussion on the budget before the next meeting. He indicated that he had considered to move, but would not do so at this time, that no raises in salaries or increases be granted to anyone hired after December 31, 1969 without specific individual approval of the Board, and that no raises be granted to anyone whose position, since July 1, 1968, has been changed in such a way as to reduce his responsibilities without specific approval of the Board.

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The meeting recessed for committee meetings at 11:40 A.M.

The meeting reconvened at 12:25 P.M. with President Nellen presiding.

PRESENT: Regents Dahlstrom, Gelatt, Kahl, Nellen, Pasch, Pelisek, Renk, Sandin, and Ziegler.

ABSENT: Regent Walker, due to illness.

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Regent Sandin, Chairman of the Regent Study Committee on Student Aids, presented the Report and Recommendations of that committee (EXHIBIT C attached).

Regent Sandin moved approval of the two recommendations contained in EXHIBIT C attached, and the motion was seconded by Regent Renk.

President Nellen pointed out that it appeared that the proposal for funds for student loans related primarily to non-resident students. It was explained that the approval by the Governor of the biennial budget approved legislation that would provide additional funds to the Higher Educational Aids Board which would be available for loans to students who are Wisconsin residents.

President Nellen inquired of Chancellor Wyllie whether he felt that these recommendations should apply only to the Madison Campus. Chancellor Wyllie indicated that he had not previously been advised of these proposals, but that, if loans are available for Wisconsin residents, the University of Wisconsin-Parkside Campus would have no problems in this regard.

Regent Pasch, regarding the recommendation for the deferred payment of tuition and fees, stated that it was his understanding that the purpose of this was to assist students in need, and he questioned why it was limited to a deferment of only two-thirds of the tuition and fees and to only 300 students. Regent Sandin replied that this was comparable to the present procedure in this regard followed at University of Wisconsin-Milwaukee. Regent Pasch indicated that he felt that it should provide for the full deferment of fees, and that it should not be limited to 300 on the Madison Campus; and Regent Sandin explained

that there were possibly 250 students who were expected to need this assistance, and it was felt that an additional 50 leeway would be sufficient. President Harrington pointed out that, if necessary, the administration could come back to the Regents to increase this number. Regent Gelatt pointed out that, if the Regents were to go too far in the matter of deferring fees, it might be necessary to obtain legislative authority in this matter, because of the loss of interest on student fee receipts in the General Fund of the State.

The question was put on the above motion, and it was voted, with Regent Pasch voting "No", for the reasons he had stated above.

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Regent Pasch presented the report of the Educational Committee.

Regent Pasch moved approval of the list of New Appointments for the 1969-70 Budget (copy filed with the papers of this meeting), the motion was seconded by Regent Dahlstrom, and it was voted.

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Regent Renk presented the report of the Business and Finance Committee.

Regent Renk moved approval of the recommendation of the Business and Finance Committee relating to ticket prices for 1969-70 Intercollegiate Athletic events on the Madison Campus (EXHIBIT D attached), the motion was seconded by Regent Ziegler, and it was voted.

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President Nellen announced that the Regent meeting would be recessed for the holding of an Executive Session to consider personnel matters, and that there would be no report to be made following the Executive Session.

The meeting recessed for Executive Session at 12:42 P.M.

The Regents arose from Executive Session at 1:33 P.M., and the formal meeting of the Regents was adjourned.

Clarke Smith, Secretary

In the matter of disciplinary)
action against Kenneth Charles)
Williamson a student of the)
University of Wisconsin)

REPORT AND
RECOMMENDATION

As Hearing Agent designated by the Regents of the University of Wisconsin, I conducted a hearing on the university campus beginning at 10:00 A.M. August 18, 1969, and ending at noon on August 25, 1969, upon charges preferred by the University on August 4, 1969, that at approximately 1:00 P.M. on February 27, 1969, he did, deliberately and intentionally attempt to seriously damage and did seriously damage University property by throwing a chair against and into an overhead fluorescent light fixture, breaking such fixture in room 6310 of the Social Science building, a University building, which conduct caused damage to University property.

The Administration of the University of Wisconsin was represented by Assistant Attorney General, Warren M. Schmidt. Mr. Williamson appeared in person and by Percy L. Julian, Jr. Esq.

