

# NU Student Tribunal Has Three Problems of Jurisdiction

By JIM MOORE  
Nebraskan Staff Writer

Since the founding of the Student Tribunal on the University campus four years ago, it has encountered many problems concerning its jurisdictions and functions.

Three of the biggest problems involve the questions of final powers, double jeopardy and equitable punishment.

Should the Student Tribunal, except in decisions of suspension or expulsion from the University, have final power in all cases of student conduct referred to them by the Division of Student Affairs?

The present Student Tribunal charter states, "The Tribunal shall recommend a decision to the Dean of Student Affairs." The Dean is not presently bound to accept the decision.

## Student Vote

In a referendum vote in the spring of 1960, on whether the Tribunal should have final or recommendatory power, the students voted by nearly a 5 to 1 majority to give the Tribunal final power. Since that time, the proposal has lain before the Faculty Senate awaiting official action.

According to G. Robert Ross, dean of Student Affairs, "The basic philosophy of the University is in question here. The word 'final' is actually a misnomer; no student would want the Tribunal to have final power without any recourse to appeal," Ross explained.

The University's attitude is that the most efficient and beneficial decisions on student conduct can best be secured if a well-balanced communication exists between the legal aspects of the situation, the responsibility of the Board of Regents, the tradi-

tional concern of the faculty and the specific authority of the University administration, as well as student participation.

"As it now stands, a student may appeal his case to the Student Affairs office, the Faculty Senate, the Chancellor, the Board of Regents, and eventually even to the courts of the state," Dean Ross commented. "Surely no student would voluntarily resign these recourses to appeal. Even the federal constitution grants the privilege of appeal to its citizens," he said.

## Stanford Attitude

H. Donald Winbigger, dean of Students at Stanford University, explained his University's attitude of the power of a student court to have final decision in a recent letter: "All actions of ours (Student Tribunal) are in a form of recommendations."

"In the review procedure for minor penalties, it is generally accepted that it (Tribunal) has full authority to act," the letter continues. Winbigger also pointed out, "I can recall only two instances in the last ten years in which recommendations have actually been overruled."

Concluding, the Dean commented, "Our students consider that the University review of the recommendations is actually a protection rather than a threat."

Theodore Zillman, dean of men at the University of Wisconsin also feels that a student court should not be permitted to reach a final decision. "I think if you will examine the charters of most institutions, it is impossible for the Regents of a university to delegate final decisions to anyone except its delegated officers," he explained in a recent letter.

In the University of Nebraska's case, even if the

Administration could delegate its final powers to our Student Tribunal, the charter of the University would not permit such action. In addition, it appears doubtful that any student would want a final decision to be made by any "court" and not have the power of appeal to a higher authority.

A second problem that perplexes the workings of the University's Student Tribunal is the often-asked question, "When a student is tried before a municipal court, and is also tried before a University authority, doesn't this involve a 'double jeopardy' situation?"

According to the Dean of Students at Indiana University, Robert H. Shaffer, "On the premise that the student is both a member of the campus community and the larger community where the University is located, I feel the accusation of double jeopardy in cases handled by the police and the university is unfounded."

"Just as a man may be sentenced by the state court for breaking a state law and again in the federal court for the same violation if a federal law is involved, we feel that the regulations of the campus as well as the laws of the community may be acted upon separately without a double jeopardy situation developing," Shaffer explained.

"Double Jeopardy" Valid  
Dean Ross, however, feels that a "double jeopardy" charge might be valid. "I think the basic question here is a contrast between the minimum legal standards of the community and the somewhat higher, traditional standards of the University," Ross said.

Ross further explained, "The University attempts to demonstrate by its actions

the necessity of teaching a student respect for the laws. In contrast the municipal or state authorities punish for the benefit of society, not for the benefit of the individual as the University attempts to do," he continued.

L. F. Snoxell, student personnel worker at the University of Minnesota, stated in a recent letter, "Universities, likewise, are confronted with the necessity of evaluating the evidence of student conduct to determine whether, on the basis of the university's standards, independently of other legal standards, the individual qualifies for continued membership and if so, under what conditions."

The third major problem of

student courts is the subject of punishment. Attempting to find an equitable punishment for all cases of student conduct misdemeanors has proven difficult if not impossible.

## Warning

At Stanford University, disciplinary probation is a severe warning which will call for a more severe penalty in the event of future infractions.

Dean Shaffer of Indiana University, said: "We have found it impossible on a campus of our size to provide a penalty which restricts activities as a part of the punishment. The enforcement would be unrealistic."

The University of Nebraska, however, is currently operating under a system of a re-

stricting of extra-curricular activities as a form of punishment.

Dean Ross, however, feels, "Actually, there is no one punishment that is equitable to all. The University administration does, however, attempt to fit the punishment to the offense as much as possible."

