

DOCUMENT RESUME

ED 116 754

JC 760 073

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 TITLE South Carolina TEC Student Code.
 INSTITUTION South Carolina State Board for Technical and
 Comprehensive Education, Columbia.
 PUB DATE 13 Mar 74
 NOTE 18p.
 EDRS PRICE MF-\$0.76 HC-\$1.58 Plus Postage
 DESCRIPTORS Civil Liberties; Discipline Policy; Due Process;
 Junior-Colleges; *School Policy; *State Standards;
 *Student Behavior; Student College Relationship;
 Student Government; Student Records; *Student Rights;
 *Technical Institutes
 IDENTIFIERS *South Carolina

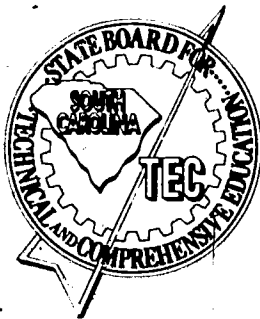
ABSTRACT

This student code has statewide application to South Carolina Technical Colleges and Technical Education Centers (TEC). Provisions are divided into eight articles: (1) General Provisions, including the purpose of a student code, the precept of internal solution of problems, and definitions; (2) Student Rights, including Bill of Rights protections; (3) Student Rights in the Classroom, including procedures for the conduct of classes, academic evaluation, nondisclosure of student views, appeals, and academic discipline; (4) Student Government; (5) Student Gatherings; (6) Student Records; (7) Proscribed conduct; (8) Rules of Student Disciplinary Procedure and Sanctions, including descriptions of the student-faculty behavior committee, and the special hearing committee, and procedures of sanctions, complaints, suspensions, and appeals. (NMM)

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SOUTH CAROLINA TEC

STUDENT CODE

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**STUDENT CODE
FOR
SOUTH CAROLINA TECHNICAL COLLEGES
AND TECHNICAL EDUCATION CENTERS**

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ARTICLE I

GENERAL PROVISIONS

Section 1.01 Purpose

TEC students are both citizens and members of the academic community. As members of the academic community, students are subject to the obligations which accrue to them by virtue of this membership. As members of the larger community of which the TEC Institution is a part, students are entitled to all the rights and protection enjoyed by other members of that community. By the same token, students are also subject to all civil laws, the enforcement of which is the responsibility of duly-constituted civil authorities. It should be emphasized that when a student's violation of the law also adversely affects the TEC Institution's pursuit of its recognized educational objectives, the TEC Institution may enforce its own regulations regardless of any civil proceedings or disposition. When a student violates a TEC Institution regulation, he is subject to disciplinary action by the TEC Institution whether or not his conduct violates civil law. If the person's behavior simultaneously violates both a TEC Institution regulation and the civil law, the TEC Institution may take disciplinary action independent of that taken by civil authorities. When a student violates civil law off campus, he may incur penalties prescribed by civil authorities. In such instances, TEC Institution discipline will be initiated only when the presence of the student on campus will disrupt the educational process of the institution.

Section 1.02 Internal Solution of Problems

It is a principle of the TEC Institution to solve problems internally whenever possible. Students and TEC Institution officials should always seek dialogue first for the solution of problems and then utilize other internal TEC Institution channels. Ordinarily, off campus law enforcement and judicial authorities should not be involved by the TEC Institution while any reasonable possibilities for internal solution remain.

Section 1.03 Definitions

When used in this code, unless the content requires other meaning,

- (a) "TEC" means Technical College and/or Technical Education Center.
- (b) "Director" means the director or president of the local TEC Center/College.
- (c) "Dean" means the Dean of Students or Dean of Student Services of the TEC Institution his delegate or his representative.
- (d) "Student" means a person taking courses at the TEC Institution either full or part-time, or extension studies, or a person accepted for admission or readmission to the TEC Institution.
- (e) "Instructor" means any person employed by the TEC Institution to conduct classes. In certain circumstances, a person may be both a "student" and an "instructor".
- (f) "SGA" means the Student Government Association of the TEC Institution.
- (g) "Violation of law" means a violation of any law of the United States or any law or ordinance of any state or political subdivision thereof having jurisdiction over the place in which the violation occurs.
- (h) "Administrative Officer" means anyone designated at the TEC Institution as being on the administrative staff such as President/Director, Dean of Students, or Student Services, Dean of Instruction or Business Manager.