Upon the record of the hearing I make the following Report and Recommendations.

Report

1. Written charges were not preferred against Mr. Williamson until August 4, 1969, well beyond the end of the semester during which the act upon which the charges were based occurred, and he continued to attend the University as a student until the end of

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the semester. He was not responsible for the delay in filing the charges.

2. Mr. Williamson has identified Willie Edwards, Sheryl Davis and Kulewa Furaha (also known as Elliott Britt), each of whom is a non-resident of Wisconsin, as persons who if present at the hearing, would have given testimony that he was innocent of the charges preferred against him. He also identified Ronald C. Offord of Racine, Wisconsin, as such a witness. Subpoenas were issued for the attendance of these persons and mailed to them but none appeared.

3. All or some of the persons named in Finding 2 were students during the University spring semester ending in June, 1969, and may be present during the University fall-winter semester, beginning in September, 1969, and Mr. Williamson should be afforded an opportunity to present their testimony.

4. Mr. Williamson is entitled to register for the first semester of the 1969-70 school year at the University of Wisconsin and to attend the University with the rights and privileges of a student subject to such final action as may be taken by the Board of Regents in this matter.

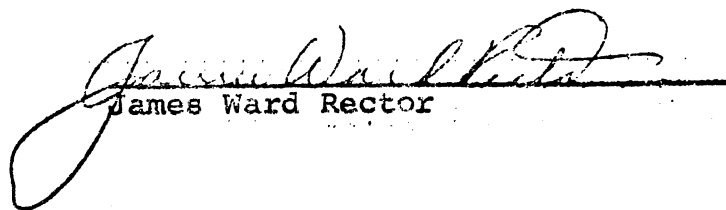
Recommendations

1. The Board of Regents instruct me to reconvene the hearing on October 8, 1969, upon notice to the Attorney General and to Counsel for Mr. Williamson or to reconvene it at such earlier or later time as either may request and as they and I may agree upon.

2. The further hearing be confined to the testimony of the persons named in paragraph 2, of the findings except that I

be empowered in my discretion to take additional testimony of witnesses who previously have testified.

Respectfully Submitted


James Ward Rector

STUDENT COURT OF THE UNIVERSITY OF WISCONSIN, MADISON CAMPUS

CONSTITUTION

1.0 ESTABLISHMENT: Name

There is hereby established a Student Court, to be known as the Student Court of the University of Wisconsin, Madison Campus.

2.0 FUNCTION:

- 2.1 The function of the Student Court shall be to provide a fair hearing and decision for students and by students in cases arising under Section 4.0, herein.
- 2.2 Every student, in an action under Section 4.0, shall have a right to trial, a fair hearing, representation by Student Court Counsel, and a right to an appeal, as provided herein.
- 2.3 The Court shall exercise its jurisdiction under Section 4.1, in equity, with due regard for the problems of intensive land use and control but also to promote the efficient use of University lands and buildings. The ultimate determination of the Court in cases under Section 4.1 is what amount shall be due to the University on each citation and whether the University should withhold defendant student's records pending payment of the amount due.

3.0 ORGANIZATION OF THE COURT

- 3.1 The Court shall consist of a panel of thirteen (13) judges, seven of whom shall be law students; and who shall serve throughout their enrollment at the University except that any judge may be removed for cause shown in a hearing before the Committee on Student Organizations by a majority vote of that Committee followed by a three-fourths vote of the Student Senate.
- 3.2 The judges shall be appointed to fill vacancies on the Court by the President of the Wisconsin Student Association, with the consent of the Student Senate, from a list of at least sixteen (16) law students and twelve (12) non-law students. If judges shall not be appointed to fill vacancies as provided herein within 30 days of notice from the Committee on Student Organizations, such vacancies shall be filled by appointment of the Chancellor.
 - 3.21 The list shall be drawn prior to the opening of the fall term of the Court and may be added to immediately prior to the opening of the spring term of the Court or when the list contains names of fewer than six (6) law students and four (4) non-law students.
 - 3.22 Names shall be placed on the list by the Committee on Student Organizations (1) from recommendations submitted by a University dean or departmental chairman or (2) from petitions of students wishing to serve on the Court to the Committee on Student Organizations.

EXHIBIT

3.22a The list shall become void at the close of summer term of the Court.

