

ASSEMBLY EDUCATION COMMITTEE MINUTES

MARCH 4, 1975

MEMBERS PRESENT: Chairman Wittenberg  
Vice Chairman Polish  
Mr. Coulter  
Mr. Chaney  
Mr. Vergiels  
Mr. Lowman  
Mr. Weise

MEMBERS ABSENT: None

GUESTS: Neil D. Humphrey, Chancellor, University of Nevada System  
Brock Dixon, University of Nevada System  
Richard Morgan, NSEA  
W. R. Martini

Chairman Wittenberg called the meeting to order for the purpose of hearing AB 305, which prohibits certain persons access to University of Nevada campus.

Mr. Dixon, Vice President for Administration, UNLV, representing the University System spoke on behalf of the bill. Mr. Dixon stated that although this was not a major or vital issue, it would remove an annoyance and they feel that it is in the public interest and safety.

At the present time, if someone has been expelled and banished from the campus, that person still can return to the campus with out any further punishment. All the campus polich can presently do is read him the statutes and ask him to remove himself from the campus. Should the person do this quietly there is nothing further than can be done. He can do this over and over again and each time the police can only read him the statute and ask him to leave.

Mr. Dixon stated that they do not lightly expell or banish anyone from the campus but they would like this bill as it would be a remedy for that person who does come back time and time again.

Mr. Dixon further stated that the University campuses are an attractive place for young people to gather and just because someone has been expelled and removed from the campus does not mean that he will stay away. They feel that this bill would be good to have on the records so that an order of banishment would be more effective.

Chairman Wittenberg asked if this bill had been prompted by any particular case. Mr. Dixon stated that it hadn't actually been because of any particular case but there have been about 3 cases where they could have use this authority.

Mr. Coulter asked Mr. Dixon to cite an example. Mr. Dixon stated that previously they have had to expel a student for fights and this person has returned several times and has had several more fights, the last of which was just about a week ago with a coach on the UNLV campus. No charges were pressed but with this bill they could have handled it more effectively.

Mr. Coulter stated that he really wondered if this bill was really necessary in that he never felt that the campus police were all that busy that they couldn't handle the few cases involved.

Mr. Dixon stated that he did not feel that this was really the point but rather to have some sense of good order and not be undermined by the rights of these people to come back again and again.

Mr. Coulter questioned the University's right to deny access. Mr. Dixon stated that they have this authority at the present time in this state but it does not work because all they can do is ask the person to go away.

Mr. Coulter asked if they believed that they could get any convictions. Mr. Dixon stated that they were not really interested in getting convictions but rather they would rather have the law on the books in case they really need it. They feel that it would be a deterrent just to be on the books. The possibility of a conviction is a credible threat.

Mr. Wittenberg asked if there was a possibility of using this in the case of student unrest or demonstrations on campus. Mr. Dixon stated there were so many procedural safeguards surrounding the action of expulsion of a student that they feel this would not occur. There are 26 pages of procedural safeguards they must abide by.

Mr. Coulter asked if this would be in conflict with the Constitutional right against double jeopardy in that the person had already been punished by the expulsion. Mr. Dixon stated that the offense would not be the expulsion but for coming back on campus in complete disregard to the expulsion order.

There was a general discussion on this point among the members of the committee.

As there was no further testimony on AB 305, Chairman Wittenberg concluded the hearing.

Chairman Wittenberg then presented the committee with copies of BDR 341-1170 and asked for the committee's feelings on this as a committee introduction. Mr. Lowman moved for committee

ASSEMBLY

AGENDA FOR COMMITTEE ON..... EDUCATION.....

Date..... March 4, 1975..... Time..... 3:00 p.m..... Room..... 336.....

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Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

AB 305

AN ACT relating to crimes and punishments;  
prohibiting the return to the University  
of Nevada campus of persons denied access  
thereto for certain periods; providing  
penalties; and providing other matters  
properly relating thereto.

\*Please do not ask for counsel unless necessary.