

Sigma Chi Court Case Continuing at Colorado

By Collegiate Press Service

BOULDER, Colo.—An attempt by the University of Colorado to bring a swift conclusion to its court fight with Sigma Chi fraternity has failed.

A special three-judge federal court panel last week denied a motion for a summary judgment filed by the university's attorney. The motion asked that the case be dropped since there "is no issue of material of fact" in the case.

The case has gained widespread attention because it is the first known time that a fraternity has sued a university to protect its status on campus. The national Sigma Chi organization brought the suit in behalf of its Boulder chapter after the chapter was placed on probation by the university for alleged discriminatory practices.

Aside from testing the actual issues in the case, the suit raises a question seldom litigated—the scope of authority of a governing body of a state-supported institution of higher learning.

QUESTION OF RIGHTS

Observers feel that more is at stake for the Colorado regents than the mere ability to require fraternities to have non-discriminatory membership policies. If Sigma Chi, they ask, has rights to freedom of association and action which cannot be regulated by the regents, do all students have similar rights?

These observers say that if a federal court finds that the regents cannot regulate Sigma Chi, then it would seem to follow that the regents are without power to regulate any aspect of the university except the academic departments and the use of the physical plant.

The university hoped to end the suit quickly by asserting its right to regulate campus social organizations. Raphael Moses, the university attorney, told the court that "there is no doubt" that the regents are empowered to make rules regulating fraternities.

Moses said the Colorado constitution and the Colorado legislature "make it abundantly clear that the rule is within the authority of the regents on two grounds: their traditional powers based on the doctrine of 'in loco parentis' and their more recent obligation to see that the desegregation clauses of federal legislation are followed."

'DUE PROCESS DENIED'

Fred Winner, the fraternity's attorney, not only challenged the right of the regents to impose membership regulation on the fraternity but said the group had been denied due process as well.

Then Winner launched into a strong plea for the doctrine of "freedom of association." This new constitutional concept, Winner said, "restricts state interference with private organizations."

Winner said he believed the right of private organizations to freedom of association was "almost absolute."

The three-judge panel, which had been convened just to hear testimony on the university's motion, did not rule on any of the facts in the case. The judges were only required to decide whether or not a point of law is involved that would require a trial.

The case is now set for trial sometime in the summer or early fall.

Federal Office Probes College Race Discrimination

By Collegiate Press Service

WASHINGTON — The U.S. Office of Education is again seeking to determine the extent to which colleges and universities have complied with the Civil Rights Act of 1964.

Earlier this year when the Office's National Center for Educational Statistics asked for race information on its general enrollment questionnaires, it received approximately 100 refusals plus criticism for requesting such data.

A questionnaire, now being prepared by the Office's Equal Education Opportunities division, is designed strictly to elicit race information.

All Equality

The questionnaire is intended to show whether Negro students are being treated equally in regard to housing, fraternities, other social organizations, social regulations, scholarships, athletics, and recruiting.

A spokesman for the EEO division said the questionnaire would be mailed "probably within the next month" to the presidents of all colleges and universities and should be returned within 30 days.

The spokesman explained that the statistics center did not have the authority to request race in-

formation as the EEO does.

The EEO's basic job is to see that all educational institutions adhere to Title VI of the Civil Rights Act or otherwise lose their federal financial assistance.

Barring of race data to the Office of Education by universities left the office in a quandary over how to obtain information which it claims it needs to determine how minority groups are doing in higher education.

'Play God'

Typifying the complaints against the statistics center's questionnaire was that of Syracuse University's registrar who accused the Office of Education of wanting him to "play God in determining who was black, yellow, red, or white." He said it would be a violation of state and federal law to obtain the race of each student "not to mention a higher moral law."

Among other universities that barred racial data were Cornell, St. John's, Rutgers, Columbia, and the University of California at Berkeley.

The EEO spokesman explained there is substantial compliance among higher education institutions compared with elementary

and secondary schools and that the office expects only a few isolated complaints about the questionnaire.

The ones who really get annoyed, the spokesman said, are the institutions who have traditionally pursued an open policy and who probably do not keep statistics on numbers of non-white students in various activities. The EEO office expects to allow these institutions to estimate figures in its answer.

The EEO office feels, however, that Southern institutions will still be so self-conscious about non-white students on the campus that they will have little trouble in answering the questionnaire.

Architect, Critic To Visit University

A noted architect and a Portland film critic will be guests this week of the School of Architecture and Allied Arts.

Andries Deinum, an associate professor in humanities and film consultant with the Division of Continuing Education in Portland, will give a public lecture at 3 p.m. today in 106 Lawrence. "Cooling Down a Hot Medium, or the Film vs. Other Arts" is the title of the lecture.

Deinum has worked in various capacities on film crews in the making of documentary films as well as in Hollywood studios. He now teaches film history at Portland State College.

Pittsburgh architect John Simonds will also give a public lecture at the University at 8 p.m. today in 106 Lawrence. "The Design of Places and Spaces" will be the topic of his discussion.

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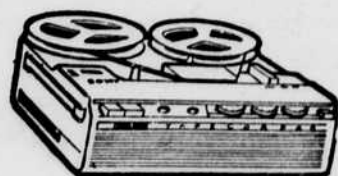
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