ARTICLE II

STUDENT RIGHTS

Section 2.01 Nondiscrimination

There shall be no discrimination in any respect by the TEC Institution against any student, or applicant for admission as a student, based upon race, religion, national origin, or sex. Student organizations granted permission to use the name of the facilities of the TEC Institution or receiving any special services from the TEC Institution shall have membership policies requiring choice of members without regard to race, religion, national origin, or sex.

Section 2.02 Freedom of Speech and Assembly

Students shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner.

Section 2.03 Freedom of the Press

Students in their publications are entitled to the full protection of the constitutional right of freedom of the press, including the constitutional limitations on prior restraint and censorship. An editorial board consisting of representatives from publications staffs, students-at-large, faculty, and administration shall be appointed for one-year terms. The duties of this board will include establishing and safeguarding editorial policies. Two representatives from each publication's staff will be appointed by the publication editor (the editor may appoint himself as one representative); two student-at-large representatives will be appointed by the SGA; two faculty representatives will be recommended by the Dean of Instruction and appointed by the Director; and one administrator will be appointed by the Director. The board will select its own chairman. Reasonable and nondiscriminatory rules and regulations may be promulgated regarding the posting of signs and notices, the distribution of commercial advertising materials and the solicitation of funds.

Section 2.04 Protection Against Unreasonable Searches and Seizures

Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. TEC Institution security officers or administrative officers may conduct searches and seizures only as authorized by law.

Section 2.05 Student Representation in TEC Government

Students should be meaningfully represented on campus committees, and other formally constituted bodies that formulate policy for adoption; make policy decisions or implement policy affecting students that govern student activities and conduct.

Section 2.06 Due Process

Due process of law is recognized as essential to the proper enforcement of TEC Institution rules, and accordingly, no disciplinary sanction may be imposed on a student or an organization by or in the name of the TEC Institution except in accordance with the provisions of this code.

Each student charged with misconduct which could result in suspension or expulsion shall have and be informed of his right to a fair hearing before the STUDENT-FACULTY BEHAVIOR COMMITTEE (described in Article VIII. Due Process procedures include, but are not limited to:

- (a) A written statement of the time and place of the hearing and of the charge against him together with a written statement of his basic procedural rights shall be personally served or sent by registered mail to the student's last known address at least seven days prior to the date set for the hearing.
- (b) The right to be represented at the hearing by an attorney or any other representative of his choice from within or without the TEC Institution community.
- (c) The right to request, in writing, the President/Director to disqualify any member of the Committee for prejudice or bias. (The written request must contain reasons). If such disqualification occurs, the director, after consulting with the appropriate nominating body, shall appoint a replacement for that hearing.
- (d) The right to be informed of the identity of the person initiating the charges against him and the right to hear witnesses against him and, subject to reasonable rules of procedure, the right to cross-examine such witnesses either personally or by his representative.
- (e) The right to produce witnesses in his own defense.
- (f) The right to testify in his own behalf, or to refuse to testify without such refusal being construed against him.
- (g) A written statement of the Committee's decision including findings of fact and a statement of the sanctions recommended if the Committee finds the student guilty.
- (h) The right to appeal to the President/Director who will review the hearing transcript and Committee deliberations and then render a final decision.
- (i) Assurance that decisions of the Committee are based only on evidence introduced at the hearing.

ARTICLE III STUDENT RIGHTS IN THE CLASSROOM

Section 3.01 Conduct of Classes

Discussion and expression of all views relevant to the subject matter is recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. If a student behaves disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may temporarily dismiss the student from the class and refer the matter to the Dean of Students and to the Dean of Instruction.

Section 3.02 Academic Evaluation

Academic evaluation of student performance may be neither arbitrary nor capricious and shall be made on the basis of previously announced criteria.

Section 3.03 Nondisclosure of Student Views

Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential and is not to be disclosed to others without the prior written consent of the student involved or under legal compulsion.

Section 3.04 Appeals

Any student claiming he has been improperly disciplined under the provision of Section 3.01 may appeal to the Dean. The complaint will be resolved through consultation with the person against whom the complaint was lodged, the appropriate department, or the administration. If the student is dissatisfied with the results, he may appeal to the President/Director.

