

Following is the text of the Advisory Board's decision to deny Prof. H. Bruce Franklin's motion to dismiss all charges against him:

The Advisory Board has listened to the arguments for and against dismissal of the charges, and has discussed the merits of the motion at length. It considers that a number of cogent points were made by Professor Franklin in his argument for the motion. In particular, the Board recognizes that in some degree some of the charges involve rules of conduct that lack precise boundaries; but at the same time it holds those boundaries to be real and significant, however difficult they may be to define. Professor Franklin's view that the rules governing conduct are vague and overbroad relates to this point. The Board recognizes the danger that vague or overbroad rules may have the effect of preventing faculty members from engaging in protected speech or conduct. On the other hand, the Board holds that there are activities in both spheres that are properly prohibited, and believes it important to judge on the best available evidence and argument where Professor Franklin's conduct lies in relation to such boundaries.

The Board has not as yet evaluated critically all of the evidence presented by the University, nor could it have done so at this stage of the proceedings. Moreover the Board has not been able to reconcile Professor Franklin's account of the evidence in support of the "motion to dismiss charges" with its recollection and notes; reconciliation will have to await receipt of the full record. In addition, the Board has the option, which it may later wish to exercise, of introducing or requesting testimony or other evidence that it feels may be useful.

The evidence thus far introduced is of varying quality. Not surprisingly, the members of the Board have not yet reached agreement on some of the complex judgments involved in this case. Nevertheless, the Board does agree that the University has presented a *prima facie* case that applicable rules of conduct under the Statement of Policy on Appointment and Tenure have been breached by Professor Franklin.

With respect to the first charge, the Lodge incident, we have serious concerns about the conduct alleged, but at the same time we feel we could be more fully informed regarding its extent. This charge has been particularly subject to conflicting interpretation of testimony, and we feel a need for further clarification. With respect to the second and fourth charges, those relating to the White Plaza and Old Union speeches, some members of the Board are by no means convinced by the evidence presented that there was a causal relationship between Professor Franklin's speeches and the events that followed either of the February 10 rallies. The Board finds itself now unable to say with certainty that without his speeches the events would not have occurred. But there is still the question whether his speeches made significant contributions to the risk that such events would occur—risks which he might reasonably be expected to have foreseen.

With respect to the third charge, that relating to events at the Computation Center, the Board is not persuaded that the order to clear the area around the Computation Center was unreasonable in view of the then existing situation. The Board reserves judgment concerning Professor Franklin's conduct following the order.

The Board has not as yet evaluated the total pattern of Professor Franklin's conduct as alleged in the University's Charges in the light of its interpretation of the language of Paragraph 3 of Stanford's policy on Appointment and Tenure. The Board affirms, however, that the University has the right to establish binding rules of conduct to assure its functioning and survival, and to make such rules a condition of membership in the University community. This right is, of course, limited by provisions of law as well as self-imposed limitations. In a university rules of conduct must often be general, given the diversity of university functions and initiatives. Whether those rules are in fact unduly vague as claimed by Professor Franklin has as yet not been determined by the Board.

In light of these considerations, the motion to dismiss charges is denied, and the Board will request Professor Franklin to proceed with his case.