

**Conduct** *continued from page one*

adding that his mother did not know his current Asheville address. McGarghan said he only found out about his probation from a third party in an SGA meeting on Feb. 13, nearly a week after the committee's sanction decision went into effect.

Sergio Mariaca, student body president, told McGarghan he was ineligible for appointment to SGA office manager because of his specific probation, a sanction which prohibits him from being affiliated with any campus organizations or representing the university in any way for the remainder of the semester.

Mariaca learned of McGarghan's conduct sanction from Nina East, director of student development, said McGarghan.

One of the main concerns of McGarghan and students aware of his case centers on the notification process used by the student conduct system, a process they consider ineffective.

"There was never confirmation on my part," said McGarghan, a former student court justice familiar with the old system.

"There needs to be a process in the system where there has to be acknowledgment by the student, either written or verbal, saying 'Yes, I've gotten it,'" he said, referring to the student conduct notification letter.

In the past, student court offi-

cial subpoenaed people face to face or attempted to use certified mail to ensure student notification.

"It used to take months to track down students with subpoenas," said Hoyt Phillips, a sophomore economics major and one of two students on the committee that met to review McGarghan's case.

"It's a lot easier for them to just send you a letter and give you a month to respond," said Phillips.

Also, many times the only way to locate a student was to subpoena him or her in the middle of a class, thus interrupting the professor and disrupting the course, said East.

The use of certified mail also posed problems, said Hintz, who served as an advisor in the former student court.

"I've seen certified mail come back after the carrier tried to find students several times. Student court used this system very limitedly," Hintz said.

Overall, Hintz considers the current notification process effective. "I feel like we've made every effort to contact students in an appropriate manner," said Hintz.

A second major concern of McGarghan involves the fairness of the appeals process used by the new conduct system.

"The fact that East serves as head of the appeals process while also supervising the entire system stands as one possible conflict of interest, said McGarghan, a point Mariaca

agreed with.

"I would want to know how Nina East can be in charge of appeals and be a knowing member of what's



**Sergio Mariaca**

going on day to day. I would want a person hearing the appeal to be objective and fresh," said Mariaca.

He also pointed out that one of the student conduct committee chairpersons, Robert Straub, is a staff member working under East.

Hintz does not consider East's position a potential danger to the justice of the appeals process.

"Nina East is disconnected with what happens with conduct and we kept it that way purposely since she does hear the appeals," said Hintz. "When she gets an appeal, for the most part, the case is brand new to her."

"If a student were just appealing that a sanction were too severe, I might review that myself. Whenever there's a question of did it really happen or did it not, it goes to the committee," said East.

In addition to his concerns over East's role in the process, McGarghan felt it unfair that the same committee that originally re-

viewed his case was called to re-review the matter following his appeal. Appearing to discuss his case before people who had already sanctioned him would add bias to the outcome, he said.

Hintz noted that the student can always appeal again if he or she feels there was bias in returning to the same committee.

Members of the conduct committee agreed that the opportunity to meet with a student concerning a pre-reviewed case was beneficial to both parties.

"It's a challenge to stay objective in the second meeting, but the purpose of us seeing him again was really to re-review the case and hear his assertion," said Marsh. "We did lessen the sanctions, and we took his assertion that he was not drinking," she said.

The second meeting, which took place on Feb. 20, came after McGarghan appealed his case on the grounds that he was innocent of the charges, that the conduct system failed to notify him of the meeting, and that the committee's sanctions were too severe for the charges.

The committee lessened its sanction to general probation after discussing the case with McGarghan, a sanction which allows the student to participate in campus organizations.

McGarghan said he plans to appeal the committee's second decision as well.

**Public Safety Reports**

**By Adrien Sanders**  
Staff Writer

The following information came from the five incident reports filed by the Department of Public Safety between Feb. 6, and Sunday, Feb. 23.

Public safety officer Steve Metcalf filed a report on Feb. 6 after he noticed a woman walking at night on the grassy area on W.T. Weaver Boulevard, which is UNCA property, and stopped and asked her if she was a student. She said that she wasn't, but refused to show any identification when asked, because she was not positive he was a real officer. Even when Officer Metcalf showed her his badge, she would not produce any form of identification.

An officer from the Asheville Police Department saw the two, and when he asked the woman for identification, she showed him a North Carolina identification card with the name Martha Jane Smith. Smith then started to use profane language towards Metcalf.

"You're a f--cking male chauvinist pig. I am bowing before you and I am going to kiss your ass," she shouted. The officer from the Asheville Police Department then arrested Smith.

Another incident report was filed on Feb. 12 by Tom B. Hunnicutt, director of athletics. Hunnicutt stated that he had received information that Ray Ingram, UNCA women's basketball coach who is currently on a paid suspension, had made threats against his life to a third party. Hunnicutt stated that one of the threats contained language to the effect, "If I lose my job over this I will blow his brains out."

