Buckley Amendment protects students, new bill may bring changes

Brian Geller
The Independent Florida Alligator
University of Florida

GAINESVILLE, Fla.—University of Florida first-year student Braden Malnic was just passing the time outside of his dormitory last October, throwing a ball and cookies onto a nearby student. He was found guilty of disorderly conduct, and ordered to serve one hour of community service.

However, Malnic didn't receive any money when he went before Student Judicial Affairs. Instead, he was found guilty of disorderly conduct, and ordered to serve one hour of community service.

And while punishments can vary for the same violation, a 20-year-old law keeps students from knowing whether another specific student received a milder punishment for the same offense. Malnic, for example, cannot find out how the student who chipped his tooth was punished.

Thus began Malnic's three-month trip through Student Judicial Affairs, a frustrating journey that led to the system being placed on conduct probation.

Malnic told his story to his hall director, who told Malnic he could receive compensation for the tooth if he took his case to Student Judicial Affairs.

Because of the Buckley Amendment, an open hearing requires both student charged and all student witnesses to agree to open the proceedings.

Passed in 1974 as part of the Family Educational Rights and Privacy Act, the Buckley Amendment states that a student's educational records are not part of the public record.

Congress later amended the act to exclude campus police records, but Mike Hiestand, an attorney with the Student Press Law Center in Washington, said most universities use the amendment to drape a cloak of secrecy over student judicial records and hearings.

Still Just A Bill
Florida may take a step this spring to open up its student judicial process if the state legislature passes a bill before the House Committee on Higher Education giving students the opportunity to choose between private or public hearings.

The bill, authored by Rep. Debbie Wasserman Schultz, D-Davie, also mandates that universities make complete records of all student judicial hearings.

Wasserman Schultz said part of the reason she wrote the bill was that she was concerned that in closed hearings, accused students sometimes are railroaded into taking the "path of least resistance."

"We're a little concerned about the due process rights of students," Wasserman Schultz said. "The university doesn't have to act like Big Brother for the students."

However, Wasserman Schultz said she wants the bill to protect rape, stalking or assault victims from being forced into the public view.

Hussam Monem, Student Government's Judicial Rights Reform Committee chairman, said...
DeCarlo announces candidacy for Senator

Christopher DeCarlo, of Fauquier County, Virginia, will announce his independent candidacy for the office of Senator to represent the citizens of Virginia in the Congress of the United States of America.

Mr. DeCarlo believes that the power of the people is being diminished by the rise of the special interests. He is announcing his candidacy because he wants the government to stop this system of influence and work for the people where it rightfully belongs.

As concerned citizens, it is imperative that we work together so that government represents the will of the majority of the people. Let us, the average voters, apprehend new ideas and solidify the situation. Together we will level the playing field against this outside influence on our government.

During my term in office we will strive to regain control of our government because I will not accept any contributions from special interest groups or political action committees. And I will not accept individual contributions over $50 per person. I am taking these steps in demonstration that I refuse to sell my right to fair representation for furtherance of political ambitions or personal gain.

Let this campaign begin a discussion of what we expect from our representatives and how we expect them to work with us to manage our common affairs. Let us, the average voters, apply our common sense to the problems of our society. And let us, as united Virginians, lend the way for the nation to bring government back to the people where it rightfully belongs.

I will close by stating that I, Christopher DeCarlo, of Fauquier County, Virginia, hereby declare myself to be a candidate for the office of Senator to represent the citizens of Virginia in the Congress of the United States.

Thank you for taking the time to listen to me today.

Christopher DeCarlo

The next five years:

Other comments:

Working at CVC has been an experience. The education that I received I could not have gotten anywhere else. The college community, it's been real, I have enjoyed the good times and hope I have made a difference in some of the bad.

Still working as a police officer at CVC.

This is the best job I have ever had in my life. I said this because I work with a lot of great people at CVC.
while he was not certain whether all student cases should be open, he supported the bill.

"In some cases, it couldn't do any harm," Monem said. "There might be some cases where students were treated unjustly by the administrators."

Fragile Reputations

Proponents of open judicial hearings argue that student judicial hearings should mimic the adult criminal cases in their openness.

Irene Stevens, assistant dean and director of Student Judicial Affairs, counters that argument by citing the fundamental differences between the adult and student judicial systems.

"The criminal system is designed to punish someone for their behavior and to hold people accountable to the minimal societal standards," Stevens aid. "What we do in an educational process is not geared toward punishing students at all."

Stevens also said the job of Student Judicial Affairs is to educate students and to help them become role models. Subjecting students to outside scrutiny does not contribute to that mandate.

"How many of us have made mistakes we don't want everyone to know about," she said. "I think a student's reputation is very fragile."

While the hearings are closed, many case details can be accessed. For example, statistics on academic dishonesty cases, such as the number of cases heard and the results, are open. Information that could endanger the anonymity of the student are closed.

"It's really important to protect the student's identity," Benson said. "At this point you really hope students can learn their lesson just by a slap on the wrist."

And The Debate Goes On

As the arguments for and against opening records continue, one disgruntled student will be his community service this week.

Malnic, who's appeal was rejected, has been told he will spend his hours painting and taking out trash on campus.

Malnic was one of 779 students to deal with Student Judicial Affairs last semester for violations of the Student Conduct Code—and whose records are confidential.

Frustrated by policies he does not think are educating him, Malnic echoed the sentiments of some other UF students when he spoke about his case.

"The system isn't running properly."

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