Searchlight: Relevant Resources in High Interest Areas. 1U Update Search. School Discipline and Student Rights.

ERIC Clearinghouse on Counseling and Personnel Services, Ann Arbor, Mich.

Office of Education (DHEW), Washington, D.C.

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63p.

Impact-Publications, School of Education Building, The University of Michigan, Ann Arbor, Michigan 48104 ($1.00)

MF-$0.65 HC-$3.29

*Annotated Bibliographies; Civil Rights; Colleges; High Schools; Legal Responsibility; *Legislation; *Literature Reviews; *Resource Materials; Student College Relationship; *Student Rights; Student School Relationship

This updated bibliography lists 92 document abstracts retrieved from the ERIC collection. "Dissertation Abstracts", and the journal literature covering the defined civil rights of students at the high school and college levels, and recent legal pronouncements. (SD)
School Discipline and Student Rights


Introduction

This information packet, prepared by the EPIC Counseling and Personnel Services Center, is intended to alert the user to a body of literature on a topic of current interest to counselors. It identifies research reports that have been cited in the Educational Resources Information Center's (ERIC) publication, Research in Education (RIE), in Dissertation Abstracts International, and in ERIC's Current Index to Journals in Education (CIJE) from July 1971 through March 1973.

Ordering Instructions

Searchlight has attempted to give availability for all materials listed in this packet. In most cases, it is possible to obtain a personal copy of the title listed. The sources fall into three groupings:

ERIC Documents
References in this search for which an ED (ERIC Document) number is given may be ordered from the ERIC Document Reproduction Service (EDRS). Copies are available in either hard (photo) copy or in microfiche form. The microfiche require a special machine for use. To order any of the ED materials, please refer to the ERIC Reports Order Blank at the back of this packet.

Doctoral Dissertations
All dissertations listed in this search have been drawn from Dissertation Abstracts International, a publication of University Microfilms. They are available on microfilm (MF) at $4.00 per dissertation, or in bound photo COPY (X) at $10.00 per dissertation from University Microfilms.
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Journal Articles
Journal articles are available from the original journal in library or personal collections. Refer to the entry for volume and page designations.
Oregon Education Association, Portland.
Pub Date 70
Note: 24p.
Available from—OEA Professional Standards Department, 1 Plaza Southwest, 6900 Southwest Hansen Road, Tigard, Oregon 97223 ($1.00, quantity discount)
EDRS Price MF$0.65 HC-$3.29

Descriptors—Academic Freedom; Civil Liberties, Elementary Grades; *Guidelines; *Public Schools; *School Policy, Secondary Grades; *Students; Student Teacher Relationship; Teacher Responsibility

This pamphlet clarifies the concept of academic freedom and its application to grades 1-12 of the public schools. Guidelines focus the attention of school districts, professionals, and the public on the key issues of academic freedom, including its relationship to district policies, personal freedom, instruction, and students. A 58-system bibliography is included. (MLF)

ED 051 922
Cohen, William And Others
The Bill of Rights: A Source Book.
Constitutional Rights Foundation, Los Angeles, Cal.
Pub Date 70
Note—379p.; Revision of California State Department of Education, Bill of Rights: A Source Book for Teachers
Available from—Benzerger Brothers, Inc., 666 Third Avenue, New York, New York 10022 ($4.00)
Document Not Available from EDRS.

Identifiers—Bill of Rights, California Bill of Rights Project

This volume contains source materials relating to the historical development of Constitutional rights and issues, and the current problems created by the application of the guarantees embodied in most of the important Constitutional provisions. Essentially a revision of the original California publication, its purpose is to "accommodate many of the problems encountered through teacher-use of that publication." The parts and sections are: 1) Judicial Review, the Fourteenth Amendment, and Federalism; 2) Equal Protection of the Laws; 3) Criminal Due Process; 4) Freedom of Expression; and, 5) Freedom of Religion. Four appendices are: 1) The Expanded Bill of Rights; 2) Selected References; 3) Table of Cases; and, 4) A 22 page subject index. The companion volume, SO 001 249, suggests various teaching strategies for implementing this source material. (Author/DJB)

ED 048 666
Gaddy, Dale
Spons Agency—National Center for Educational Research and Development (DHEW/ICE), Washington, D.C.
Report No—NOLPE-Monogr-2
Bureau No—SR-8333
Pub Date 71
Contract—OEC-8-08033-3314
Note—67p.
Available from—National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606 ($3.50)

Identifiers—Florida, Texas

A survey questionnaire designed to determine whether faculty, students, and administrators were aware of the policies governing student rights, freedoms, and involvements at their colleges and universities, distributed to by 143 students and 142 faculty members from 10 Central Junior Colleges in Texas and Santa Fe Junior College in Florida. Data is analyzed and the results are related to the rights, freedoms, and involvements among the respondent junior college students and faculty of the colleges sampled. From the findings of this limited study and from observations, it is felt that there is not a high correlation between campus directed and lack of information (CA).