Hunnicutt stated that he had

been having personnel problems with Mr. Ingram and believed the threat could be carried out. He also stated that he was afraid for his safety and would be remaining at his residence. The incident occurred at Justice Gym. Further investigation is pending.

Another incident was filed by Metcalf, again regarding a person not attending UNCA. Jesse Eliot Bauer, from Greensboro, was arrested on Feb. 16. Metcalf pulled Bauer's vehicle, a green Volkswagen van, over because of the loud muffler. Bauer had no license on him, and there was a 1993 Georgia tag on the van.

Metcalf arrested Bauer on three charges: driving with a revoked license, having no insurance, and displaying a fictitious tag. Bauer was then transported to the magistrate and to jail. A court date has been scheduled for March 4.

Also on Feb. 16, UNCA student Martha Melissa King reported that her car antenna had been stolen. The car was parked across from the Physical Plant. The estimated value of the stolen property is \$30.

On Sunday, Feb. 23, John Major Hodges filed a complaint against UNCA student Jeanette Webb at the Department of Public Safety. Hodges was talking with Michael Taylor, the Editor-In-Chief of the *Banner*, about a letter to the editor that was printed in last week's edition.

Webb was also there, and according to Hodges, she burned him with a cigarette when she struck him on the hand. The episode took place in front of Karpen Hall two days before he filed the complaint. Hodges told Officer Lewis he would like to begin legal proceedings on campus.

**The chancellor's open office hours are from 2-3 p.m. on March 5, April 1, April 17, and April 30.**

**SGA** *continued from page one*

doing it," said Hintz of the subpoena process used in former student court.

Following concerns about student notification, SGA called for adequate defense representation in the new conduct system.

"The system needs someone to be on the side of the accused that knows what's going on," said Gross.

The closest parallel to the position of public defender in the new system goes by the name of student conduct intern, a person who serves as an adviser to students undergoing the conduct process.

"I am able to answer whatever questions students have. It sort of parallels the old defender except that I'm not on anyone's side," said Pittman, one of two interns currently working in the student conduct system.

Another issue raised by SGA proposes notifying the accused of sanctions personally or in writing to assure confidentiality of the student's case.

Gross felt a serious breach of confidentiality occurred in a recent case in which a student was informed of his conduct sanctions by a third party not affiliated with the conduct system.

According to students and ad-

ministrators, improved confidentiality stands as one of the main benefits of the new conduct system.

"The new system protects students' rights more because there is such attention to privacy," said East. Records were previously stored in the SGA office and access was open to the public, she said.



**Nina East**

It was the entertainment during office hours to go back and look through old court cases," said Pittman, implying the lack of confidentiality associated with conduct records in the past.

The records are now stored in a locked file cabinet with very restricted access and are no longer associated with SGA, said Pittman.

Along with heightened confidentiality for case records, Gross called for more detailed records of what goes on during student conduct committee meetings. He proposed the use of magnetic tape recordings to cover all proceedings, including

the sanctioning deliberations, which are normally closed to the accused and other students present.

A student could use the recordings to challenge committee decision-making processes in later appeals to the vice chancellor for student affairs or the chancellor, said Gross.

Finally, Gross stated that the new system needs more rules and regulations to insure fair and consistent treatment for students.

"Without legalism and formality, how do you protect people's rights?" he asked. "To have justice, you need consistency. Randomness and a lack of form result in arbitrary decisions being made."

While it avoids the host of rules and regulations that dictated legal actions in the previous court system, the new conduct system does

provide student conduct committee members with a routine procedure for conduct committee meetings.

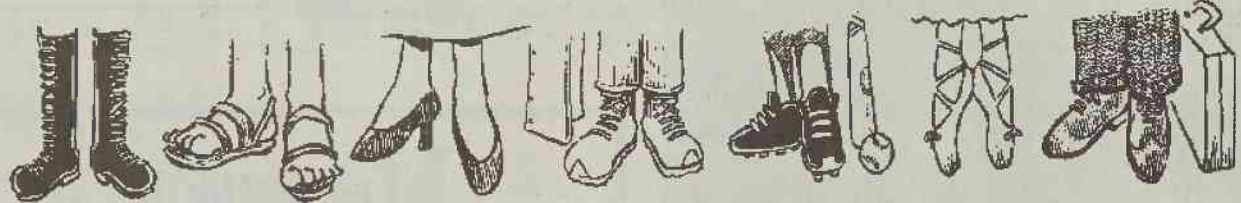
"There is a certain amount of formality to make sure the system is even and equal for everyone," said Ellie Marsh, faculty chairperson on one of the three conduct committees.

Marsh displayed a copy of the "Conduct Meeting Format" outline she refers to during committee meetings with students.

In terms of consistent decision-making, East considered variety a key to the educational and developmental benefits of the new system.

"Consistency doesn't mean the exact same sanctions for the same behavior," said East. We take personal circumstances into consideration."

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