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## Bannister hearing continued

Continued from page 1 he violated a residence hall regulation.

McRee read a statement issued by Salmon which argued that Bannister 1) deliberately violated the party policy, 2) sponsored the party without a party permit and required registration of kegs, and 3) chose not to utilize alternative party options provided him by the Student Life Office. Further the prosecution noted that 4) the College Residence Hall may cancel a student's housing contract for the violation of college and residence hall rules, 5) the Student Life Administration has previously terminated student housing contracts, 6) it is the duty of only the Director of Housing in the Office of the Dean and the Assistant Dean of Students to cancel the contracts and 7) while students may appeal the extent of their guilt, they may not appeal the right and responsibility of the Dean's Office to terminate a housing contract.

testimony with a statement which said that the case raised the issue that "either this is a community of friends, or it is not. Sharon Stanley member of the 1980 SLC which had formulated the party policy, was first witness for the defense. She noted that the policy did not imply abolition of all weeknight parties. She said that the rule was passed on a precedent that permits had been granted for most previous weekend parties. The new rule, she said, was not printed in this year's edition of the Saltire.

Bayes next called Dr. Neal Bushoven to testify as a character witness for Bannister. He said that Bannister was very active as a Granville dorm officer, and had initiated some dorm improvements. He called Bannister an "energizing force" on the campus.

SGA President Paul Dosal testified next, saying that the administration had bypassed the student judiciary board in their decision. This move, he said, seriously threatened the concept of ment as Spring Term Direct the hearing, but concerned student government. Dosal claimed the case was not serious enough to by-pass the system, and he reminded the Board that attorney general McRee had been prepared to prosecute the defendent.

Bayes referred to the "sleep-in" held in Concord Hall last April to protest against the newly adopted visitation hours. The defense viewed this incident as a

precedent in determining administrative punishment for obvious policy infractions. It was established that administrators had been aware of this blatant violation. However, no warning had been given student participants. The Dean and Assistant Dean of Students were aware that no penalties had been imposed in this case.

Salmon responded to these points, stating that Bannister had labelled his party an open suite party, rather than a protest event. He questioned the relevancy of the comparison of the "sleep-in" to the Bannister case.

Testifying next, Rhonda Boyd, President of Concord Hall at the time of the "sleep-in", read names of numerous participants in the event. Included in the list were several student government officers. Bayes and Boyd restated that both the Granville party and the "sleep-in" were clear violations of college social and Bayes opened the defense residential policies and were 'peaceful protests."

Bayes recalled Dosal to witness. Dosal contended that the Granville Suite 2 party did not pose a threat to life or property on campus. Neither, he said, did it violate the integrity of the college.

Dan Paracka, Social Chairman of Granville Hall testified for the defendent, saying that Bannister is a student leader and upstanding campus resident. Paracka affirmed that Bannister acted as a representative spokesman for the dorm when he informed the Student Life Office of his intentions to hold the party. All suite members who had attended the party, he said, were as guilty as Bannister. Paracka maintained that, as with the "sleep-in", the administration had been previously notified of the intended violation.

The last witness for the defense was Judy Diogo. She said Bannister was genuinely interested in and involved in tor of the Writer's Forum, arguing for the necessity and convenience of his remaining on campus.

formal closing statement. tant Dean Salmon, and Pro-Salmon emphasized that it fessor John Daughtrey was not the administration's intent to exclude Bannister from participation in campus activities. At approximately 10:05, the Board recessed to reach a decision. At 11:02,

the Board returned. To a tion of "Student Life son Junkmann read their of Bannister, remanding the tion. case to the Judicial Board.

no statement about existing tion to review, uphold, or uphold them.

We do not question the Student Life Association's afternoon, The Board met prerogative to direct social with Crossley to consider his policy on our campus.

hushed courtroom chairper- Association" referred to the Student Life Staff or the Stuunanimous decision in favor dent Government Associa-

Also, he requested the We make no ruling on court's definition of "due guilt or innocence - that is process." It was not, he said, not our function. We make "within the court's jurisdicdormitory policies except to reverse administrative decisions."

At 2 p.m. on Monday contentions. At this meeting Student-Faculty Appellate Board has the right to appeal to the President of the College."

Junkmann said that this passage confirmed that the Appellate Board did not have proper jurisdiction to hear the case or to refer it to the Judicial Board.

The Appellate Board's decision also stated that "the Student-Faculty Appellate Board remains in the opinion that the de jure court of original jurisdiction should

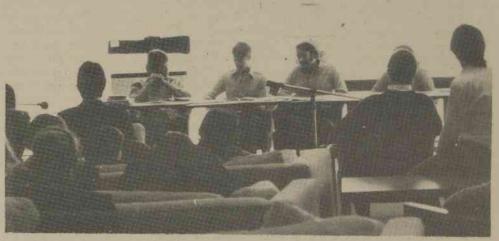


Photo Courtesy of the Lamp and Shield

We acknowledge that the Dean of the College and the President of the College obviously possess the right and privilege of making the final ruling about due process has been exhausted.

"In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

(Saltire pg. 66) It is our decision that this case be remanded to the Judiciary Board and that the defendant retain his residence in the dormitory pending action by the Judiciary Board. Student-Faculty Appellate

## Board **December 3, 1981**

Salmon refuses comment on the court's decision at this a variety of campus ac- time. Bannister said "I am tivities. She cited his appoint- pleased with the outcome of about what is going to happen next."

Last Friday morning, all members of the Appellate Bayes chose to make no Board, Dean Claytor, Assisreceived a letter from Dean Crossley. This letter requested that the Board meet immediately to clarify its decision. Crossley questioned whether the court's menthe Board CHANGED ITS DECISION to read that the case be remanded "to the court of original jurisdiction." (i.e. to Mike Salmon).

Board chairperson Bruce Junkmann explained that the decision was made following consultation of the Saltire, p. 23 which read:

"A defendant convicted as a result of a private hearing before the Dean of Students, has the right to appeal to the Student-Faculty Appellate Board, in which case, the Assistant Dean of Students replaces the Dean of Students on the Appellate 10, 1981 - Bannister plans to Board. A defendant whose conviction is upheld by the President Perkinson.

be the Student Judiciary Board." The Board further remanded the case to Salmon "with the recommendation that he reconsider using the Student Judiciary Board.'

On Tuesday, December 8, 1981 Bannister received a letter from Salmon which stated "I cannot now in good conscience reverse my administrative decision to cancel your Housing Contract with St. Andrews - you have the right to appeal this decision to the President of the College, A.P. Perkinson, Jr. within the next 48 hours, i.e. by 8:30 a.m., December appeal Salmon's decision to

