

Students Rights Examined

Conduct Committee Reviewed

On September 14, 1965, graduate student Paul Schiff filed suit in the United States District Court in Grand Rapids. His charges: that university officials including MSU president John Hannah had denied his rights of Free speech, press and assembly under the Federal civil rights statutes. Schiff had been denied readmittance to the university. Not for academic reasons, he soon discovered, but, according to Vice President Fuzak, for his activities in the Committee for Student Rights (CSR), a student organization that had sponsored several demonstrations, and had criticized the university administration in "Logos", the news letter which Schiff edited.

Schiff contested that he had been expelled "without prior notice that such action was being considered or was about to be taken; without being informed of the charges against him; and with-

out being given an opportunity to be heard in his defense, to present witnesses in his behalf, to be informed of the persons who had made charges against him, to confront his accusers or to cross-examine such accusers." The Lansing unit of the American Civil Liberties Union (ACLU) agreed to support Schiff after their investigation confirmed his complaint.

On October 14, the Court ruled that MSU acted unlawfully in expelling Schiff without a hearing, and ordered MSU to give Schiff in writing the reasons for his expulsion and to hold a hearing within thirty days.

Expressing satisfaction with the decision ACLU executive director Ernest Mazey stated, "This is a landmark decision. . .for the first time a Michigan college or university has been judicially required to give a student a hearing before denying the right

to continue his education."

ABOUT -

JOHN HANNAH

John Hannah is President of Michigan State University and the Board of Trustees of Michigan State University. The Board holds, according to Chancellor Varner, "ultimate power for approving and making all policy at Oakland."

From an affidavit issued by Leo Katz, Professor of Statistics, MSU: "University President John A. Hannah then told the faculty Senate that it might be best if he gave us the background of the case of Paul M. Schiff. . . Later in the meeting a member of the Senate asked President Hannah, 'I still don't understand. Why didn't you just readmit Schiff, regardless of the suit?'"

"We didn't readmit him," President Hannah replied, "be-

cause it would have looked as if we were doing so under threat. We wanted to avoid a precedent that students who've been disciplined can go to court and get readmitted. If that happened within a very short time American universities would become like Latin American universities."

"The president later stated that there is chaos at and student domination of Latin American universities."

THE COMPLAINT

United States District Court for the Western District of Michigan, Southern Division, Paul M. Schiff, Plaintiff, versus John A. Hannah, President of Michigan State University, John A. Fuzak, Vice President of Michigan State University, and Board of Trustees of Michigan State University, Defendants.

From Item #7: ". . . Plaintiff had a valuable property right in pursuing his education at Michigan State University, a part of which consists in the free discussion of ideas and the pursuit of learning and truth. Plaintiff likewise had a constitutionally protected right as a citizen, even while a student at Michigan State University, to free inquiry, free expression, free association and participation in the social and intellectual movements of his times without unreasonable hindrance and limitation. . ."

From Item #9: ". . . In expelling plaintiff in this manner, defendants willfully denied plaintiff due process of law required by the Fourteenth Amendment to the United States Constitution. Defendants, in willfully denying due process of law, acted in their official capacity under color of the Constitution, of the State of Michigan, the statutes of the State of Michigan and the ordinances, by-laws, policies and customs of the University."

From Item #13: "In expelling plaintiff, the defendants have denied to plaintiff the right to continue his higher education at the University, thereby making it difficult or impossible for him to complete his graduate education at any other public institution of higher learning in the state of Michigan or at any other college or university. . ."

From Item #16: "Plaintiff's expulsion from the University has been made a part of his permanent record at the University, and unless such expulsion is expurgated from the University's records, plaintiff will experience great difficulty in obtaining suitable employment following completion of his studies at the University or in pursuing further studies at any other College or university, all of which will cause irreparable and substantial injury to the Plaintiff."

THE AMENDMENTS

The First Amendment: passed

by Congress September 25, 1789. Ratified by three fourths of the States December 15, 1791. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Fourteenth Amendment: passed by Congress February 1, 1865. Ratified December 18, 1865. From Section One: ". . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. . ."

POLICIES AND PROCEDURES

The following quotes are from the "Student Information Booklet" available at the Dean of Students office.

