

# Board of Trustees In A League of Its Own

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Turning Point, University Park.

by Hal Saville

Penn State is the state's largest public university, boasting more than \$640 million worth of property and a community of more than 50,000, including students, faculty and staff. As a new decade nears, we must ask who will determine the nature and purpose of the University. Just as William Carlos Williams referred to modern America as travelling without purpose into the future with "no one to drive the car," we should ask who will be steering the University into the future. What sort of citizen will the University produce from its students?

The charter of the Farmer's High School of Pennsylvania established the board of trustees in 1855. Written for a small 19th century school that taught teenagers to be good farmers, the charter has grown obsolete, never anticipating the school's growth during the past 124 years.

The board of trustees still

makes all major University policy decisions. Trustees decide what is taught, what research is done, and how money is spent.

Sitting on the board are 27 voting and five non-voting members. Voting members include six appointed by the governor, nine elected by alumni, and six each elected by state agricultural and industrial societies. The five non-voting members include the governor, the university president, and state secretaries of education, agriculture and environmental resources. Only one voting member, appointed by the governor, is a student. Students have no influence on who is selected to the board.

Although Penn State students are voting members of the United States, and pay between 20 and 30 percent of University operating funds, the board does not consider them responsible enough to elect trustees. In response five students filed suit against the board in 1977, challenging the legitimacy of the trustee selection process.

The suit was prompted by the board's refusal to let Penn PIRG, a consumer protection group,

collect funds through a tuition billing arrangement. Ralph Nader, a supporter of the PIRG effort, charged that the trustees' conflicts of interest had led them to stop PIRG from becoming active in Pennsylvania. He accused the agricultural and industrial societies and some trustees of political ties with Pennsylvanian corporations that PIRG might investigate. Although PennPIRG investigations discovered possible abuses of power by trustees, no lawsuits resulted and the PIRG effort soon died. Instead, the five students questioned the election process for alumni, agricultural and industrial trustees.

Initiating the suit were PennPIRG member Jim Scarantino, Ralph Nader, and Washington lawyer, Alan Morrison. Morrison directs the Public Citizen Litigation Group, a branch of Nader's Public Citizen organization. The group specializes in class action suits, those protecting the rights of citizen groups, and is covering all expenses in the student suit.

Because the legal process is slow, Morrison tried to make their suit a classaction suit

representing all PSU students. Then the suit would not be nullified if the five students graduated before the case resolution. The motion was denied, however, and after three years, only two of the five students — a senior and a sophomore — are still undergraduates at the University.

In their suit, the students argued that the 14th Amendment to the Constitution protects them from being denied the right to vote for trustees of a public institution when that right is given to others. Judge Malcom Muir, on Jan. 24, 1978, decided against the students. The suit was appealed in November, 1978, and was decided against students by Judge Roggero J. Aldisert of the Third Circuit Court of Appeals in Philadelphia.

The student case has strong constitutional merit, but the University lawyers have relied on legal technicalities and arguments, one of which Judge Muir described as "frivolous in the extreme." When the decision is reached, the losing side will probably appeal the case to the U.S. Supreme Court, which could

take years to reach a verdict. In the meantime, the board will remain as it has for the past 124 years, unresponsive to students.

If the students win the case, the charter would have to be revised by the State Legislature. The 21 trustees in question would not be allowed to sit on the Board. The legislature could decide to let the remaining 11 trustees govern the University, or establish a selection process which includes student input. If the students lose, they might never be able to determine how their time and money are spent at the University.

Students are often concerned about what will happen at the University after they graduate. The suit will have no direct effect in the next two or three years. But the citizens the University produces, now and in the future, will have profound effect on the future of American society, and one quality they must possess is the ability to govern themselves responsibly. Students should first learn this ability at the University by electing and interacting with its trustees.

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