## Other Ideas

Other universities, among them Wisconsin, Ohio State, and Kansas State, enforce work hours, monetary fines, or restriction of activities other than extracurricular organizations.

Dean Ross, however, feels that work punishments should not be used for student conduct offenses. "It is obvious that monetary fines are not

appropriate on a college campus," he continued.

The University's official position on the subject of punishment is one of cooperation between the student offender and the administration, in an attempt to teach the student the rationality of the laws.

The Student Tribunal faces many problems in its effort to incorporate student opinion into the University's administration procedures. The idea of a student court is in itself unique, and an interesting development in University administration. The areas of jurisdiction will be more definite as the Student Tribunal idea matures.

The problems it now faces were to be expected.

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## IFC Supports Stand Against Sub Rosas

### Former Resolution Reaffirmed by Reps

By GARY LACEY  
Nebraskan Staff Writer  
The Interfraternity Council (IFC) went on record last night reaffirming a former resolution condemning sub rosa organizations at the University.

The resolution, which follows, was introduced by Grant Strong, president of Phi Gamma Delta, and was seconded by Sigma Phi Epsilon representative Ivan Grupe.

#### RESOLUTION

WHEREAS: Sub rosa fraternities such as Pi Xi and Theta Nu Epsilon are outlawed by the National Interfraternity Conference, the state status governing the Board of Regents, and most national fraternities;

AND WHEREAS: the IFC, the Alumni Interfraternity Board of Control, and other campus organizations have gone on record in recent years, condemning these organizations;

AND WHEREAS: the administration of the University has now taken action against members of the organizations

#### BE IT RESOLVED

1. Reaffirming the Interfraternity Council's stand against sub rosa organizations.

2. Dedicating ourselves and our chapters to work for the elimination of the element from our campus community, and,

3. Commending Dr. G. Robert Ross, and the administration of the University for working for the eradication of these organizations, offering them our complete support.

#### Other Business

An amendment to the Jr. Interfraternity Council was passed. It proposed that an

alternate member be chosen to take the place of the regular representative in his absence.

The IFC also passed a motion permitting Theta Chi to activate upperclassmen immediately so that it can build up its membership.

The Acacia representative opposed this with another motion placing a limit on time, specifying September of 1963 as the date beyond which Theta Chi could not immediately activate. The amendment was defeated.

### Junior IFC Told About Sub Rosas

John Nolon, Interfraternity Council (IFC) president, informed Junior Interfraternity Council (Jr. IFC) members on sub rosa facts at their meeting last night.

He stated that Nebraska has more sub rosa members than any other campus in the nation. The reason he gave for this is that in the past the sub rosas on this campus had much political power and the top people on campus were members.

According to Nolon many alumni of the sub rosas are now successful businessmen in the state. These people do not quite realize how their organizations have changed and, therefore, alumni support still exists.

Nolon emphasized to Jr. members that students who are found to be sub rosa members by the University will have that fact on their permanent records. Even if the sub rosa member joined the armed services he would be branded as a poor security risk.

Nolon gave each Jr. IFC member a copy of clauses taken from constitutions of all fraternities on campus regarding their feelings toward sub rosas. Each house condemns such organizations.

Nolon also pointed out that sub rosa organizations are banned by the campus IFC and the Big Eight IFC.

### J-School Starts Annual Award

The Alan Marshall Scholarship is being established at the University School of Journalism.

Interest on the principal will be used to make an annual award to recognize an outstanding student in magazine journalism.

Marshall, a veteran Newsweek editor, author and teacher, joined the journalism faculty in September, 1961, to develop the magazine journalism program.

Contributions may be made at the School of Journalism office, 309 Burnett Hall. Checks should be made payable to the Alan Marshall Scholarship Fund.

### Council Takes Action—

## Mall Traffic Will Be 1-Way After Nov. 27

By SUE HOVIK  
Nebraskan Staff Writer

Traffic will be one-way around the mall between Love Library and Burnett Hall after Nov. 27.

Traffic will go west on "T" street between 12th and 14th streets, south on 12th street between "T" and "S" streets, and east on "S" street between 12th and 14th streets, explained Dale Redman, chairman of the Student Council parking committee.

New traffic lights will be put on the corner of 14th and "S" streets in front of the Student Union and on the corner of 14th and "S" streets beside the mall. Redman said that these would probably be three phase lights.

He also said that 12th street between "R" and "S" streets will remain closed except for a fire lane.

#### Bus Service

Redman also mentioned in his report to Student Council that according to future plans, there will be University bus service between city and ag campuses for the school year of 1963-64 with a possible offset in class scheduling on Ag campus.