Related to Student Activities and Organizations:

"Requests by student organizations for official recognition should be initiated with the Activities Center. . . Request for recognition forms must be completed and returned. . . before the group may be considered for recognition. Groups which have been granted official status must continue to abide by the conditions under which they were initially recognized, and up-to-date information including officers and membership must be maintained in the files of the Activities Center. University recognition authorizes the group to use University facilities."

Related to Student Conduct: ". . . Incidents of serious misconduct are reviewed by the University Committee on Student Conduct, which is appointed by the Chancellor. The committee consists of the Dean of Students (chairman), the Dean of Men or Dean of Women, three faculty members, and two students."

The registration of Student Activities and Organizations pertains to privileges. "University facilities" refers to the use of meeting rooms etc. but should not refer to the campus as a whole; that is, to restrict any unregistered organization from being on campus. The removal of a student, or students, from the campus for not registering as a member of any organization may be a violation of the First Amendment.

The University Committee on Student Conduct, to this date, has almost unlimited potential for breaking due process. The chairman of the committee (Dean of Students) has, in the past, been investigator, prosecutor and judge. The Deans of Men or

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Opening Concerts A Musical Success

All preliminary indicators point to a Meadow Brook Festival this summer which will leave those of previous years at the starting gate.

The New York Pro Musica has given three superb concerts of pre-baroque music in the new auditorium of Matilda Wilson Hall. Each concert highlighted music of a different land and era, and each was a memorable musical event.

On a far more imposing scale, however, the Detroit Symphony and Sixten Ehrling launched their eight week summer season last Thursday in the enlarged outdoor amphitheater.

A large audience turned out to hear the concert; in fact, the cov-

ered seating area is sold out on Thursdays for the entire season. Blankets and folding chairs provided seating for countless more people who found an artificial ceiling unnecessary on such a beautiful night.

Opening with Verdi's overture to "La Forza del Destino" and Sibelius' First Symphony, the orchestra did not adequately prepare the audience for the second half of the program: Beethoven's Violin Concerto. The soloist was Henryk Szeryng, a Polish refugee who now resides in Mexico. Unfortunately, Szeryng is a newcomer to the American stage, for he is surely one of the greatest musicians ever to play before an audience. His performance of the

Beethoven left no doubt that his technique is flawless, his phrasing superb and his musicianship peerless. This was pure Beethoven for Beethoven's sake, unmarred by any mannerisms of the soloist.

Saturday's concert consisted of an equally brilliant performance of the Tchaikovsky Violin Concerto, and a fine reading by Ehrling and the orchestra of Berlioz's "Symphonie Fantastique."

If the rest of the season's soloists can match up to Szeryng, and the orchestra can continue its perpetual improvement, this Meadow Brook Festival should prove the most exciting musical series in the Midwest this summer.



Faces like these pay the greatest tribute of all to the quality of opening night at Meadow Brook.

Student Festival Ticket Prices: A Question Of Justification

A mild furor has arisen concerning the price of Music festival tickets to Oakland students. The present situation is this: there are 100 tickets available each week at a student rate of \$1.00. This special price was made possible only because Dean Dutton scraped some money out of his coffers. All other tickets are sold at the regular price of \$1.50. A number of students consider this latter price too high for the usual student budget. Because the Festival is related to the University and the University is reaping a number of benefits from this affiliation, the students feel they should be allowed to attend the concerts at a nominal cost. This all seems reasonable, but the problem is more complex. First, the University is closely associated with the Festival, but the community in general also has a great stake in the program, both in terms of money contributed and time spent. The Festival committee is most reluctant to let students in free or for practically nothing, because they fear this would undercut the sentiments of the people in the community who have worked for the Festival. And secondly, they argue the point that where could a student possibly go and hear some of the finest musicians in the world for (at most) \$1.50?

We feel both arguments are valid within themselves. We also feel, however, that students should receive some special treatment because of their particular status. If the Festival is to have any justification in the educational sense, students first have to attend the concerts. The compromise we propose is a flat rate of \$1.00 for all student tickets and also a student season ticket (good for six weeks) for \$5.00. This is not, we think, an unreasonable amount to ask students to pay. We believe the Festival committee should seriously study this proposal and attempt to institute it as soon as possible. We would certainly hate to see the fine progress of the Festival marred by controversy, picketing and other forms of student protest.