ED 050 453
Holliiter, C. A. Leigh, P. R.
Oregon School Study Council, Eugene.
Pub Date Feb 71
Note—44p.
Available from—Oregon School Study Council, College of Education, University of Oregon, Eugene, Oregon 97401 ($2.50)
Document Not Available from EDRS.
ED 052 706

Interim Report of the Select Committee to Investigate Campus Disturbances to the 109th Ohio General Assembly Pursuant to Am. Sub. S. Con. R. No. 34. 

Choo House of Representatives, Columbus. 

Pub Date 71 

Note—34p. 

EDRS Price MF-0.50 HC-S.39 


Identifiers—Ohio 

In its examination of the circumstances surrounding recent disorders and the closing of state colleges and universities in Ohio, the select committee held hearings at each institution, received testimony, and exhibits from persons within and outside the academic community, and gathered information from studies conducted in other states. Directed to identify the main causes of student unrest, the committee found that most specific underlying reasons involve problems that arise from and must be solved by universities themselves. Findings and recommendations are presented in the areas of: standards of conduct and discipline, faculty rights and obligations, university operations, campus security and law enforcement, and organized efforts to disrupt. (JS) 

ED 051 574 

Maredy, William F. 
The Cetius as Educational Policy Makers. 


EDRS Price MF-HC-53.79 

Descriptors—Activism, Administrative Personnel, Court Rule, Discipline, Policy, Educational Policy, Federal Court Litigation, Freedom of Speech, School Law, Speeches, Students Rights 

Identifiers—Process 

This report discusses the expanding role of Federal judges as educational policymakers. The report discusses court decisions related to interpretations by the Federal Courts of the U.S. Constitution. The report notes that court decisions have covered the following topics: dress codes, flying of the flag, freedom of speech, unwed mothers, underground newspapers, hair length, location of school buildings, and school bus transportation. The author notes increasing restraint on the part of the courts in influencing educational policy. (F) 

ED 048 672 

Phy, Robert E. 
Suspension and Expulsion of Public School Students. 

ERIC/CIM State-Ed Knowledge Series, Number Ten. 


EDRS Price MF-0.50 HC-S.39 

Descriptors—Activism, *College Students, Court Litigation, *Discipline, Policy, Discipline Policy, *Due Process, *Speaker Bans 

Identifiers—Due Process, *Student Rights 

The purpose of this companion to SO 001 250 is to provide teachers with specific information for improving instruction concerned with individual freedom and responsibility. The need for improvement has been established by studies indicating little or no change in the political orientation of high school students from the formal civics curriculum; resulting in high school graduates with a low level of appreciation and commitment to the American Bill of Rights. Three essays in Part One set the problem: Part Two offers solutions through teacher education and the use of case studies in instruction; also included is an outline of California's program. Part Three offers specific learning experiences. (E.g., social studies units and lessons, in a variety of social studies classrooms, from world and regional geography, unit, social studies units, Teacher Education, Teaching Guides, United States History) 

ED 051 730 

Young, D. Parker Gehring, Donald D. 
Briefs of Selected Court Cases Affecting Student Dissent and Discipline in Higher Education. 

Georgia Univ., Athens, GA. Inst. of Higher Education. 

Pub Date 70 

Note—35p. 

EDRS Price MF-0.50 HC-S.39 

Descriptors—Activism, College Students, Court Litigation, Discipline Policy, Discipline Policy, Due Process, *Speaker Bans 

Identifiers—Due Process, *Student Rights 

The briefs of selected court cases affecting student dissent and discipline in higher education presented in this report are divided in the following sections: (1) relationship between students and the institution, including contractual theory and in loco parentis; (2) relationship between the courts and education, including cases involving jurisdiction, state cases, and specific underlying reasons involving problems that arise from and must be solved by universities themselves. Findings and recommendations are presented in the areas of: standards of conduct and discipline, faculty rights and obligations, university operations, campus security and law enforcement, and organized efforts to disrupt. (JS)
1. The Committee on University Governance was charged with the responsibility of conducting a new study of the University of New Mexico’s governance and to recommend improvements.

2. This report contains a discussion and recommendation relating to: (1) the creation of a University Council Community, including its functions, size and composition; (2) the need for a student voice in matters of curriculum and quality of instruction; (3) faculty organization; (4) the creation of a Student Senate of University Ombudsmen; (5) representation and grievance and disciplinary procedures. Included in the appendices are: (1) examples of statements that might be used in the Regents’ Statement on Rights; (2) a model Bill of Rights and Responsibilities; and (4) the Harvard Resolution on Rights and Responsibilities.
ED 057 501  EA 003 986
Pub Date: 71
Note: 106p.
Available from: Publication Editor, NEA Research Division, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 (Stock No. 435-25480, $2.50)
EDRS Price: MF-$0.65 HC Not Available from EDRS.

ED 058 655  EA 004 029
Pub Date: Aug 71
Note: 106p.
Available from: National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 (Kit #71-32, 1-3 kits $2.00, quantity discounts)
EDRS Price: MF-$0.65 HC Not Available from EDRS.

