

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

THE STUDENT COALITION FOR)	
GAY RIGHTS, et al.,)	
)	
Plaintiffs)	
)	
)	
v.)	CIVIL ACTION FILE NO.
)	79-3430
)	
ROY S. NICKS, et al.,)	
)	
Defendants)	

CONSENT ORDER

It appearing to the Court, as evidenced by the signatures of counsel below, that the parties have agreed to compromise and settle all issues in the above-captioned matter it is accordingly ORDERED that:

1. The caption of this matter is amended, as reflected above, to conform with the Memorandum and Order of the Court entered October 12, 1979, dismissing as party defendants Austin Peay State University and The State Board of Regents.
2. Jurisdiction of this Court is conferred by 28. U.S.C. § 1343.
3. Failure to recognize the Student Coalition for Gay Rights at Austin Peay State University was a violation of the rights secured to plaintiffs by the United States Constitution.
4. Defendants, their agents, servants, and employees are permanently enjoined to grant recognition to the plaintiff organization, and all perquisites attendant thereto, as is granted to any other student organization on the campus of Austin Peay State University, so long as the organization complies with valid regulations of the University. Defendants shall treat the Student Coalition for Gay Rights in the same manner as other recognized campus organizations with respect to access to University facilities, participation in University-sponsored activities,

(2) eligibility for all perquisites otherwise available to recognized campus groups, (4) enforcement of University regulations, (5) determination of compliance with University regulations, and (6) other facets of campus life.

5. The application to plaintiffs of the policy of the State Board of Regents requiring that the purposes, policies and objectives of a proposed organization must not be in conflict or competition with the educational goals and functions of the institution was an unconstitutional infringement of the constitutional rights of plaintiffs.

6. Recognition of an organization is neither explicit nor implicit approval of the organization, its goals, or purposes by Austin Peay State University, the State Board of Regents, or the defendants.

7. Pursuant to 42 U.S.C. § 1988 defendants Nicks, Boehms, and Riggs, jointly and severally in their official capacities, are adjudged liable for plaintiffs' attorneys fees and other costs in the amount of \$12,576.24. Court costs are taxed against defendants Nicks, Boehms and Riggs in their official capacities.

8. All remaining claims against defendants in their individual and official capacities are dismissed with prejudice.

Enter this _____ day of _____, 1979.

UNITED STATES DISTRICT JUDGE

Approved and consented to for Entry by:

GARY E. CRAWFORD
Attorney for Plaintiffs
26th Floor, L & C Tower
Nashville, Tennessee 37219
Tel: (615) 741-244-9270

R. STEPHEN DOUGHTY
Assistant Attorney General
Attorney for Defendants
in their official capacities only
450 James Robertson Parkway
Nashville, Tennessee 37219
Tel: (615) 741-6438

JAMES F. BLUMSTEIN
Attorney for Plaintiffs
Vanderbilt Law School
Nashville, Tennessee 37240
Tel: (615) 322-2615

AGREEMENT AND RELEASE

WHEREAS, the Student Coalition for Gay Rights (the "Coalition"), William Dannenmaier and Samuel P. Helton, have pending in the United States District Court for the Middle District of Tennessee an action against Roy S. Nicks, Robert O. Riggs, Charles N. Boehms, Lamar Alexander, Claude C. Bond, J. C. Eoff, Jr., and David V. White, styled The Student Coalition for Gay Rights, et al. v. Austin Peay State University, et al., No. 79-3430, alleging violations of certain rights guaranteed to them by the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983, 1985(2) and 1986, and seeking declaratory and injunctive relief and money damages; and

WHEREAS, Roy S. Nicks, Chancellor of the Board of Regents of the State University and Community College System of the State of Tennessee, has pending in the Chancery Court for Davidson County, Tennessee an action against the Student Coalition for Gay Rights of Austin Peay State University and others styled Roy S. Nicks, etc. v. Student Coalition for Gay Rights of Austin Peay State University, No. 79-1446-II, seeking a declaration of rights pursuant to T.C.A. § 23-1102; and

WHEREAS, the parties desire to compromise and settle said action;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The parties to the aforementioned federal lawsuit agree to approve for entry and submit to the federal court the Consent Order attached hereto as Exhibit A.

2. The parties to the aforementioned Davidson County lawsuit agree to approve for entry and submit to the Chancery Court the "Order on Stipulation of Dismissal" attached hereto as Exhibit B.

3. The Coalition, William Dannenmaier and Samuel P. Helton agree to release Nicks, Boehms, Riggs, Alexander, Bond, Eoff, and White, in both their official and individual capacities, from any and all claims arising from the failure of the Coalition to be granted recognition as a student organization at Austin Peay State University. The Coalition, William Dannenmaier and Samuel P. Helton further agree to not encourage, financially support, or actively endorse any civil legal proceedings instituted by any person against Nicks, Boehms, Riggs, Alexander, Bond, Eoff, and White arising from the failure of the Coalition to be granted recognition as a student organization at Austin Peay State University.

4. This agreement shall not be filed with either the federal or chancery Court.

For the Coalition

William Dannenmaier

Samual P. Helton

PLAINTIFFS

Roy S. Nicks

Robert O. Riggs

Charles N. Boehms

Lamar Alexander

Claude C. Bond

J. C. Eoff, Jr.

David V. White

DEFENDANTS