The Quiet Climax

College should matter. An experience of three or four years for most at Oakland, an experience involving many hours of study and personal searching, an experience with a greater possibility for intensity and lasting impression that some of us may soon encounter again -- this experience is different; it is unique.

Two experiences which I remember very vividly represent in many ways all that college can hope to teach -- classroom situations which mirror many of our feelings and discoveries as students and as human beings. As a freshman I learned from one teacher, one of the finest teachers this university has to offer, that we as human beings have minds capable of analysis, synthesis, understanding, even creation. This lesson was learned not as a mere abstraction but by the living proof that in class we read, understood, and even applied things learned from Aquinas, Hegel, Locke, with greater or less difficulty, but we did it. From another teacher, to whom I owe no less a debt, I heard the astonishing admission ("astonishing" according to my naive preconceptions, since modified, of what would naturally emerge from a professor's lips) that students and teachers are not "disembodied intellects" as they are often misrepresented, but also people with emotions, passions, and desires--and that these same emotions, passions, and desires are as valuable as the intellect in understanding, appreciating, and reacting to the subjects of our study--whether it be a poem, a differential equation, or ourselves. In class we limited our explorations in this area to literature -- but the concept was a lasting one which has opened for us many doors in others and within ourselves.

This story builds to no startling climax. It is simply an attempt to identify the significance of these past years, to decide what we've been up to all this time. It is also a tribute to men who have helped us more than we knew we could be helped, from whom we have learned things which have become a part of us. G.B.

The Oakland Observer

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This columnar writing is strange stuff. You've got to draw the line somewhere, got to limit your subject (it has no object) to at least the nominative case, common or proper. It's also kind of nice to try and be honest, to confess, not sell, your point of view. Well, gentle reader, I can't hack it tonight. The heat wave has broken and I'm cast adrift in the limitless flood of flower petals and sunbeams.

Five years ago this month I was standing in front of a theatre in a grimy, New England wine-bottle alley. The theatre had just been closed down, putting me, as its doorman, in the ranks of unemployed college dropouts. An equally unemployed friend and I were lounging in the July heat, and he began discoursing on what he thought the really important things in life were (love, honest human communication, etc.). When asked my opinion, I pointed to a soot-soiled brick on the side wall of the theatre and said I thought that it was extremely important in its own right.

Self-discipline is lacking tonight. The basic self-discipline necessary to isolate one object, feeling, person, abstraction, or place and say a few words about it. The bricks of my life are playing tag with the buttons of my shirt, my friends look like pine trees, the war in Vietnam confuses me because I've never talked to anyone from Hanoi, and I'm sure countless volumes could be written on the real significance of doorknobs if the discovery didn't drive one crazy.

But, as Bob Dylan has sung, "failure's no success at all." I really envy writers like Sydney Harris and Art Buchwald who can grind out hundreds of columns a year and maintain a high degree of quality. And then there are those awesome, prolific, creative madmen like Proust, Dostoyevski, Tolstoy, Wolfe and Baroja who encompass the vast and yet know the minute. And they WRITE.

It looks like I'm going to make it. I wonder what Norm is going to think about a column on the difficulties of writing a column, written while those very difficulties were being experienced by the writer. It may seem like a cheap trick, but the price in time and effort has been fairly high.

Turntable David Letvin

Beethoven's Piano Concerto No. 1 in C major, opus 15, has been rerecorded by Columbia, this time by Rudolph Serkin and the Philadelphia Orchestra under the baton of Eugene Ormandy.

As demonstrated on this disc, Serkin must be deemed one of today's giants of the keyboard; his playing shows both technical mastery of the first degree and find musical insight into the works of Beethoven. The first movement of the concerto is played with extreme clarity, and the extended cadenza provides genuine excitement. Serkin plays the second movement very sensitively, and the finale offers him another opportunity to display both his musicianship and virtuosity.

Ormandy provides a glittering accompaniment for the first movement and acceptable backing for the last two. The beautiful slow movement, however, is marred by harsh and unmusical playing in the prominently scored clarinets. Columbia's engineers slipped up on the mike mixing, most noticeably in the last two movements; an overdose of piano and a striking lack of solo woodwinds appear in dialogue sections, while the orchestra apparently triples in size during tutti sections.