Section 3.05 Academic Discipline

The basis for student grading will always be the result of the student's achievement. "Marking down" as a disciplinary practice for action or behavior unrelated to achievement in a course will not be employed.

ARTICLE IV STUDENT GOVERNMENT AND STUDENT ORGANIZATIONS

Section 4.01 Student Government

The TEC Institution Student Government Association's constitution, as approved by the Area Commission, establishes the governing bodies for students of the TEC Institution. Amendments to the constitution require approval as stipulated in the SGA constitution.

An essential prerequisite for a student organization to be approved by the SGA is that it have an educational import and that its objectives be clearly explained in a proposed charter. (The formation of organizations strictly as social clubs should be discouraged).

ARTICLE V STUDENT GATHERINGS

Section 5.01 Student Rallies

The term "student rallies" as used herein means (1) any assembly, protest, parade or procession involving more than twenty-five participants, or (2) any such activity involving fewer than twenty-five participants if sound amplification equipment is used. Any rally on campus must be approved in advance by the President/Director of the local center.

Any student who, acting either singularly or in concert with others, obstructs or disrupts, regardless of whether violence or force is involved, any teaching, administrative, disciplinary, public service, research, or other activity authorized or conducted on the campus of a TEC Institution will be subject to disciplinary action, which may include expulsion.

In addition to administrative action, any person who violates civil or criminal laws will be turned over to the appropriate authorities.

Section 5.02 Procedures Related to Disruptions

In the event of illegal or disruptive activity on the TEC campus, the President/Director of the center or his official representative will request those involved in the "disturbance" to either leave the campus or go about their business according to the dictates of the regulations concerning uses and presence on the campus, further announcing that failure to comply (in effect to disperse) would result in local law enforcement action to enforce South Carolina Code Section 16-551.

In pertinent part, Section 16-551 provides:

It shall be unlawful:

(1) For any person willfully or unnecessarily (a) to interfere with or disturb in any way, or in any place the students or teachers or any school or college in this State, (b) to loiter about such school or college premises, or (c) to act in an obnoxious manner thereon; or (2) For any person to (a) enter upon any such school or school premises, or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.

ARTICLE VI STUDENT RECORDS

Section 6.01 General

The privacy and confidentiality of all official student and former student records shall be preserved. Student records shall be maintained and safeguarded in fireproof cabinets by the Office of Student Services.

Separate record files may be maintained for the following categories: (1) academic, (2) disciplinary; (3) medical, psychiatric, and counseling; (4) financial aid, and (5) placement. When justified by legitimate law enforcement needs, the campus security agency may maintain confidential records relating primarily to its investigative function.

Section 6.02 Disciplinary Records

Records of disciplinary action shall be maintained in the Office of the Dean of Students.

No record of disciplinary action shall be entered or made on the student's academic records except when he is expelled or while he is suspended. Upon the expiration of any period of suspension, the entry with respect thereto shall be entirely removed from the student's academic record. The disciplinary records in the Dean's office, other than records pertaining to students expelled from the TEC Institution, shall be periodically destroyed to assure that such records are not maintained for more than five years after he completes his work at the TEC Institution or transfers or withdraws from the TEC Institution.

Section 6.03 Confidential Character of Records

No information in any student file may be released to anyone without the prior written consent of the student concerned or as stated below:

(a) Member of the administration and instructors may have access for legitimate educational purposes as well as routinely necessary administrative and statistical purposes.

- (b) Only when the need necessitates it, an inquirer may be advised of the fact that an individual is enrolled as a student and may be furnished published address and telephone number.
- (c) Information contained in a student's record in addition to that described in subsection b above will not be released to anyone without the expressed consent of the student or in response to a court subpoena.
- (d) Parent of minor students may be furnished information from any file of their minor children.

Section 6.04 Treatment of Records Following Graduation or Withdrawal

Upon graduation or withdrawal from the TEC Institution, the records of former students shall continue to be subject to the provisions of this code.

ARTICLE VII PROSCRIBED CONDUCT

Section 7.01 General

The following conduct is proscribed and upon violation of such proscriptions, a student shall be subject to one or more of the sanctions specified in Section 8.03. However, it is expected that the more severe sanctions of suspension and expulsion will be imposed sparingly and only for more extreme or aggravated violations or for repeated violations.

