

TO THE FACULTY

The following is a draft statement on due process that is meant to provide procedural guarantee to a student accused of an offense which involves serious penalties. It is meant to apply to any committee or officer that seeks to impose such penalties and is thereby independent of particular judicial institutions. Such procedural guarantees must apply to all institutions engaged in student discipline.

The undersigned students and representatives of student organizations declare their general support for the following draft statement of due process:

Jerry Goldstein, ASUC Vice-President
Mario Savio, for the FSM Steering Committee
Buddy Stein, for the GCC Senators
Fred Bauer, for the GCC Executive Committee

The undersigned faculty members, while not necessarily subscribing to every point in this draft declare their general support for the substance and urge their colleagues to consider doing likewise.*

D. Diamond, Criminology and Law	Carl McCarthy, Speech
Howard Schachman, Molecular Biology	C.E. Selph, Speech
John Searle, Philosophy	G. Arnold Chapman, Spanish
Phillip Selznick, Sociology	Morris W. Hirsch, Mathematics
Kenneth Stamp, History	Joseph Fontenrose, Classics
Sheldon Wolin, Political Science	Pete Steffens, Journalism
Reginald Zelnik, History	Jack F. Kirsch, Biochemistry
Jacobus ten Broek, Political Science	Robert Martinson, Criminology
John M. Smith, Jr., History	Robert Elauner, Sociology
David Rynin, Philosophy	John J. Gumperz, Near Eastern Lang. and Linguistics
John Atherton, French	Allan C. Wilson, Biochemistry
Mitchell Lifton, Dramatic Arts	D.H. Lehmer, Mathematics
Martin Malia, History	Irving Piliavin, Social Welfare
David Freedman, Statistics	William Robinson, Subject A
Ralph Smith, Zoology	Robert Greenberg, Subject A
Jack Block, Psychology	Frederick Bauer, Subject A
Richard Strohman, Zoology	Woodrow Borah, History
Ved Prakash Vatuk, Near Eastern Lang.	Lawrence Levine, History
John Leggett, Sociology	Leon Wofsy, Biochemistry
Jerome Skolnick, Sociology	William Cornhauser, Sociology
Terrence Kaufman, Linguistics	Diego Catalan, Spanish
Clyde D. Willson, Biochemistry	G.M. French, Psychology
Winthrop D. Jordan, History	Stephen Smale, Mathematics
Alexander P. Hoffman, Speech (Hoffman)	N. Rabkin, English
Irwin Scheiner, History	Sheldon Sacks, English
George W. Stocking, Jr., History	Walter Berringer, History
Joel Goldfarb, Criminology	Jackson Burgess, English
Gerald Feldman, History	Robert Brentano, History
Stuart Miller, English	Lucille Birnbaun, History
Peter Collier, Subject A	J.B. Neilands, Biochemistry
Edward F. Meylan, French	
Arshi Pipa, Italian	

*Faculty members who wish to add their names, please sign below and return this sheet to Professors Schachman, Searle, Selznick, Wolin or Zelnik.

Name _____

Department _____

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DRAFT STATEMENT ON DUE PROCESS IN CASES WHERE A SEVERE PENALTY SUCH
AS EXPULSION, DISMISSAL, OR SUSPENSION IS CONTEMPLATED

(When a schedule of penalties or stipulation by the Administration precludes punishment as severe as some form of severance from the University. Less elaborate due process guarantees would be appropriate).

PREAMBLE

University procedures of due process should not be identical with those of the civil courts. Neither as a question of principle nor as a practical matter can the University community be required to develop within itself a professional and full-time judiciary of the model of the courts. Nevertheless in cases of disciplinary proceedings against students, standards of due process in the University should be such as to protect adequate the rights of student defendants. These guarantees should include:

- I. Composition of the Hearing Body.
The hearing body, whether a committee or an individual, shall be impartial and independent. Its members shall not be selected by any party to a dispute. Either party shall have the right to make challenges for cause at the outset of a hearing.
- II. Right to Effective Counsel.
Such Counsel shall be provided by the University upon request.
- III. Rights Prior to a Hearing.
 - A. A written copy of clear and specific charges provided within sufficient time to prepare an adequate defense.
 - B. Access to matter relevant to the case, in the possession of the University, including lists of witnesses and statements submitted to the hearing body and written reports made prior to the hearing.
- IV. Rights During a Hearing.
 - A. Open hearing (may be waived for all or part of the proceeding).
 - B. Presumption of innocence until such time as findings are announced.
 - C. Right to remain silent.
 - D. Right to be confronted by accusers.
 - E. Access to ex parte communications and other material submitted to the hearing
 - F. An accurate and complete transcript of each day's proceedings.
- V. Rights Subsequent to a Hearing.
All findings and sentences adopted by the hearing body shall be accompanied by a written explanation of the basis for (a) sustaining or dismissing each charge, (b) the appropriateness of each penalty, and (c) rulings on all motions made before the hearing body; this explanation to be made available to the accused within an adequate time to prepare arguments for the authority having final jurisdiction. If the authority having final jurisdiction alters the recommendations of the hearing body, such changes shall also be accompanied by written explanation.
- VI. Protection of the Content of Speech.
As set forth in the Academic Senate Resolution of December 8, 1964, there shall be no punishment under the above procedures for the "content of speech or advocacy" or "off campus student political activities."