ED 059 540  EA 004 043
Student Codes: A Packet on Selected Codes and Related Materials. Harvard Univ., Cambridge, Mass. Center for Law and Education. Pub Date: May 71
Note: 262p.
Available from: Center for Law and Education, Harvard University, 38 Kirkland Street, Cambridge, Massachusetts 02138 ($5.00)
EDRS Price: MF-$0.65 HC-$3.29

ED 064 795  EA 004 470
Parnell, Dale
Note: 160p. Standards adopted by the Oregon State Board of Education May 12, 1972
EDRS Price: MF-$0.65 HC-$3.29

ED 065 942  EA 004 542
Note: 52p.
EDRS Price: MF-$0.65 HC-$3.29

ED 066 942  EA 004 542
New York State Education Dept., Albany. Pub Date: 1972
Note: 52p.
EDRS Price: MF-$0.65 HC-$3.29

Identifiers—Married Students, Pregnant Students
The directives in this document provide guidance to students, parents, teachers, school administrators, school boards, and the general public for the formulation of local policies governing relations among the various groups and individuals who make up the school community. The content focuses on the personal responsibilities of these individuals and groups. The discussion is organized under (1) student involvement, (2) student government, (3) student inquiry and expression, (4) student press, (5) extra curricular activities and clubs, (6) personal appearance, (7) counseling, (8) student record files, (9) discipline, (10) school personnel, (11) police in schools, and (12) grievance and appeals. Descriptive explanations of the New York State Student Advisory Committee and the New York State Task Force on Student Affairs are appended. (JF)
Journal Articles


Court decisions favoring students over school districts are discussed.


Discusses recent court cases that illustrate situations wherein exhaustion of administrative or State court remedies must be effected before plaintiffs can
resort to Federal Courts. (JF)


Discusses examples of sex based discrimination in public schools.


Discusses college student rights under the following headings:
(1) First Amendment applications to outside speakers on campus at the request of student organizations;
(2) Extent of freedom of the student
press; (3) Disciplinary rule stringency; and (4) The application of State criminal statutes in campus disruption cases. (JF)


to be published by Praeger in October, 1971. (JM)

Debates whether racial minorities should be granted preferential treatment regarding entrance requirements and achievement at the college level. Presents a rationale that does not favor this proposal.

A teacher's legal responsibilities and limitations in situations involving student discipline or supervision are discussed. (DB)

Discusses the scope of due process that should be allowed by a school to a hyperactive child and its parents when determining what type of treatment will be given to the child. (JF)

Knowles, Laurence W. "Student Rights Find a Friend in Court(s)." Education Digest, 1971, 36(9), pp15-17.

Some recent court actions resulting in favorable decisions for the students involved are discussed. (CK)


Discusses the reason for school codes and their relationship to student rights and responsibilities. (JF)

Suggests that individualized justice is a necessary precondition to the maintenance of effective student discipline and that the discipline dilemma can be resolved by viewing the administration of student discipline as a problem of discretionary justice. (Author)


Codification of basic conditions of administrative freedom in a modern university setting. (Editor)


Recent developments in school
law by a foremost school law
authority. (LR)


Describes procedures required of boards of education by the courts in disciplining students. (JF)


Recent court decisions indicate that schools must prove disruptive conduct on the part of students before taking disciplinary action. (CK)


Discusses Fourth Amendment rights against unreasonable searches and seizures in terms of searches made of students and their lockers. (JF)
Obstructing students. Establishes procedures for
suspension. Solicits student input. (CS)

The Threat to Freedom Fitzgerald, R. V., School
Library Journal, pp33-32, Apr 71
*Censorship, *Academic Freedom, *Civil Liberties

Civil Rights of Public School Students Blankenburg, Richard M., Teachers College Record v72
n4, pp491-504, May 71
*Activism, *Court Litigation, *Civil Rights,
*Student Behavior, *Public Schools, Police
Court decisions favoring students over school
districts are discussed. (CK)

Law, Freedom, Equality - and Schooling, Part
One: Definitions and Limitations Wise, Arthur
E.; Manley-Castim, Michael E., ASCD
Yearbook, pp46-73, 71
*School Law, *Civil Liberties, *Court Litigation,
*Disciplinary Policy, *Educational Finance,
*Equal Education, *Yearbook, *Democratic Val-
*ues. *Student Rights, Due Process
A look at the law relationships which the law has
prescribed for students, teachers, and adminis-
trators. (Author)

Due Process and What It's Doing to Schools
Nolte, M. Chester, American School Board
Journal, v159 n1, pp20-22, Jul 71
*School Law, *Board of Education Policy,
*Court Litigation, *Student School 
Relationship, *Expulsion
Recent developments in school law by a foremost
school law authority. (LR)