- A. Academic dishonesty in all its forms including, but without being limited to, cheating on test, plagiarism, and collusion.
 - 1. Cheating on tests includes:
 - (a) Copying from another student's test paper.
 - (b) Using materials during a test not authorized by the person giving the test.
 - (c) Collaborating with any other person during a test without authority.
 - (d) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test.

- (c) Bribing any other person to obtain an unadministered test or information about an unadministered test; and
 - (f) Substituting for another student or permitting any other person to substitute for oneself, to take a test.
2. "Plagiarism" means the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.
 3. "Collusion" means the unauthorized collaboration with any other person in preparing work offered for credit.
- B. Falsifying any information with intent to deceive.
 - C. Falsifying any information to the Student-Faculty Behavior Committee with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Student-Faculty Behavior Committee when properly notified to appear.
 - D. Forgery, alteration, or misuse of the TEC Institution documents, records, or identification cards.
 - E. Physically abusing or intentionally inflicting severe emotional distress upon another member of the TEC Institution community occurring on campus; or physically abusing or intentionally inflicting severe emotional distress upon a non-member of the TEC Institution Community on the campus.
 - F. Theft or malicious destruction, damage, or misuse of the TEC Institution property, or private property of another member of the TEC Institution community whether occurring on or off campus; or theft, or malicious destruction, damage, or misuse on campus of property of a non-member of the TEC Institution community.
 - G. Engaging in any activity designed to disrupt the educational process of the Institution.
 - H. Holding of student rallies in violation of time, place, and manner regulations.
 - I. Unauthorized entry upon the property of the TEC Institution or into a TEC Institution facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized

- presence in any TEC Institution facility after closing hours; or unauthorized possession or use of a key to any TEC Institution facility.
- J. Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the TEC Institution.
 - K. Possession, use, or distribution on campus of any narcotic, dangerous, or unlawful drugs or alcoholic beverages as defined by the laws of the United States or the State of South Carolina.
 - L. Violation of administration approved Institution policies or South Carolina and federal laws while on campus or off campus when participating in an Institution sponsored activity.

ARTICLE VIII RULES OF STUDENT DISCIPLINARY PROCEDURE AND SANCTIONS

Section 8.01 Student-Faculty Behavior Committee

There shall be established at each TEC Institution a Student-Faculty Behavior Committee (hereinafter referred to in this Article as the Committee). The central function of the Committee will be to hear contested cases involving students who have been charged with infractions that may result in disciplinary action and to make recommendations to the Institution administration.

Section 8.02 Membership

The committee shall consist of three faculty and three full-time students. The faculty members shall be designated by the President/Director upon the nomination of the Dean of Instruction. The students shall be designated by the President/Director upon the nomination of the SGA. The chairman of the committee shall be appointed by the President/Director. A member of the staff of the Dean of Students' Office shall be an ex-officio, non-voting member of the committee.

Section 8.03 Sanctions

The committee may, in appropriate cases, recommend the following sanctions: A written reprimand; an obligation to make restitution or reimbursement; an obligation to perform up to twenty-five hours of uncompensated work for the Institution; suspension in abeyance, suspension or termination of particular student privileges; suspension from the Institution; expulsion from the Institution; or any combination or other sanction.

Section 8.04 Special Hearing Committee

- A. If a committee determines that it cannot deal adequately and promptly with a number of violations arising from a single incident or series of incidents involving alleged student misconduct, the committee may petition the President/Director to establish one or more special hearing committees.
- B. Upon receipt of a petition, the President/Director may establish such hearing committees consisting of six members, three faculty and three students, following the procedures applicable to establishment of the committee.
- C. Special hearing committees shall have jurisdiction to hear those cases assigned to them by the committee. Hearings shall be conducted under the rules of procedure applicable to hearings before the committee. After hearing the evidence, the special committee shall submit to the committee the findings of fact concerning the alleged misconduct and the sanctions recommended to be imposed.
- D. On these findings and recommendations and upon such further hearing and argument as the committee may allow (including a complete rehearing if the committee, in its discretion, deems such rehearing appropriate), the committee shall recommend appropriate sanctions.

