

Alleged Disruption of meeting of EE 261, May 1, 1970

At 2:15 P.M. on May 1, 1970, when the class meeting of the course described as Electrical Engineering 261 was scheduled to begin, in addition to the perhaps 15 to 20 students registered for the course who were present in the classroom, approximately twenty students not registered for the course were also in the room. At least some of these students sought to have a discussion of the "Cambodian situation." Despite requests from Professor Bracewell, who was scheduled to teach the class, few persons not registered in the course left the room. In Professor Bracewell's opinion it was impossible to conduct a class on the regularly assigned topic, and after approximately ten minutes, he left the classroom.

Charges were filed by the University Administration against seven persons alleged to be among the students present in the classroom at the above mentioned time who were not registered in the course. Two of the seven elected to have the charges heard by the Dean of Students, and the Dean consented to do so. One of the seven did not appear at the hearing, as summoned. Four students did appear at the hearing in Room 218 of the Law School Annex at 7:30 P.M. on December 3, 1970. Each of the four having requested

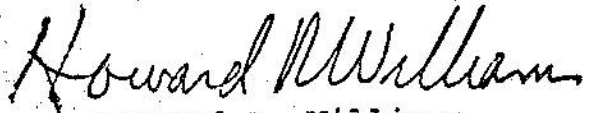
an open hearing, the hearing was open to the public. The hearing was concluded at 2:30 A.M. on December 4, 1970. The Council met to deliberate on the findings and recommendations at 3 P.M. on December 4, 1970.

The Council recommends the following:

1. Charges against ALLETTA D. BELIN, MELISSA GILL, and CHRISTOPHER SQUIRES should be dismissed. (Meier dissented; Beard abstained.)
2. STANLEY KRUTE should be found guilty of a violation of the University Policy on Campus Disruption as charged. (Swent and Winkle dissented; Eisner abstained.)
3. STANLEY KRUTE should be suspended from the University for the Winter Quarter of the academic year 1970-71, but the suspension should be stayed during good behavior, it being understood that should any new charges against him be presented to the Stanford Judicial Council or other judicial authority, the President or his delegate may terminate the stay and reinstate the suspension pending final determination of the validity of such new charges and imposition of penalty, if any. (Nivison, Swent and Winkle dissented; Eisner abstained.)

4. The student who did not appear at the hearing of the SJC, as summoned, should have a "hold" on his registration or graduation until such time as a suitable and convincing argument is made in defense of his failure to cooperate with the Council, or until a hearing of his case is held or it is otherwise disposed of. To protect this student's right to confidentiality, he is not identified in this opinion but his identity will be made known in a confidential covering letter to the President of the University.

For the Stanford Judicial Council.

A handwritten signature in dark ink, appearing to read "Howard R. Williams". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Howard R. Williams
Chairman

Minority opinion on the case of Stan Krute:

I found it necessary to conclude that Krute had violated University rules, in that he failed to leave Professor Bracewell's classroom in spite of the fact that (1) Professor Bracewell had ordered certain persons to leave, and (2) Krute could not have failed to recognize that the order applied to himself.

Nonetheless, the context persuades me that there should be no penalty more severe than a mild and reasonable reprimand. I assume that one sets aside one's impressions of how constructive was Krute's contribution to the political atmosphere last spring. In his defense, Krute pointed out that the turmoil of the time had made community standards unclear, including (rightly treasured) standards safeguarding academic freedom in the classroom; and that on the preceding day President Pitzer had published in the Daily an appeal to the faculty to devote Friday to a sustained attempt to discuss current issues with students, in class and out. I find the issue of classroom academic freedom and rules safeguarding it clouded in this case, and the circumstance of President Pitzer's statement decisive. There has to be a prima facie presumption that a student like Krute might reasonably not have supposed himself to be out of order in going into a strange classroom on this particular day and trying to generate a political discussion, particularly in view of the fact that just this had been taking place in the preceding class without being pronounced disruptive.

He pushed too hard and went too far; what he did was counterproductive and he showed bad judgment; and he should be told this. But against the background of Mr. Pitzer's statement, any substantive punishment puts the University in a very ugly moral position. We begin to look like Mao Tse-tung and his "hundred flowers" campaign. Although the parallel is not exact, there is enough in it to be disturbing, and it is certain to be the way the matter is viewed by many students.

David S. Nivison
David S. Nivison

DATE: December 9, 1970

TO : Professor Howard R. Williams
Chairman, Stanford Judicial Council

FROM : Richard W. Lyman
President *R.W.L.*

SUBJECT: SJC Recommendations, Case No. 56

I have received the report of the decision of the Judicial Council in Case No. 56. By copy of this memorandum to Dean Freelen I am approving the recommendation numbered 4, that a hold be placed on the graduation or registration of the student named therein.

I find it most difficult if not impossible to act conscientiously on the other recommendations given the sparse nature of the Council's opinion. The Council (one member dissenting; one abstaining) recommends dismissal of the charges against three of the students. Is that based on findings of fact or on conclusions of law?

The Council (two members dissenting; one abstaining) recommends that I find one student in violation of the Policy on Disruptions. The only evidence which it cites in support of that recommendation is the "opinion" of the instructor. Is that opinion the only evidence of disruption or is there other evidence to sustain the charge?

The Council (three members dissenting; one abstaining) recommends that the student found guilty of a violation of the Policy on Disruptions be suspended for one quarter with the suspension stayed during good behavior. I cannot discharge my responsibilities with respect to this sentence without fuller knowledge of the facts. I regard the participation in the disruption of a class at this University as one of the most serious offenses which a student or any other member of the University community can commit. The sentence recommended thus seems to me light. But before I can determine whether or not it is appropriate I must have fuller knowledge of the extent of the disruption and of the role that the student played, and an understanding of the Council's reasons for recommending this sentence. Professor Nivison's minority opinion, which argues for an even lighter sentence, does not persuade me. I do not read Dr. Pitzer's statement as giving license to deny a teacher or his students the right to teach or learn the material of their choice.

Professor Howard R. Williams

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As my past practice indicates, I do not expect the Council to render a lengthy written opinion in every case which it considers. In many cases the matter is sufficiently straightforward to permit me to act on a very simple statement of the proceedings. However, where, as here, the offense charged is a serious one and the Council is itself divided in the proper disposition of the case I must have more information than you have made available to me. Nor might I add is it fair to the students involved in such cases to provide such a barebones record that they have no basis for making their views on the findings or the sentence known to me. Finally, we are in the process of constructing by decision a body of substantive law. The Stanford community is entitled to know the interpretations given that law so that there is some guide for future conduct and also that it might be able to decide whether additional legislation is needed.

cc: Dean Freelen
Mr. Schwartz ←
Mr. Siena
Miss Alletta B. Belin
Miss Melissa Gill
Mr. Stanley Krute
Mr. Christopher Squires
Mr. Peter C. Yee