Concerning the parking situation, Redman said that negotiations are currently under way to purchase land on the periphery of the campus. Other faculty parking lots have been expanded. Area 2, east of 17th Street is being expanded to include that property east of the present lot and west of the railroad right-of-way. Upon completion of this, Redman said that Area 2, west of 17th street, will be available for general student parking.

Redman worked with Carl Donaldson, University business manager, Capt. Eugene Masters, chief of Campus Police, and Robert Holsinger, city traffic engineer, on the campus traffic situation.

In answer to the question, "Is the city of Lincoln attempting or concerned with finding off-street parking for cars near campus?" Holsinger said that this was not the city's problem.

He also said that the safety of student pedestrians on campus is jeopardized only when students violate the crosswalks and traffic lights.

In business action, the Student Council unanimously passed a resolution introduced by Dave Smith that it "reaffirm the position of being opposed to the existence of such organizations (i.e., Theta Nu Epsilon, Pi Xi, Rho Delta and any other outlaw organization) being inconsistent with the recognized principals of good student conduct as well as those of our democratic way of life."

The resolution also commended the Division of Student Affairs for their recent action in "removing from the campus individuals contributing to the preparation of these cancerous organizations."

Tom Kotouc questioned the inclusiveness of the motion to make sure it would endorse all future action taken by Student Affairs in connection with sub rosa members.

#### Motion Defeated

In other action, Student Council defeated a motion introduced by Steve Christensen to rescind the recently passed resolution to study the feasibility of an official migration.

Steve Cass, election committee chairman, said that 3,012 students voted in the Homecoming election which is more than voted in many years, and close to the highest number voting in any campus election.

Steve Honey, chairman of the activities committee, said that a meeting for representatives of activities and honoraries concerned with journalistic and literary interests will be held Nov. 13. He said it was a self-evaluation meeting and intended to set these different areas in perspective.

The Student Council Roundtable discussion to be held with G. Robert Ross, dean of the Division of Student Affairs, will be held Wednesday at 8 p.m.



FOLLOW THE ARROWS—Yellow and black signs with arrows designating fallout shelters were put up Monday on nine University buildings. The civil defense signs indicate where the shelters are located and the capacity of each. The buildings marked as shelters are: Burnett Hall, Richards Hall, Morrill Hall, Student Union, Avery Lab, Nebraska Hall and Love Library, all on city campus. Nebraska Center on Ag campus and Agricultural Hall at Curtis Agricultural school will also serve as shelters. (Photo by Pixie Smallwood)

### —Plenty of Variety—

## Four Final Skits Chosen For Kosmet Klub Show

The four successful finalists for the annual Kosmet Klub Fall Show were chosen last night at KK tryouts. The four fraternities and the skits are: Kappa Sigma, "The Reel Cleopatra"; Beta Theta Pi, "The Little, Round, Red Reform"; Phi Kappa Psi, "The Sins of Selma Sunshine"; and Phi Delta Theta, "Rockin' Reels." With, for example, the Beta's attempting to persuade college students to switch from beer to yoyo's and the Phi Psi's demonstrating that "true love" can win out even over the United States Forest Rangers, the show appears to be full of variety. "Reel Riots" is the theme for this year's Kosmet Klub Fall Show.

John Powell will serve as this year's show director together with the assistance of Sally Hove, professional director of the show. Doug Gaeth has been selected as the master of ceremonies.

The skitmasters of the successful shows are: Dennis Larson, Kappa Sigma; Jim Trester, Beta Theta Pi; Al Thompson, Phi Kappa Psi; and Larry Myers, Phi Delta Theta.

The Fall Show will be held in Pershing Auditorium, Nov. 17. Tickets are presently being sold by the members and workers of Kosmet Klub.

## Gibbs Gets \$10,990 Grant

Dr. Gordon E. Gibbs, chairman of the department of pediatrics at the University College of Medicine, has received a \$10,990 grant from the Department of Health, Education and Welfare.

The grant enables Dr. Gibbs and his staff to follow up a new discovery made at the Cystic Fibrosis Clinic and Research Center in Omaha—the use of radioactive iodine as an indicator in research.

Research will focus on observing and comparing the

normal sweat glands with cystic fibrosis sweat glands, which have an abnormally-high radioactive iodine content.

Cystic fibrosis is a chronic children's disease that affects the glands of external secretion—the lungs, digestive system and sweat glands.

In addition to research, Dr. Gibbs and his staff are interested in the care and training of the sixty children attending the Cystic Fibrosis Clinic at the University Hospital.



WORDS WILL FLY—The University Moot Court team travels to St. Louis, Mo., Wednesday for its first round of arguments. The debaters are, from left: Prof.

Wallace Rudolph, coach; Bill Hemmer, third year student; Fred Kauffman, third year student and Clayton Yeutter, a final year student.