3.22b The Chief Justice shall cause notice of the drawing of the list to be given by publication on three separate days and by other appropriate means and shall give written notice of the drawing of the list to University deans and chairmen of departments.

3.23 Each student placed on the list by the Committee on Student Organizations shall be invited to interview with the President and Chief Justice who may hold interviews separately or together.

3.23a A written interview evaluation of each nominee chosen by the President shall be prepared and submitted to the Student Senate.

3.24 Judges shall be selected as vacancies occur upon appointment by the President with the consent of the Student Senate. One of the judges shall be elected by the Student Senate to the post of Chief Justice, another to the post of Assistant Chief Justice, whenever such offices become vacant.

3.4 The Court Advisor shall be chosen upon recommendation of the Dean of the Law School and appointment by the Chancellor of the Madison Campus.

3.5 The Court Representative and Public Counsel shall be chosen in the manner of Section 3.23 and 3.24 and shall serve upon the same terms and conditions as the justices of the Court, with the exception that the incumbent Chief Justice shall make his recommendations to the Student Senate upon consultation with the incumbent Court Representative and Public Counsel.

3.6 The Clerk shall be appointed by the Chief Justice.

3.7 Salaries of the justices and the officers of the Court shall be set by the Committee on Student Organizations once each year and shall not be diminished during the recipient's term of office.

3.8 The Chief Justice or his appointees shall perform acts necessary to the operation of this article and further rules for carrying out these provisions shall be published in the rules of Student Court Procedure.

4.0 JURISDICTION:

4.1 The Student Court shall have jurisdiction over all cases of student violation of University parking, vehicle registration and vehicle-on-campus regulations set forth in the Wisconsin Administrative Code.

4.2 The Student Court shall have jurisdiction to hear and enter judgment in suits brought against student organizations by other student organizations or by students whenever the student organization being sued has given its consent to such suits.

5.0 POWERS OF THE COURT:

5.1 The sitting judges shall have power to hear and enter judgment in all cases arising under Section 4.0 (jurisdiction) herein.

5.2 The sitting judges shall have power to enter judgment to the full amount assessable on each citation or such amount as the Court in equity deems appropriate. Consistent with the practices of the University, the Court shall have power to withhold records of any student within its jurisdiction.

5.21 Justices of the Court sitting individually, as assigned by the Chief Justice and according to the Rules of the Student Court, shall have power to hear defendants in traffic cases in pre-trial hearings.

5.22 The individual justice shall have discretion to dismiss, mitigate, or affirm the amount of the penalty; but this discretion shall be limited to dismissal of the most clear cases and to mitigation in extreme circumstances only. Any challenge to the regulations which involves a question of law shall be certified directly to a three judge court.

5.3 In cases arising under Section 4.2, the sitting judges shall have power to fashion appropriate, just, and equitable remedies and to implement their judgments with the aid of the other powers granted in this section.

5.4 In appropriate cases, the sitting judges shall have discretion and power to recommend action by the Student Conduct Committees or the Board of Regents or both, and to direct the Court Representative to request and assist in such proceedings.

5.5 The Chief Justice shall have power to issue an Order of the Court temporarily restraining parties in disputes arising under Section 4.2 herein, upon petition of any of the parties and setting a hearing before a three judge court. Orders of the Court so issued may be framed as temporary restraining orders, orders to show cause, temporary injunctions, or any other form and in accordance with practices common to courts in the State of Wisconsin. The sitting judges shall have power to make the orders described herein permanent.

6.0 STUDENT COURT PROCEDURE:

6.1 For the trial of cases, the Court shall consist of three of the thirteen judges. Two of the three sitting judges shall be law students. The Chief Justice shall assign judges to sit at each session of the Court.

