ANNUAL REPORT OF THE

STUDENT CONDUCT HEARING COMMITTEE

The Student Conduct Hearing Committee held 16 meetings during its first year in existence. Meetings seldom lasted less than three hours and one was in session for eight hours. Fourteen meetings were required between October 13, 1969 and February 2, 1970, in order to deal with the cases referred to us for settlement.

The committee considered the cases of seven students charged with disruption by the Administration. The students had participated in an anthropology class disruption and an ROTC office disruption. We acquitted two students, found three guilty as charged, and two students withdrew from the University under charges. Two of our meetings were disrupted by groups of students and had to be rescheduled.

The first tasks of the committee were to clarify its role and to set up procedures under which impartial due process would be a possibility. The committee saw itself as a judicial body responsible to its constituency - the UWM faculty and the UWM student government. It saw as its task the consideration of questions at issue between the complainant side - the administration, and the respondent side - the accused students.

Administration had the legal resources of the attorney general's office at its disposal while the committee and the students were without impartial legal advice. We found regents' rules complex and couched in legal terms. In order to balance this asymmetric situation we asked that an independent counselor be assigned to the committee. Professor Willis Hagen agreed to accept the committee as a client though no funds were available to compensate him for his time. Professor Hagen attended both open and closed meetings of the committee and in addition met with the chairman at least six times to advise on procedures and to help in reading documents and in drafting statements and decisions.

The committee feels that an uneven situation still exists since legal counsel is freely available to the administration and to the committee while students must employ counsel or represent themselves. The students who appeared before us this year did not have legal counsel and were not equipped to understand legalities or to defend themselves against the case developed against them by the attorney general's office.

An attorney to represent the students perhaps through an assignment to student government not only would have aided impartial justice but would also have simplified communications. Locating the accused students in order to agree on procedures and set up hearings was a serious difficulty. It would have been convenient and appropriate had we been able to communicate through a legal counselor assigned to the students.
The committee decided early in its existence that it would hold open hearings which the public might attend and closed meetings where only the committee, its counsel, and invited resource persons would be present. It is obvious that the committee has to act in the role of judge and jury and must carefully guard itself against being influenced by either party in the dispute.

Another early decision concerned the method by which a record might be made of committee hearings. The committee decided, after consulting Professor Hagen, that only a legal stenographer would be capable of making an adequate record. Such a service was utilized for the hearings.

The disruption of a prehearing conference and an open hearing caused both the committee and the administration grave concern. It was felt that the outbreaks jeopardized the self-governing function of the University and made justice difficult. The decision was made to reschedule the interrupted hearing and to proceed as follows:

1. There would be no forceable removal of spectators or witnesses and no armed guards, police, or other show of force in the committee room. It was felt that such measures would be provocative and might tend to escalate disturbance.

2. Should the chairman be unable to establish order after several attempts, the public hearing would be adjourned and a closed hearing would be held in another location.

3. Public would be excluded from the closed hearing but the press and an equal number of witnesses chosen by the complainant and respondent sides would be admitted.

4. When it became evident that the respondents differed in their willingness to abide by committee rules, it was decided that the committee had a responsibility to offer a hearing to all of the accused students on an individual basis. We considered it unjust to consider all persons present at a disruption equally guilty of causing it.

5. Rules of procedure for the committee, the complainant, the respondent, and the public were formulated and published. These rules were mailed to the participants before scheduled hearings and were distributed to the public as they entered the committee room.

6. It was decided that should an orderly hearing prove impossible after these measures had been taken, the committee would consult its constituency for instructions. Fortunately, no further disruption occurred.
Communications and secretarial work were problems to the committee chairman in the beginning. Many hours were spent on the telephone. The committee had masses of paper work and no trained secretary assigned.

It was decided that the three hearing parties - the complainant, the respondent, and the committee would communicate through student government and the secretary of the faculty's office. The committee decided that the chairman would in all cases speak for the committee after closed meetings had been held and consensus had been reached.

Mr. Winograd was appointed administration spokesman.

It would have been appropriate had there been a counsel who could have made arrangements for the accused students.

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<tr>
<th>Faculty</th>
<th>Students</th>
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<tbody>
<tr>
<td>Ruth Milofsky, Chairman</td>
<td>Chris Scheiffer (Semester I)</td>
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<td>Francis Blair, Secretary</td>
<td>Fred Greasby (Semester I)</td>
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<td>Willis Hagen, Legal Advisor</td>
<td>Bruce Carroll</td>
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<td>Edoardo Lebano</td>
<td>James Katz</td>
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<td>Ann Trotter</td>
<td>John Koll</td>
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<td>William Wainwright</td>
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