Poplin Garber, Lee O.; Seitz, Reynolds C.,
Yearbook of School Law, pp232-275, 71
*School Law, *Discipline, *Court Litigation,
*Racial Integration, Unwed Mothers, Marriage,
*Freedom of Speech, *Student Transportation,
*Student Rights, *Due Process, Student Rights,
*Due Process, *Due Process
Discusses recent court litigation concerning legal
rights and responsibilities of pupils. (LR)

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Recent developments in school law by a foremost
school law authority. (LR)
**Student Rights and Responsibilities**

Student Rights and Responsibilities. Today's Education, v61 n1, pp50-2, Jan 72


Article summarizes National Education Association pamphlet. As citizens, students should have full protection of Bill of Rights, due process, protection from illegal search or seizure. As custodians of institutions, should have substantial influence on how institutions affect their lives. Proper disciplinary procedures for minor and major infractions also outlined. (PD)

**Changing Patterns of Pupil Control**

Swift, David W., Educational Forum, v36 n2, pp199-208, Jan 72

Discipline, *Discipline Policy, Student School Relationship, School Responsibility, Non-Instructional Responsibility

Disciplinary methods in American public schools have changed drastically during the past century. Punitive measures of earlier times have been replaced by a concern for the feelings of the child. While humanization played a part, it was far from the only factor present. (Author)

**On the Decline of IN LOCO PARENTIS**

Howarth, Roy E., Phi Delta Kappan, v53 n10, pp626-528, Jun 72


**There Is Nothing More Loco than LOCO PARENTIS**

Pearl, Arthur, Phi Delta Kappan, v53 n10, pp629-631, Jun 72


**Suspension, Expulsion, and Procedural Due Process**

Manley-Casimir, Michael E., Administrator's Notebook, v20 n6, pp1-4, Feb 72


**Model School Disciplinary Code**

Kobrick, Jeff, Lines, Patricia M., Inequality in Education, v12, pp47-49, Jul 72


**Junior High School in a Democracy**

Guilford, Barbara Jo, New Voices in Education, v2 n3, pp8-9, Spr 72

*Secondary Education, *Student Rights, *Discipline, Junior High Schools, Junior High School Students

**Junior High School in a Democracy**

Junior High School in a Democracy, v2 n3, pp8-9, Spr 72

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Junior High School in a Democracy, v2 n3, pp8-9, Spr 72

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*Secondary Education, *Student Rights, *Discipline, Junior High Schools, Junior High School Students
Purpose

The purpose of the study was to determine and report the views of the chairmen of the boards of control of the member colleges of The Council for the Advancement of Small Colleges toward certain student rights, freedoms, and responsibilities, including the degree of desired student participation in the policy-making process of the institutions.

Procedures

The writer developed a questionnaire using the main divisions of the Joint Statement on Rights and Freedoms of Students (1967) as a
basis. A pilot study was conducted and the revised questionnaire, sent to the eighty-six board chairmen of the member colleges of The Council for the Advancement of Small Colleges.

Findings

Students participated as full-voting members of the boards of control at 4.2 per cent of the institutions. Forty per cent of the board chairmen indicated that they consulted students on issues dealing directly with student affairs. The majority of board chairmen considered attendance at their institution to be a privilege extended to the student and not a right of the student.

Most board chairmen favored administrative control over the selection of student group advisors, the membership of student organizations, the selection of campus speakers, and the contents of student publications.
The majority of board chairmen supported the right of the student to express himself individually and collectively so long as this did not lead to disruptions on the campus.

The majority of board chairmen favored granting students due process in all disciplinary matters. The board chairmen supported the right of the administration to search the premises occupied by a student and to hold a student accountable for all of his off-campus behavior.

Most board chairmen disapproved of full student participation in the decision-making process of the institution. Only in the area of the formation and enforcement of rules and regulations governing student conduct did the majority of board chairmen favor full student participation.

**Recommendations**

(1) It is suggested that the board chairmen institute a self study to
determine if positive gains would result if the boards of control were more representative of younger age groups.

(2) It is recommended that the board chairmen familiarize themselves with the issues of student rights, freedoms and responsibilities and seek to implement the basic rights and freedoms of the student while at the same time encouraging all students to measure up to their responsibilities.

(3) It is recommended that additional studies be done to determine if the views expressed by the chairmen of the boards of control are consistent with the views held by the majority of the members of the boards of control and are consistent with the views held by the administrators of the institutions.
A content analysis of statements concerning student rights and responsibilities was made of the official written policies of governing boards of institutions which belong to the National Association of State Universities and Land-Grant Colleges.

A Framework for Analysis developed to provide a guide for synthesizing and analyzing the policies contained seventy-two categories of policies grouped into these sections: General; Inquiry and Expression; Association and Organization; Student Publications; Student Records; Code of Conduct--General Policies and Procedures; Code of Conduct; Standards--Value or Honor
Oriented, Health or Safety Oriented, and Administrative Oriented; and
Code of Conduct--Specific Aspects of
Due Process.