- 6.2 The Court Representative shall initiate action before the Court by issuance of a summons and complaint whenever he has reasonable cause to believe that a cause of action has arisen within the jurisdiction of the Court. The Court Representative shall represent the Board of Regents in all cases under Section 4.1.
- 6.3 The Court, with the advice and consent of the Court Advisor, shall adopt rules of court procedure which assure efficient judicial administration and process and which preserve rights of due process and equal protection, to be published as "Student Court Procedure."
- 6.31 The Court shall not adopt any rules contrary to these articles and the rules shall prescribe the following for complaints filed with the Court. The complaint shall be served on the person, persons, or officers of any organization named therein at least three days before the date of appearance. The complaint shall contain a brief statement of fact and shall specify the date, time, and place of trial. The date, time, and place may be changed by order of the Chief Justice, with notice to all parties. Copies of the complaint shall be filed with the Chief Justice and with the Clerk.
- 6.32 Answers, motions, orders, and judgments shall be drafted, signed, and served according to the rules of "Student Court Procedure."
- 6.33 "Student Court Procedure" and all revisions shall be available in the Student Court Office and copies shall be filed with the Court Advisor and with the Secretary of the Board of Regents.
- 6.4 Trial of cases shall be public or private, at the discretion of the Court.
- 6.5 Notice of appeal shall be filed with the Student Court Clerk and with the Committee of Student Conduct, Appeals, and served on all parties within ten days of the final decision of the sitting judges. All appeals shall be limited as prescribed in Section 8.0 herein.
- 6.6 Rules of formal court procedure shall apply at the discretion of the Court, but standing rules shall be published in "Student Court Procedure."
- 7.0 DUTIES OF THE JUSTICES AND OFFICERS OF THE COURT:
- 7.1 The judges shall:
- 7.11 Be present at the sessions to which they have been assigned and it shall be mandatory for all sitting judges to vote on all decisions.

- 7.12 Be present except upon excuse at all judge's conferences.
- 7.13 Comply with all provisions in the rules of "Student Court Procedure" regarding their conduct and duties.
- 7.2 The Chief Justice shall (in addition to the above):
- 7.21 Perform duties assigned to him in other sections of these articles.
- 7.22 Preside at all sessions and meetings of the Student Court, except that whenever the Chief Justice withdraws from a particular case for reasons of personal interest, prejudice, or for any other reason, or whenever he is prevented from performing this duty because of illness or other like exigency, the Assistant Chief Justice shall preside. If neither the Chief Justice or the Assistant Chief Justice is able to preside, the Chief Justice or the Court Advisor shall designate an Associate Justice, who is a law student, to preside.
- 7.23 Perform all duties and functions assigned to him in these articles or in the rules of "Student Court Procedure", and in his absence the Assistant Chief Justice shall perform such duties and functions.
- 7.24 Call sessions of sitting judges at least twice each month to decide cases under Section 4.1 and call such other sessions of sitting judges as are necessary.
- 7.25 Schedule conferences of the judges and officers of the Court whenever necessary for the efficient administration of the Court. Following the appointment of justices and other officers of the Court, the Chief Justice shall call a meeting of all the justices and officers of the Court and, with the Court Advisor (or his representative), discuss the history and purposes of the Student Court, the conduct of trials and pre-trials, the general administrative procedures of the Court, and the duties and responsibilities of the justices and officers of the Court. A senior justice shall be assigned to sit with each new justice at his first pre-trial session.
- 7.26 Oversee the general administration of the Court and perform, or cause to be performed, acts necessary and appropriate to carry out the mandate of these articles and to facilitate and expedite the performance of duties assigned by these articles.
- 7.27 With the advice of the Court Advisor, oversee the conduct of the justices and officers of the Court.
- 7.3 The Court Representative or his Assistant shall:

- 7.31 Represent the Board of Regents in all cases under Section 4.1.
- 7.32 Perform duties otherwise assigned to him in these articles.
- 7.4 The Public Counsel or his Assistant shall represent any named defendant before the sitting judges in all cases under Section 4.1 and as otherwise assigned by the Chief Justice. The defendant may choose other counsel.
- 7.5 The Court Advisor, in addition to other duties assigned to him in these articles, shall:
- 7.51 Advise the Court on matters of law and policy with the Chief Justice.
- 7.52 Oversee the judicial conduct of the justices and other officers of the Court.
- 7.53 Represent the interests of the Court, and act as a liaison between the Court and the Board of Regents, the University Administration, the Faculty, and other agencies similarly situated.
- 7.6 The Assistant Chief Justice shall, in addition to other duties assigned to him in these articles, perform duties assigned to him in the rules of "Student Court Procedure" and by the Chief Justice.
- 7.7 The Clerk shall:
- 7.71 Keep all Court records, send out all necessary notices, and perform such other duties as are assigned to him by the rules of "Student Court Procedure" or the Chief Justice, subject to the direction of the Chief Justice.
- 7.72 Maintain on file the docket and decisions of each session at which the Court hears cases under Section 4.1.
- 7.73 Maintain on file the original copies of all complaints, answers, motions, orders, briefs, and judgments in cases arising under Section 4.2 (student organization).
- 7.74 Maintain available in the Student Court Office at least three reports of all Court decisions, copies of the rules of "Student Court Procedure", and copies of these Articles.
- 7.8 The Student Court shall have the full cooperation of the Department of Protection and Security and its successors, in the conduct of all business of the Court.
- 8.0 APPEALS:
- 8.1 Appeals may be taken from all decisions of the Student Court under Section 4.1 to the Committee on Student Conduct, Appeals.