Section 8.05 Complaints

- A. A complaint against any member of the TEC community involving a student, either as complaint or defender, may be filed at the office of the Dean of Students.
- B. The Dean shall assign a member of the professional staff to make preliminary investigation to determine whether the charges are significant or whether they may be disposed of informally by the Dean without the initiation of disciplinary proceedings. (If the charge is against an Institution employee, the Dean may deal with the matter through consultation with the person against whom the complaint was made, the appropriate department head, or the administration. Final resolution will be made at one of the aforementioned levels).
- C. After investigation of complaint against a student, the Dean may take action by dropping the charges, prescribing a penalty, or referring the student to the appropriate counseling agency of the Institution. Such action on the part of the Dean is conditioned upon the student's accepting the judgment prescribed in the decision. (If the student disagrees with the Dean's decision, the case will then go before the Committee).

- D. If the Dean determines the alleged misconduct cannot be resolved informally, he shall, after consultation with the chairman of the Committee, refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name and address of the complainant, the name and address of the person against whom the complaint has been filed, and the relevant facts revealed by the preliminary investigation.

Section 8.06 Procedure

Hearings before the Committee shall be confidential and shall be closed to the public.

The Committee may, in its discretion, request that the administration appoint counsel to serve as an advisor (only) during the proceedings. The Committee shall have the authority to recommend supplementary rules of procedure consistent with the above requirements and may, on request, render written advisory opinions concerning the meaning and application of this code, or of rules and regulations promulgated pursuant to this code. Such rules and opinions shall be published and be available to any members of the TEC Institution community in the office of the Dean of Students.

Section 8.07 Pending Criminal Proceedings

If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration by said authorities, the Committee should ordinarily recommend to postpone action on the same complaint until there has been disposition of the criminal charge or of the consideration of filing such charge. However, the Committee may proceed to hear and decide the case prior to the disposition of pending or threatened criminal charges in either of the following instances:

- (1) If the student so requests in writing, or
- (2) If the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well-being of the student himself or of other members of the TEC Institution community.

If in any such proceeding before the Committee, there is a determination of guilt and if the subsequent criminal proceeding results in a judgment of acquittal, the student may petition the Committee to review his case.

Section 8.08 Deliberations and Decisions of the Committee

Upon completion of the hearing of any matter before the Committee, the Committee shall meet in executive session to determine the guilt or innocence of the student charged with misconduct and, if guilty, the sanction to be recommended to the administration. The Committee may conduct a separate hearing on matters relating to appropriate sanctions following a determination of guilt.

The Dean or President/Director shall notify the student in writing of the Committee's determination of guilt or innocence of misconduct and, if guilty, of the sanction imposed within 25 hours after the decision has been reached.

The letter shall be sent to the parent or guardian of the student if he is a minor unless the Committee recommends, on the request of the student, that there are special circumstances which make it inappropriate to notify the student's parents or guardian.

Section 8.09 Administrative Suspension

- A. If an act of misconduct which threatens the health or well-being of any member of the academic community or seriously disrupts the function and good order of the TEC Institution, an administrative officer may, in his discretion, direct the student or students to cease and desist such conduct and advise the student that if he fails to cease and desist such conduct, he will be forthwith suspended. If the student or students fail to cease and desist, the administrative officer may then forthwith suspend the student from the TEC Institution until a determination of the matter can be made.
- B. The administrative officer invoking such administrative suspension shall notify the office of the Dean of Students in writing the name of the student, the nature of the conduct, and his decision to invoke the administrative suspension sanction before 5:00 P.M. of the first class day following the imposition of such sanction; provided, however, that if immediate identification of the student or students is impossible, such notice shall be given within 24 hours after identification has been determined.

Section 8.10 Appeals

Within seven days of the receipt of notice of the Committee's disposition of his case, any principal in the case may appeal the decision of the Committee to the President/Director. Such notice shall be in writing and shall not be subject to any other formal requirements except reasonably to express his desire to appeal the decision. Upon receipt of such notice, the President/Director shall advise the chairman of the Committee and the Dean that such an appeal has been filed. They shall then make the record of the proceedings available to the President/Director.

The President/Director may give the appellant an opportunity to present his reasons for the appeal and if, in the President/Director's discretion it is desirable, he may hear from the Dean and representatives from the Committee. After hearing the student and such others as the President/Director deems appropriate, he may modify the decision of the Committee.

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