The analysis of the policies revealed:
(1) Almost two-thirds (62 per cent) of the boards included a general
philosophical statement on the need
for student rights and responsibilities.
(2) Forty (40) of the boards (73 per
cent) stated at least some acknowledgement
of the right of the student to engage in
non-disruptive inquiry and expression.
(3) Forty (40) of the boards (73 per
cent) had at least some policy
statement on the non-acceptance of
disruptive inquiry and expression.
(4) A total of 26 additional categories
of specific conduct standards was
listed with the categories mentioned
most often being: dishonesty,
fraud of records, alcohol, drugs,
living or housing standards, and
non-compliance with university
officials.
(5) Fifty-three (53), or 96 per cent, of the boards made some comment about a code of conduct. Forty-one (41), or 75 per cent, of these boards made some statement on conduct due process.

(6) There were differences in the number and scope of official board policies among the accrediting regions.

(7) There has been a significant increase (379 per cent) since 1964 in the inclusion of policies by governing boards on student rights and responsibilities--especially policies on disruption and due process.

(8) The official board policies have incorporated the policy items of the Joint Statement on Rights and Freedoms of Students at about the same rate of inclusion as other policies about student rights and responsibilities.

Conclusions based on the findings are:

(1) Although most of the boards have some policy statements on student rights and responsibilities, very few
of the boards include many policies. In this sense, these boards provide very little official direction to the institutional and board publics on student rights and responsibilities.

(2) There is a wide range in the number and scope of policies among the individual boards.

(3) Most board documents seem to be in a continual state of development and revision.

(4) Boards across the nation are relatively consistent in the number and scope of policies in the specific area of inquiry and expression.

(5) Most boards tend to acknowledge the right of the student to freedom of expression as long as the normal activities of the campus are not disrupted.
Purpose

The purpose of this study was as follows: (1) To analyze the substantive content of Texas school board policies regarding married students; (2) to assess the possible legality of these policies in view of all reported court decisions and attorneys general opinions in the United States; (3) to obtain and interpret administrative opinions concerning student marriages in Texas secondary schools, and (4) to obtain statistical data in relation to incidence of marriage among Texas high school students.

Procedure

The legal status of married students in Texas public high schools was determined by descriptive and historical research procedures.
The questionnaire, records of court cases, and opinions of United State Attorneys General were the major techniques used.

Findings

The Texas Constitution, as well as the Texas Statutes, make no reference to married students and their relationship to the public schools. Texas Attorneys General have issued opinions that married students cannot be excluded from public schools solely on the grounds of marriage. School boards cannot legally suspend a married student from the public schools on the basis of marriage alone. Married students are to be treated the same as the un-married student insofar as the right to attend the public school is concerned.

School board policies compelling the attendance of married students have been held invalid by the courts. Courts have consistently upheld the power of school boards to regulate the cocurricular activities of
married students. Such activities, in order to be regulated, must not be part of the academic program.

Most of the school boards in Texas have seen the need for the adoption of marriage policy. Over-all, the most frequently imposed policy in all of the districts was, "Continued attendance is permitted but they (students who marry) cannot participate in cocurricular activities." This type of policy has been held valid by the courts.

With reference to a curriculum designed for married students, instruction in marriage and family life problems was offered in over half the schools.

Recommendations

(1) That the citizens, the board of control, and professional educators accept and act upon the conclusion that expulsion, suspension, or discouragement from continued attendance in schools are not sound practices which would offer a solution to the problem of student marriages.
(2) That school officials take steps to discourage the marriage of high school students by using classroom instructional activities to show the many advantages of waiting until one has finished high school.

(3) That instruction in marriage and family life problems be taught.

(4) That special counseling and homeroom guidance programs be developed and implemented into the cocurricular program as a means of coping with some of the problems caused by teen-age marriages.

(5) That there be no restrictive school policy prohibiting students from continued education after marriage.

(6) That all school boards begin to study the problem as it exists in each school as the first step in the development of policies and practices which are compatible to both schools and married students. It is recommended that all school policies regarding married students be written in the minutes of the school board.
(7) That the Texas Education Agency consider the development of a blanket policy regarding married students to be employed by all school districts throughout the State of Texas, thus eradicating inconsistencies in policies and expensive legal entanglements with married students.

**Problems**

The Problem of this study was to measure the opinions of various individuals in organizational roles regarding the degree of control they perceive is exerted by different hierarchical levels when certain organizational decision-making areas are considered as compared to how much control they feel the same roles should exert.

**Questions to be Answered**

Three general questions were formulated.

1. Is there agreement or disagreement between the various hierarchical levels as to which level(s) exercise the greatest degree of control.

2. Is there agreement or disagreement between the various hierarchical
levels as to which level(s) should exercise
the greatest degree of control.

(3) Are there significant
differences among the various
hierarchical levels' perceptions
of which level(s) have the most
control as compared to which level(s)
should have the most control.

Procedures

The data were collected from a
sample consisting of teachers,
principals, central office
administrators, superintendents in
the Kansas City, Missouri area.

