



The Highland Cavalier

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Student justice: should it be behind closed doors?

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 burnt-out matches on the ground when one hit a nearby student. Angered, the student threw a disposable lighter at Malnic. It chipped his front tooth.

Thus began Malnic's three-month trip through Student Judicial Affairs, a frustrating journey that led to his having to perform community service and 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.

However, Malnic didn't receive any money when he went before Sara Steyer, coordinator of residential judicial programs. Instead, he was found guilty of disorderly conduct, put on conduct probation and ordered to serve eight hours of community service around campus.

Malnic says he is being punished for doing nothing, the result of a system he calls "a little messed up."

"If you [go through] the system, it's just you talking to a lady who doesn't have a lot of respect for you," Malnic said. "It's basically just like high school."

Malnic said he would want people to know his story if he thought it could change UF's judicial system. But like most other student records, the account of his hearing is closed.

However, a new bill before the state House Committee on Higher Education could begin to shed

some light on his case and others by allowing him the option of an open hearing.

The Buckley Factor
Under the current system at UF, a student charged with an alleged violation of the Student Conduct Code has several options: an informal proceeding with an

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.

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.

Opening student hearings would bring "a measure of oversight," Hiestand said, to the system to ensure that some students—

going on."

While an open student judicial records policy has made it to Georgia's state university system, Hiestand said he did not think the nation's colleges would embrace the concept of open hearings anytime soon.

"It looks like it's going to be another long battle before we get this thing change," Hiestand said. "[Universities] are fighting any effort to open up the campus judicial process with all guns blazing."

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.

Husam Monem, Student Government's Judicial Rights Reform Committee chairman, said

COURT, see pg. 4

Point of interest...

This photo shows just one of the many sights from this past Winter in Wise. Just recently, WCYB television reported that Wise had the most snow out of all the towns in Virginia. Over 100 inches fell over the course of the 1995-96 winter season. Is it over yet?



HC Photo/Taylor Barges

administrator, a taped formal hearing with an administrator or a hearing before the half-student, half-faculty Student Conduct Committee.

If a student is charged with a violation of academic honesty, the Student Honor Court also can hear the case. Violations of the Student Conduct Code range from cheating to assault. Punishments for these violations can range from written reprimands to expulsion from the university.

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

athletes, for example—do not receive milder punishments than other students.

Student Honor Court Chancellor Karl Kiebman said open hearings would benefit the court system by letting students see how their court system operates.

"Personally, I have no problem at all with someone coming in and watching my hearings," he said. "If I were being wrongfully accused of something like that, I would want the whole word to know what's

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"What is essential is not that everyone shall speak, but that everything worth saying shall be said."
- Alexander Meiklejohn, educator

Opinion

Student disagrees with Chancellor's plan

The University of Virginia's Chancellor, James R. Jones, has announced a plan to reorganize the university's administrative structure. The plan, which was approved by the Board of Visitors, calls for the elimination of several administrative positions and the consolidation of others. This move has caused a great deal of concern among students, faculty, and staff.

As a student, I am deeply concerned about the impact of these changes. The university has a long and proud history of providing a high-quality education to its students. It is my belief that the quality of our education will be significantly affected by the proposed reorganization. Not only will the quality of our education be affected, but the university's reputation will also be damaged.

The plan also calls for the elimination of several administrative positions. This is a serious matter, as these positions are essential to the university's operations. The loss of these positions will result in a significant loss of expertise and experience. This is a move that I believe is shortsighted and ill-considered.

I am a member of the Student Government and I have spoken out against this plan. I believe that the university's future depends on the quality of its education and its reputation. I am confident that the students, faculty, and staff will stand together to oppose this plan.

The Chancellor's plan is a threat to the university's future. It is a move that I believe is ill-considered and shortsighted. I am confident that the students, faculty, and staff will stand together to oppose this plan.

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.



