

TO: Dr. John X. Jamerich, President  
Northern Michigan University  
FROM: Student-Faculty Judiciary  
DATE: March 9, 1970

170 MAR 10 '70 8:59

OFFICE OF THE PRESIDENT

In response to your request of February 14, 1970, we have prepared the following statement to supplement the memoranda we gave you on February 17, 1970. Although it would be inappropriate to give you specific details about our individual decisions in each of the cases, we think it might be helpful to offer some explanation of the five points we listed as inconclusive issues in our statement of February 17.

1. Authorization: It seemed quite clear throughout all of the hearings that the students thought they had permission to remain in the Student Personnel offices. The central problem here was the decision to seek a court injunction as opposed to the use of Student Code Regulation 3:00 (unauthorized assembly). During the wait for the possible serving of an injunction no one officially addressed the group asking them to leave. Although late in the evening Vice-President Niemi apparently asked the leader of the group to disband them, there was no evidence that this message reached the group.

2. Identification of Participants: The criteria for the identification of the students charged was unclear during the hearings. Why some were charged and many were not charged was problematic. The fact that several of the leaders were not before us caused some confusion. Additionally, the Judiciary was puzzled to find that the major identification attempts were made some three weeks after the sit-in.

3. Time Element: The relevance of 5:00 P.M. as the central time in the charges was somewhat confusing when much of the office staff left at that time, and when testimony revealed that the offices were purposely left open after that time. Also the fact that all students were charged with violating Regulation 24:00, yet some were not identified as having been present during the damage, made this charge questionable in some of the cases.

4. Communication: At each point in the sequence of events on December 17 and 18, the lines of communication were unclear. A number of people spoke for the university during the growing tension, but no clear chain of command was in evidence. Either the tape recordings of the hearings or their transcriptions should demonstrate quite effectively the confusion in this area.

5. Procedures: The cases raise several issues relevant to the hearing procedures.

- A. The nature of authorization of judicial bodies under both the Student Code and the new faculty constitution.
- B. The confusing role of the Judiciary as judge, jury and examining body.
- C. The nature of empowerment and the lack of working procedures (see memorandum of Feb. 17).
- D. The role of the Dean of Students' Office in the judicial process. (For example, in this case the office acted as complainant, then prosecutor, and finally as administrator of decisions.)

Finally, we think the recent Huber Senate Committee report might be relevant to this discussion. The report suggests two points that seem important:

1. "On each college campus there must be a clear channel for just and adequate redress of grievances."
2. "Even while regular communication channels are designed, implemented, maintained and developed, extraordinary avenues must be provided to deal with the exceptional case." (italics ours)

It is clear from our experience with the recent hearings that there are a number of areas in the judicial process here at the university that need serious thought and revision.

cc. Members of the Student-Faculty Judiciary