The Committee shall review questions of jurisdiction and of procedural regularity, without limitation. The Committee shall not substitute its judgment on the record for that of the Student Court, but the Committee may order a new trial.

8.11 At the option of the defendant, the new trial may be de novo or limited to review of the record by three sitting judges who did not previously hear the case.

8.12 Where the Court is granted discretion herein to fashion equitable remedies, the Committee shall not reverse except for abuse of discretion or the impairment of the rights of the parties or others.

8.2 The Committee shall establish its own rules of procedure, but the rules for perfecting an appeal shall be published in the rules of "Student Court Procedure."

8.21 The Committee may grant full hearing on appeal upon its consideration of appellant's preliminary petition for appeal.

8.22 The Committee shall consider on appeal cases certified to it by the Court for determination within limits of Section 8.1.

9.0 FINANCES:

9.1 All receipts from penalties imposed by the Court shall be paid to the office of the Student Financial Advisor to be credited to the Student Court Fund. Expenses of the Student Court shall be paid from the Student Court Fund, such payments being kept within these receipts.

9.2 Unless another disposition has been authorized by Student Senate and the faculty and approved by the Regents, all balances over \$500 existing in the Court Fund at the end of each fiscal year shall be credited to the Wisconsin Student Association Scholarship Fund or the Wisconsin Student Association Loan Fund which shall be administered jointly by the Wisconsin Student Association Student Senate and the Faculty Committee on Student Financial Aids. Unless specified for the Loan Fund by the Student Senate, the Court money will automatically be deposited in the Wisconsin Student Association Scholarship Fund at the end of each fiscal year.

9.3 The books of the Student Court shall be audited at the end of each academic year by the proper University authority.

10.0 AMENDMENTS:

Amendments to these articles may be presented to the Board of Regents by the University Faculty, Madison Campus, or by the Student Senate. Amendments shall be effective when approved by the Board of Regents, but no such amendment may be validly presented to the Board of Regents without notice to the Student Court.

INTERIM REPORT OF THE REGENT STUDY
COMMITTEE ON STUDENT FINANCIAL AIDS

The Regent Committee on Student Financial Aid has begun what it anticipates will be a long-term comprehensive study of this matter. However, we present this preliminary report because of the need to take some immediate steps to assist students who, because of financial problems, may not be able to register for the fall semester which will open in a few days.

Each fall an increasing percentage of recent high school graduates seek to enter college. Unfortunately, the costs of attending college--tuition, books, room, and board--continue to go up each year. This year there has been a sizable reduction in NDEA loan funds available to our students and private lenders in other states have been reluctant to grant loans to students because of the unfavorable interest situation. Thus, we have more students, higher costs, and less money for individual students.

The situation is serious enough to warrant some immediate emergency actions by the Board of Regents because of our concern for students seeking a higher education and our desire to alleviate many of the most pressing problems until we are able to recommend more suitable long-range solutions.

The Committee makes the following recommendations and stresses that they are emergency measures designed to help solve problems that face us today.

I. Emergency Loan Fund

The Regents request that the Kemper K. Knapp Committee establish a \$100,000 emergency loan fund under the Federal Guaranteed Loan Program. These funds are to provide loans for students who are unable to secure adequate financial assistance for the 1969-70 academic year. This program will cease 30 days after passage of Federal legislation authorizing the increase of interest on loans under the Federal Guaranteed Loan Program to 10%.

