

UCCSN Board of Regents' Meeting Minutes March 13-14, 1970

03-13-1970

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BOARD OF REGENTS

UNIVERSITY OF NEVADA SYSTEM

March 13, 1970

The Board of Regents met on the above date in the Travis Lounge,

Jot Travis Student Union building, University of Nevada, Reno.

Members present: Fred M. Anderson, M. D.

Mr. A. C. Grant

Mr. Procter Hug, Jr.

Mr. Harold Jacobsen

Mrs. Molly Knudtsen

Louis Lombardi, M. D.

Mr. R. J. Ronzone

Mr. Albert Seeliger

Dr. Juanita White

Members absent: Mr. Thomas G. Bell

Mr. James H. Bilbray

Others present: Chancellor Neil D. Humphrey

President N. Edd Miller, UNR

President R. J. Zorn, UNLV

Acting Director Joseph Warburton, DRI

Chief Deputy Attorney General Daniel Walsh

Mr. James Hardesty, ASUN President

Mr. Hug called the meeting to order at 1:35 P.M., stating that it was a regular meeting of the Board of Regents, called for this date and time for the purpose of considering a disciplinary matter which had been referred to the Board of Regents by the Referral Board. Mr. Hug noted the presence of Mr. Jesse Sattwhite, UNR student; Professor Benjamin Hazard and Mr. Harold Gloyd, advisors to Mr. Sattwhite.

Mr. Hug read the following statement:

"The Board of Regents has had referred to it by the Referral Board, a disciplinary matter concerning Jesse Sattwhite. I recommend to the Board of Regents, as its Chairman, the following action:

"The Board of Regents should recognize and approve the judicial machinery established by the Constitution of the Associated Students of the University of Nevada, Reno, for student disciplinary action.

"Article V of the Student Constitution provides that the Referral Board shall determine the jurisdiction of all cases involving student disciplinary action, and shall refer each case to that disciplinary body which is determined to have jurisdiction. The Referral Board is composed of faculty and student members, including the Chief Justice of the Student Judicial Council.

"The Referral Board has referred this student disciplinary action to the Board of Regents. This is appropriate, not because the Board of Regents should conduct the hearing, but because procedural guidelines should be established.

"It is not appropriate for the Board of Regents to hear this matter in the first instance because this would preclude any appellate review within the University System. The only avenue of appeal would then be a writ of certiorari to the Nevada Supreme Court.

"It is therefore my recommendation that the Board of Regents refer this matter to the President of the University of Nevada, Reno, with instructions to designate an appropriate hearing board to conduct a hearing of these charges within two (2) weeks. The appropriate body to hear the charges may well be the Student Judicial Council. It is my recommendation that we leave this to the discretion of the President. However, we should note that in situations such as this, where serious charges are involved which, if proved, may well result in expulsion, it would be wise to appoint, as the presiding officer, a person who has legal or judicial experience. This is to assure that due process requirements are met in the conduct of the hearing. This is particularly true where either one or both sides is represented by an attorney. In this instance, it would appear that the University Attorney should present the case against the student.

"A suggested approach which the Board of Regents may recommend to the President would be to designate the Student Judicial Council as the hearing board and to designate a person with legal or judicial experience to act as the presiding officer of the hearing. A Court Reporter should be present in this case to record the hearing.

"Under the Constitution of the Associated Students of the

University of Nevada, Reno, the Student Judicial Council may render decisions of acquittal, warning, and probation, and may recommend suspension and expulsion. The decision of the Student Judicial Council may be appealed to the Dean of Student Affairs and then to the President of the University. The final decision on suspension and expulsion rests with the President.

"This same appellate procedure should be followed with regard to any hearing board that the President designates to hear this case.

"In the event of a decision of suspension or expulsion, the Board of Regents should serve as the final board of appeal within the University System. It should not take testimony or conduct a hearing, but only review the proceedings below, to determine whether procedural due process has been followed."

Mr. Hug recommended the above statement be adopted by the Board and requested discussion from those present. (A transcript of the discussion is on file in the Chancellor's Office.)

Mr. Grant moved that the procedures as outlined by Mr. Hug be approved. Motion seconded by Dr. White.

Dr. Anderson moved that the motion be amended to add the following sentence to the next to the last paragraph in Mr. Hug's statement: "Either side may appeal and the penalty may either be reversed, reduced or increased." Dr. Anderson's motion to amend failed for lack of second.

Mr. Grant moved to amend his motion to extend the time in which a hearing should be called from two weeks to four weeks.

Amendment accepted by Dr. White. Motion as amended carried without dissent.

The meeting adjourned at 2:14 P.M.

Mrs. Bonnie Smotony

Secretary to the Board

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