Christopher DeCarlo

Mr. DeCarlo believes that the power of the electorate is being diminished by the rise of the special interests. He is announcing his candidacy because he wants the government to represent the will of the majority of the people and he wants to return the power of government back to the people.

Good afternoon! I am Chris DeCarlo. My soap box is situated in front of a voter registration office because this office is symbolic of the legitimate source of political power in the United States of America. Unfortunately, the power of the electorate is being diminished by

the rise of the special interests which are seizing control of our government.

My candidacy announcement today will symbolize the first step in an effort for us to regain control. An effort that will reestablish an old

standard or define a new standard in how we will be represented in the future.

As citizens and voters we must demand representation that will allow us, regardless of who we are, an equal opportunity to be part of our government and an equal opportunity to influence the decisions that will affect us.

We cannot continue to tolerate the unfair way we are treated when our representatives are more focused on their re-election and their financial contributors than they are on the true needs of the citizens. We don't deserve this treatment and we need to stop it.

I call on you to join my effort to stop this system of influence pedaling which is not in the best interests of the public. I call on you to join my effort to bring government back to the people where it rightfully belongs.

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 \$100 per person. I am taking these steps to demonstrate that I refuse to sell your right to fair representation for furtherance of political ambitions or personal gain.

As concerned citizens, it is imperative that we work together so that government represents the will of the majority of the people. Let all of us participate in taking a fresh look at the way our government is run and the decisions that it makes.

Certainly you must agree with this philosophy. You recognize that our interests are not being fully served by many of our elected representatives. Vote for me and I guarantee you that we will strive to remedy the situation. Together we will level the playing field against this outside influence on our government.

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, lead 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.

Campus Police



Name: Violet Bledsoe
Title: Police Officer
When hired: 2-8-92
Previous Occupation: Big Stone Gap Police, Police Officer, Dora Officer, Invest. Juvenile & Domestic Violence. Wise Sheriff Dep.

Enjoy most about job: I love working with people. At times, I am involved with people in difficult situations. I enjoy the feeling of trying to make things right during these times.

The next five years: With five more years of education and experience and five more years added to my retirement.

Other comments:



Edward Gardner
Chief of Campus Police
3-1-83

Deputy Sheriff (Lieutenant)
Wise County

I like working with the public. Helping people through difficult situations. Our job is different from day-to-day.

Working at Clinch Valley College & looking towards retirement.

Working with students, faculty, and staff at CVC has been a great value to me in my profession. Thank You.

David William Phipps
Campus Police Officer
8-2-94
Deputy Sheriff of Dickenson Co.

Meeting all the nice people

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



Robble Jordan
Campus Police Officer
1-15-94

Corrections Officer

Meeting new and interesting people

Still employed at CVC

Working at Clinch Valley College & looking towards retirement.



Steve McCoy
Sergeant Campus Police
11-1-91
Sergeant/Investigator Dickenson Co. Sheriff's Dept.

Working with the students.

Still "happy and healthy." If God willing, serving at the pleasure of students, faculty and staff at CVC.



Steve Maggard
Campus Police Officer
1-16-93

Police Officer KY 3 years

Working with the students.

Still working at CVC.

I enjoy my job and the people I work with.



Ronnie L. Shortt
Campus Police Officer
2-15-92
Wise Co. Deputy Sheriff

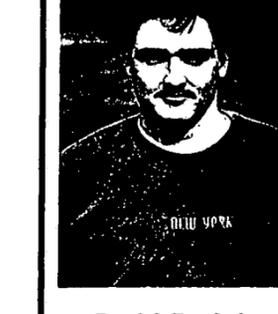
Working with the students

Still working as a police officer at CVC.



Patsy Saylers

George Shupe



Daniel Goodwin



George Shupe

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.



George Shupe

George Shupe



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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 said. "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.

The public still can find out whether students of different ethnicities are being treated fairly, Stevens said, because most general

information about a case is open.

Holly Benson, Student Honor Court attorney general, said the academic sanctions are more appropriate in a college setting than public exposure.

"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 begin 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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