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(Note: The Federal Guaranteed Loan Program insures that authorized lenders will receive, from the Federal Government, interest of 7% while the student is in college and for nine months thereafter. The principal of the loan is also guaranteed by the federal government if the student dies, is permanently disabled, or defaults on the note for repayment. Thus, there is no risk involved in such a program and the lender is insured of receiving a 7% return on the funds loaned to students.)

II. Deferred Payment of Tuition and Fees

The Chancellor of the Madison Campus is authorized to grant a deferment of 2/3 of the tuition and fees to no more than 300 students who demonstrate financial need and who are unable to secure adequate financial assistance for the 1969-70 academic year.

This action extends the current deferment policy from the mid-point to the end of the 1st semester. It should be understood that this is an emergency action for the first semester of 1969-70 to allow students to enroll pending the passage of legislation now before the Congress which is expected to make loans more readily available.

(Note: It is estimated that there will be an additional \$50 to \$75 million for NDEA loans. In addition, the interest rate under the Federal Guaranteed Loan Program is likely to be raised from 7% to 10%).

Intercollegiate Athletic Events
Ticket Prices - Madison Campus

BUSINESS AND FINANCE COMMITTEE

That ticket prices for the 1969-70 Intercollegiate Athletic events on the Madison Campus be revised as follows:

	<u>Present Price</u>	<u>Recommended Price Including Wis. Sales Tax</u>	<u>Increase</u>
I. General Public			
A. Football			
Season (6 games)	\$30.00	\$30.00	None
Single Game	\$6.00 and \$5.00	\$6.00 and \$5.00	None
High School Student or Child	\$ 1.00	\$ 1.00	None
B. Basketball			
Season (11 games)	\$27.50	\$30.00	\$2.50
Single Game	\$ 2.75	\$ 3.00	\$.25
High School Student or Child	\$ 1.00	\$ 1.00	None
C. Hockey			
Season (13 games)	\$30.00	\$36.00	\$6.00
Series 1	\$15.00	\$18.00	\$3.00
Series 2	\$15.00	\$18.00	\$3.00
Single Game (Reserved)	\$ 2.50	\$ 3.00	\$.50
Single Game (General Admission)	\$ 2.00	\$ 2.50	\$.50
High School Student or Child	\$ 1.00	\$ 1.00	None

EXHIBIT

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Intercollegiate Athletic Events
Ticket Prices - Madison Campus

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	<u>Present Price</u>	<u>Recommended Price Including Wis. Sales Tax</u>	<u>Increase</u>
II. Faculty & Employee			
A. Athletic Activity			
Card No. 1			
Good for:			
1. Admission to All Home Football Games			
Faculty-Employee			
Self	\$18.00	\$18.00	None
Spouse	18.00	18.00	None
2. Privilege to Purchase Reduced Rate Tickets to			
a. Hockey-Series 1	\$ 7.50	\$ 7.80	\$.30
-Series 2	7.50	7.80	.30
Single Game (Reserved)	\$ 2.00	\$ 2.50	\$.50
Single Game (General Admission)	\$ 1.50	\$ 2.00	\$.50
b. Track (Rate to be Established by Athletic Board)			
3. Admission Without Charge to Gymnastics, Wrestling, Baseball, Tennis, & Fencing			
B. Athletic Activity			
Card No. 2	\$ 7.50	\$ 7.80	\$.30
Good for Admission to All Home Basketball Games (11 Games)			

	<u>Present Price</u>	<u>Recommended Price Including Wis. Sales Tax</u>	<u>Increase</u>
III. U. W. Student			
A. Athletic Activity Card No. 1			
Good for:			
1. Admission to All Home Football Games			
Student	\$12.00	\$12.00	None
Spouse	14.00	14.00	None
2. Privilege to Purchase Reduced Rate Tickets to			
a. Hockey-Series 1	\$ 5.00	\$ 5.20	\$.20
-Series 2	5.00	5.20	.20
Single Game (Reserved)	\$ 2.00	\$ 2.00	None
Single Game (General Ad- mission)	\$ 1.00	\$ 1.50	\$.50
b. Track (Rate to be Established by Athletic Board)			
3. Admission Without Charge to Gymnastics, Wrestling, Baseball, Tennis, & Fencing			
B. Athletic Activity Card No. 2			
Good for Admission to All Home Basketball Games (11 Games)	\$ 5.00	\$ 5.20	\$.20