All of the subjects completed a
questionnaire designed to measure
each subject's opinion regarding
the hierarchical level(s) which he
feels exert the greatest influence
in resolving those organizational
decisions having to do with
curriculum development, certified
personnel policies, teaching
techniques, pupil personnel policies,
and allocation of funds.
The data were analyzed by employing two one-way analyses of variance models.

Conclusions

(1) The school organizations included in this study generally maintain the traditional autocratic hierarchical control relationships with levels of authority running from the superior (superintendent) to the subordinate (teacher).

(2) There are conflicting views regarding the amount of actual control that is exercised by the various hierarchical levels.

(3) There are distinct discrepancies between the influence which members perceive to exist in the organization, and that which they feel should exist.

(4) Upper hierarchical levels (particularly superintendents) are generally satisfied with the status quo.
(5) *Lower* hierarchical levels (particularly teachers) are overwhelmingly dissatisfied with the current distribution of control and feel that they should have more influence.

(6) The degree of control (either actual or ideal) exercised by middle management (in this case, central office administrators and principals) is somewhat unclear and indefinite.

(7) Since there are a number and a variety of conflicting views, most educators on all hierarchical levels do not understand fully the control structure of their school systems.
It was the purpose of this investigation to survey the disciplinary practices of American institutions of higher education between the years 1636 to 1900 with the intention of discovering answers to the following questions:

1. Were the rules and regulations of this era of the same kind or did they vary greatly from the founding of Harvard to the end of the nineteenth century?

2. Who was responsible for supervising student conduct during these years? Did the source and person of authority change? Were the students involved in self regulation?

3. Did the disciplinary penalties employed during this period remain constant or did they vary greatly? What were some of the influences of change affecting the assessment of penalties during this era?
(4) How did students misbehave during this period? How did the "collegiate way of life" develop?

This study has focused on four major areas:

(1) The codes of behavior established by institutions for the student populations.

(2) The loci of disciplinary authority in the colleges and universities.

(3) The penalties imposed by the schools for student misbehavior.

(4) The types of student misbehavior.

This study traces the development of disciplinary practices from the rigidly restrictive routine of the colonial period through the transition into the laissez-faire collegiate way of life; from the control figure of the god-fearing, clergyman, substitute parent to that of the developing student personnel administrator, whose primary function was the supervision of the activities of students.
The study of disciplinary practices in American higher education demonstrates the maxim that in education, as in most other areas of human activity, there are few things which are new that have not been new before.
McMurray, Vernon Fritz, Jr., Ed.D.

Changing Practices and Concepts in
Due Process of Law in American
Colleges and Universities as it
Relates to Student Suspension and
(Order No. 71-27,679)

Purpose
The purposes of this study were:

(1) To show current developments and trends in the laws as they apply to the relationships existing between institutions of higher learning and their students with particular reference to disciplinary procedures involving student dismissals.

(2) To examine in detail pertinent cases that involved alleged violations of student rights as provided by the Fifth and Fourteenth Amendments to the United States Constitution.

Procedure
A bibliography was drawn from legal and educational sources.
Conclusions

The evidence in this study supports the following answers.

(1) What is the current status of "due process of law" as applied to the nation's colleges and universities? Many institutions provide for due process in their disciplinary proceedings. In addition to providing those essentials of fair play that are required by precedents setting cases, many exceed those safeguards required by law.

Due process in student disciplinary proceedings is expanding to include more of the nation's colleges and universities.

(2) What implications are there for college and university administrators resulting from cases in the 1960's involving failure to grant students "due process of law"?

Administrators have been made aware of the fact that courts will overturn unfair or unconstitutional rules and/or regulations.

Each institution should formulate and enforce rules, regulations and standards that are relevant to its lawful aims.
and purposes, and these should be published and made available to each student.

Administrators should establish channels of communication with the proper legal persons or agencies so as to maintain a constant awareness of legal decisions that may affect them and the operation of their respective institution.
Metzger, Jerome Charles, Ed.D.


Purpose

The purpose of this study was to analyze both the volume and nature of litigation involving students and the institutions of higher education they attend relative to the First, Fourth, Sixth and Fourteenth Amendments of the United States Constitution during the years 1960 to 1970.

Procedure

Various legal publications and reference citations found within related court cases furnished a list of important court decisions for analysis. Various listings of procedures which should be followed by administrators and students in their attempts to follow the
dictates of judicial judgements according to the United States Constitution were extracted from recorded court cases.

Findings

The American college and university should be an open forum for free speech. If regulations must be imposed, then they must be precise in language.

Further, just to assert that an individual's speech is political in nature and under free choice does not necessarily make speech a protected entity.

The harm that results from college and university restrictions or censorship of press in the form of obscenity censorship does not outweigh the danger of limitations on free speech.

Students who assemble in campus buildings and use campus property are subject to trespass after they have been asked to leave by proper authorities.
The most important factor in an administrative search of a student's residence hall room is whether or not the search is a "reasonable" exercise of an institution's general supervisory duties.

