President Rejects Kelly's Appeal

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Thresher Editorial Staff

University President K. S. Pitzer today dismissed Hugh Rice Kelly's appeal for hearing by an impartial committee in the case of disciplinary action taken against him.

Pitzer did this by confirming the action of Dean of Students S. W. Higginbotham in placing Kelly on probation and removing him from the editorship of the Thresher.

He stated in a letter to Kelly that "I do find that your behavior constituted a deliberate challenge to the authority of the University through its representative, the Dean of Students, and that the penalty of disciplinary probation for the remainder of the semester, which he imposed, was appropriate.

"This penalty will remain in effect."

Kelly requested a hearing before an impartial review board in a meeting with Pitzer yesterday, a possibility which Pitzer's action today seems to reject.

According to Kelly, the rejection was based in part on Pitzer's claim that the case was analogous to contempt of court.

Kelly told the Thresher that "Even if one accepts the analogy as relevant, it should be remembered that a man can be held in contempt only of legitimate authority concerned with a matter properly before it and after due and formal notice. I question whether any or all of these conditions were met in this case.

"It should also be remembered that a man so charged can acquit himself by purging himself of the contempt.

"This I attempted to do. My attempt was rejected."

Pitzer further contended in his letter that "I have considered carefully your written "Outline of Appeal" and your oral statements, but I do not find in them even any promise of new facts directly related to the incident at issue."

Kelly recounted part of his conversation with the president in which he requested permission to present concrete evidence in support of his case.

Kelly said that he interpreted the President's reply to mean that he would be allowed to present this evidence today before the President rendered his decision.

The President, when contacted by the Thresher last night, said that his decision would come in the form of a letter and would "be available to the Thresher any time in the morning."

Kelly emphasized to the Thresher that the "Outline of Appeal" was merely an outline and that he had stated that he would present corroborating evidence at a hearing.

The first question raised in the Outline was whether Kelly was guilty of a "crime": "Refusal to answer messages from the Dean of Students constitutes a serious breach of student responsibility. Such a refusal, however, was not intended..." (Continued on Page 3)
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ed and should not, I feel, be interpreted as ‘flouting the authority of the University’.”

He also contended that “The concept of due process has been consistently ignored.” In his petition he argued that the action taken by the Dean violated all five points of the AAUP statement on disciplinary procedures. [Thresher, March 16]

Kelly charged that “There are substantial grounds for the view that suppression of the newspaper was to some degree involved, although perhaps not overtly, in the Dean’s action.

“The Dean’s recent public statements are in direct conflict with previous private statements made by him that strongly implied suppression of free expression, both as regards the Thresher and students in general.”

In a supplementary statement released today Pitzer said:

“General matters of student discipline, student government, and publications, although not directly germane to the disciplinary probation of Hugh Rice Kelly, are naturally matters of popular concern to all segments of the University. It does not seem to be generally known, however, that they have been under serious consideration by various groups on the campus for some time and will continue to be discussed in an effort to solve the troublesome problems of student relations.

“Recent events have raised many questions and intensified interest in these matters. The Student Affairs Committee has had four meetings this year in which extended discussions have been held. Several proposals for procedures are under consideration, and I am confident that a solution will be reached that will allow us all to devote our attention more fully to the major purpose of the University—higher education.”