The second side of this disc carries a surprise in the form of the Eleven Bagatelles for piano, opus 119. These short experimental sketches span a great portion of Beethoven's most creative period and shed insight into the extensive innovation this composer was responsible for. Here one can see the crystallized conception of the piano style which later became the trademark of

Chopin as well as the origin of twentieth century brevity. Performed brilliantly by Serkin, these fifteen minutes are the high point of the disc.

The sound of this record is clear and crisp, but there wasn't a stereo version available for consideration. In short, the key selling points for this record are the well played Bagatelles and an exciting first movement of the piano concerto.

Silents Please

This week's SILENTS PLEASE program features a classic Lon Chaney film, the original "Phantom of the Opera" (1925). Chaney creates the character of Erik, a symbol of man's inhumanity to man, a deformed outcast who wants others to love him for his inner self and not despise him for his grotesque exterior.

Also on the program is a Buster Keaton short entitled "Cops" (1922). Mix Keaton with hundreds of cops and a zany chase -- and the result is old time comedy at its best!

The films will be shown Friday, July 8, at 7:30 p.m. in 190 Science. Admission is 50¢. The next program in this series is scheduled for July 22 and will feature an evening of Mary Pickford, Douglas Fairbanks, and Charlie Chaplin films.

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Cont. From Page 1
 Women obviously represent the administration. The faculty may be neutral. But neither student represents the whole student body. The woman student has been the head of the Women's Judiciary, elected only by the woman students in the dormitories; the male student has been chosen by the administration. In the past, sources of investigations and witness' names have been withheld; violating the student's rights to confront and question his accusers. The student charged with a "serious" misconduct charge is thus at the mercy of the benign whims of an antagonistically loaded judicial body.

In a recent case, members of the Conduct Committee were grossly misinformed or uninformed about the questions at hand. During that same case, it became clear that there is no policy for the mobilization of defense measures for students; not even the advisors of the students in question were informed by the "committee" of the charges against their students. The "Committee" has not informed students of the charges against them, in writing, as demanded of MSU by the Court in the Schiff case.

The gravity of depriving students of their education by expulsion is clearly demonstrated in the Schiff case. Both parties must weigh the judgment. But the emphasis is on the student. He must be aware of the rules as they are not written. He must be aware of the Conduct Committee's structure and biases. If he is charged with a misdemeanor, he must decide where his interests and the university's coincide and where they diverge. It must be remembered that the state university is subject to political pressures. If the outside community is upset by certain student actions, the administration must act. When it does so, it will make an example

of offenders; perhaps only a small minority of those who have committed the infractions. In cases involving violations of state or federal laws, it will usually be in both the students' and administration's interest to have a covert or "quiet" trial. The student must intelligently judge his interests and decide if his case requires due processes. If he is expelled on unconstitutional grounds it may be in his interest to challenge the university by a public hearing. But public hearings are extremely expensive and the grounds for such a hearing should be beyond the breach of due processes, unless the student would, with a high degree of certainty, be exonerated by a trial with due processes. In the Schiff case, the court ruled for due processes and Schiff was readmitted before the First Amendment question could be challenged.

Under the present construction of the "Conduct Committee", the student may: 1. Stand mute at all times. It is in the student's interest to stand mute at least until his academic advisor, or a substitute advisor, if the official advisor is unavailable, is informed of the charges against him and does advise the student for defensive measures. This is in accordance with university policy. 2. Ask, in writing, for the charges against him. 3. Demand the names of the witnesses against him. 4. Deny the charges against him. 5. Challenge the decision of the "Conduct Committee" by way of public courts if the circumstances warrant such action.

It is in the interests of the whole student body to be aware of the regulations as they exist

at present and any revisions that are added in the future; be aware of the committee which will weigh the infractions of those regulations; to challenge, through student organizations, the structure of those regulations and that committee.

I am greatly indebted to Ernest Mazey, Executive Director of the ACLU of Michigan, for his aid in supplying advice and information, including the booklet Academic Freedom and the Civil Liberties of Students in Colleges and Universities, which is available to student organizations through the ACLU.

William's Film Sun.

This Sunday at 8:00 p.m. in the Gold Room Tennessee William's "The Night of the Iguana" will be shown, a highly publicized movie starring Richard Burton, Ava Gardner, Deborah Kerr, and Sue Lyon.

Filmed in Mexico, "Iguana" concerns the encounter between three women and a drifter, played by Burton. A reasonably good film, "Iguana"

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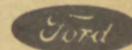
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