Disciplinary hearings do not have to be delayed until civil or criminal hearings have been completed.

An evidentiary hearing must be granted to a student before permanent expulsion.

A student must be given the opportunity to show bias on the part of members of a disciplinary board.

Generally, students do not have the right to use a lawyer at disciplinary hearings.

A student must be given a list of charges before a disciplinary hearing.

Students have a "right of interest" in their college educations.

Due process must be followed in disciplinary cases.
Conclusions

Officials of educational institutions have control of the use of plant facilities insofar as First Amendment rights and privileges are concerned.

Student find support in the courts for their claims to procedural rights in expulsion and suspension cases.

Students use due process to attack educational institutions.

Courts do not encourage causing institutional disciplinary proceedings to develop into adversary cases.

The nonpublic institution can specify more restrictions than a public institution.
It was the purpose of this study to determine student perceptions of:

1. School discipline practices;
2. The seriousness of common infractions;
3. The fairness of disciplinary action for common infractions; and
4. The effectiveness of disciplinary action for common infractions.

Data were gathered by means of a perceptionnaire devised to elicit subjective responses from public and parochial junior class students.

The following conclusions seem to be evident:

The general condition of discipline and disciplinary practices in the schools studied was found to be moderate.

The use of drugs, destruction of
school property and stealing
were first, second and third,
respectively, the most serious
discipline problems as perceived by
the students. Gambling, lying,
persistent lateness, vulgar language,
cheating, disrespect to teachers,
fighting, forging passes or excuses,
smoking and truancy were no longer
considered to be serious offenses.

The fairness of the disciplinary
action taken for each infraction
seemed to indicate that in most
of the conduct situations the
disciplinary action taken was fair
except in specific conduct situations
of disrespect to teachers, forging
passes or excuses, lying, persistent
lateness and stealing.

The effectiveness of the disciplinary
action taken seemed to indicate that
in most of the conduct situations
the disciplinary action taken was
effective, except in the specific
conduct situations of gambling,
lying and stealing.
The relationship between the seriousness of each infraction and the fairness of the disciplinary action taken seemed to indicate that except for disrespect to teachers, forging passes or excuses, lying, persistent lateness and stealing, there were consistency and fairness between the perceived seriousness of the offense and the perceived fairness of the disciplinary action taken.

There was no discrepancy between the perceived fairness of the disciplinary action taken and the effectiveness of the disciplinary action taken for all the conduct situations.
Disciplinary sanctions against college and university students in the United States have customarily been imposed—regardless of the severity of penalties—by college administrators or faculty members who commonly acted summarily, often with little consideration for procedural considerations commonly associated with the concept of due process. Two basic reasons have been forwarded for the denial of procedural safeguards to students in such actions:

1. Disciplinary proceedings have consistently been described as civil, rather than criminal actions; and

2. The in loco parentis theory and the contract concept of student-college relationships have both
served to support the denial to students of both procedural and substantive rights protected by the U.S. Bill of Rights and the fourteenth amendment under other circumstances.

In 1961 the Fifth United States Court of Appeals utilized the case of Dixon v. Alabama (294 F.2d 150) to declare that students at tax-supported colleges are entitled to notice and rudimentary hearing before they may be denied their status as students. Dixon effectively opened the federal courts to appeals by students claiming to have been denied constitutional rights by arbitrary administrative action. It also substantially laid to rest the in loco parentis and contract concepts of student-college relationships at tax-supported institutions. Subsequent federal court decisions have expanded the import of the Dixon
doctrines as applied to procedural rights. At the same time, other federal courts have expanded the rationale to bar denial of first amendment rights to college students. Numerous efforts to expand the constitutional rights rationale to embrace private colleges have failed.

This work examines the profound change which has come about in the nature of higher education in the United States in the past century, pointing up the increased value and importance of college-student status in recent decades; it summarizes various legal concepts which have been utilized to describe the relationship between the college and the student. It analyzes Dixon and subsequent decisions which have greatly expanded the legal rights of students in all tax-supported schools, and draws a number of conclusions which seem justified by the evidence presented.
Reporter System from 1960-1970, a study of the law codes of each state to determine the existence of legislation in the area of privileged information, a study of Attorney General Opinions of the several states for related decisions, and a study of the writings and statements of professional organizations and experts in the field.

Some of the most significant findings of the study are as follows:

(1) There is a growing concern among students, faculty, and particularly student teachers, as to the types of information going into their personnel files, and to whom this information is being released;

(2) Many educational institutions do not have carefully considered and clearly established policies regarding the collection, use, and release of confidential records;
(3) Many colleges and universities are releasing information about students without their consent or knowledge;

(4) Many schools have not instituted proper safeguards to protect personnel records from inspection by unauthorized personnel;

(5) Most states have no legislation to guide schools in the area of privileged information;

(6) Many people handling student records have no legal knowledge of the implications of their responsibilities;

(7) Only the concept of conditional privilege applies to the field of education in most cases;

(8) Parents have the right to examine any and all records possessed by a school district pertaining to their children.

(9) The release of information to prospective employers is
conditionally privileged in the absence of malice;

(10) Letters of recommendations are conditionally privileged in the absence of malice;

(11) Teachers have the right to examine their personal files;

(12) Teachers are public officials within the meaning of the Sullivan Rule.
Sullivan, Maurice Michel, Ph.D.

**Academic Freedom in Historical-Legal Context.** Miami University, 1971. (Order No. 71-25,529)

**Problem**

The three-fold purpose of this study was to:

1. Analyze the historical-legal development of academic freedom in the United States;
2. Ascertain the contemporary legal status and definition of classroom academic freedom; and
3. Make recommendations to public school administrators for the purpose of creating a broader understanding of education's legal role in the democratic society.

**Method**

The historical-legal method of research was employed in this study. Cases of record, empirical data, significant decisions of the AAUP and related litigation were
scrutinized for the purpose of determining the legal status of academic freedom as applied to the public classroom scene at all instructional levels from the elementary school through the university. Related constitutional issues as well as the due process and tenure concepts were reviewed as they represented the major legal support areas for the operation of intellectual liberty.

Findings
Some of the major findings were:

(1) The relationship of academic freedom to colonial religion, Civil War issues, Darwinism, Academische Freiheit--the German influence--economic heresy, and loyalty.

(2) Fundamental changes in social direction and significant dismissals of professional scholars have both helped to shape the development of academic freedom.
(3) Academic freedom is emerging as a constitutional right in the early 1970's.

Conclusions

Some of the major conclusions were:

(1) A gradual liberalization of academic freedom has occurred since the founding of Harvard College in 1636.

(2) Academic freedom is often permitted or suppressed according to the conditions which characterize the larger society.

(3) Academic freedom is justified legally or constitutionally when viewed as an interest of society rather than a privilege established for the sole use of educators.

(4) Legal principles derived from the Constitution and related to academic freedom apply equally to all levels of public education.

Recommendations

The writer listed recommendations under the following headings:
(1) general; (2) for the classroom; (3) for teachers; (4) governing boards and administrators; (5) elementary and secondary education; (6) higher education; (7) due process; (8) tenure.

Some of the major recommendations were:

(1) Policy, or a set of guiding principles, should be developed by every educational institution or system so that a method of dealing with the repercussions of controversial issues is readily available.

(2) Teachers at all instructional levels should attempt to establish an atmosphere of free inquiry in their classrooms in order to better serve the interests of the democratic society.
Problem

The problem of this study was:

(1) to measure the knowledge
    of Utah high school seniors in
    reference to concepts of law applicable
    to them;

(2) to measure their attitudes
    pertaining to such legal concepts;

(3) to reflect comparisons
    between differing sociological youth
    groups, urban and rural, small and
    large schools in respect to law; and

(4) to ascertain whether a
    formalized basis for early legal
    education existed. Perspective on
    certain questions was also sought:
    common reasons for trouble with
    law, types of violations, perception
of non-identity in news media, persons and groups influencing legal understandings, media impact, most important purposes and sources for law, viewpoint on society's freedoms and restrictions, and the relationship of parental occupations to youth problems.

Procedure

1,259 seniors participated.

An instrument was designed with the following data items: background information, questions on youth law, experience with law, the purposes of law, and regard for law and its enforcement.

Findings and Conclusions

Validation of relevant hypotheses to the study was as follows:

(1) Inconclusive evidence was derived for supporting the hypothesis that seniors with a better knowledge of law have fewer difficulties with law.
(2) Invalidation was derived for the hypothesis that seniors have a negative attitude toward law applicable to them.

(3) The hypothesis that differences in the understanding of law exist between rural and urban seniors was invalidated.

(4) No significant differences in understanding law, as between seniors of large schools and small schools, was determined.

(5) The respondents indicated support for the hypothesis: "a formalized basis for early legal education exists." Substantive legal instruction was perceived as a need, particularly in social studies courses.

(6) Concerning the supplemental questions, the most significant findings were that (a) socio-emotional reasons (group pressure, authority defiance, attention-getting, etc.) were perceived as
influential trouble factors over knowledge deficiency; (b) traffic tickets, jeopardy of self, and theft were the most common violations; (c) seniors favored non-identity when in trouble; (d) parents and friends ranked the highest as personal legal sources; and; (e) senior-perceived purposes of law centered around order maintenance.

Recommendations

It was recommended that:

(1) Early legal education units be constructed within existing secondary courses, supplemented by in-service, workshops, institutes, simulated experiences, and selective staffing.

(2) Community citizen involvement be more pronounced in reducing lawbreaking incidence and not just information transmission.

(3) The true "services" role of
law enforcement be emphasized in
the curriculum.

(4) Law enforcement agencies
train for work with youth in
professional university departments
designed for that purpose.

(5) Coordination among interested
social agencies be developed.

(6) Crucial court decisions be
clarified to define school
administrative and judicial relationships.
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